

SAN MATEO COUNTY SHERIFF'S OFFICE

PRISON RAPE ELIMINATION ACT

ANNUAL REPORT

2019

BRENDAN MAGUIRE
CORRECTIONAL FACILITY

300 BRADFORD STREET
REDWOOD CITY, CALIFORNIA

MAPLE STREET
CORRECTIONAL CENTER

1300 MAPLE STREET
REDWOOD CITY, CALIFORNIA

INFORMATION SUPPLIED BY

- Rape Trauma Services
- San Mateo County Sheriff's Office Program Services Bureau
- The Service League of San Mateo
- San Mateo County Sheriff's Office Records
- San Mateo County Correctional Health Services

BACKGROUND

The Prison Rape Elimination Act (PREA) passed in 2003. The Act is intended to, "...provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals..." (Prison Rape Elimination Act, 2003).

The National Prison Rape Elimination Commission formed shortly after the passage of the Act, developed national standards for all adult and juvenile correctional facilities. The Commission's *National Standards to Prevent, Detect, and Respond to Prison Rape*, became effective on August 20, 2012.

PREA STANDARDS OVERVIEW

The PREA standards are organized into 11 categories:

- Prevention Planning;
- Responsive Planning;
- Training and Education;
- Screening for Risk of Sexual Victimization and Abusiveness;
- Reporting;
- Audits;
- Official Response following a Resident Report;
- Investigations;
- Discipline;
- Medical and Mental Health Care;
- Data Collection and Review

There are approximately 180 separate provisions within the PREA standards. Each provision can contain multiple requirements and extensive documentation. The most substantial requirement is that the Sheriff's Office must provide evidence that efforts are integrated and practiced within the culture of the agency. To obtain this evidence, the PREA auditor incorporates state/local inspections and reviews, and observations and interviews with staff, inmates, and administration.

ZERO TOLERANCE POLICY

It is the mission of the San Mateo County Sheriff's Office to provide a healthy, safe, and secure environment in our facilities and programs. Zero tolerance means that through policy and practice, the Sheriff's Office will not tolerate any form of sexual misconduct. This includes any sexually inappropriate behavior between staff, contractors, volunteers, and inmates; and any sexual activity between inmates regardless of consent. All such sexually inappropriate behavior is prohibited and may be subject to administrative and/or criminal sanctions.

To assist with enforcement of PREA standards and the Zero Tolerance Policy, the Sheriff's Office appointed a PREA Coordinator. The Sheriff's Office also designated a PREA Administrator at both adult correctional facilities to ensure PREA compliance.

PREA DEFINITIONS

Sexual Abuse-Abusive Sexual Contact

Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Sexual Abuse-Nonconsensual Sex Acts

Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse and contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

Sexual Harassment by an Offender

This includes; repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

Staff Sexual Harassment

This includes; repeated verbal comments of a sexual nature to any staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive, explicit sexual stories or jokes, or gestures or derogatory comments about body or clothing, or obscene language or gestures.

Staff Sexual Misconduct

Any threatened coerced, attempted, or completed sexual contact, assault or battery between staff and offenders. Any sexual misconduct by staff directed toward an offender, as defined in California Code of Regulations (CCR), Title 15, Division 3 Section 3401.5 and Penal Code (PC) Section 289.6. The legal concept of "consent" does not exist between staff and inmates; any sexual behavior between them constitutes sexual misconduct and shall subject the staff member to disciplinary action and/or to prosecution under the law.

EDUCATION AND TRAINING

The San Mateo County Sheriff's Office takes the issue of PREA very seriously. In an effort to educate, inform, and prevent PREA incidents all Corrections Staff including Correctional Health, program service providers, and members of the San Mateo County Sheriff's Office, have completed 8 hours of training. This training was conducted by staff members of the Sheriff's Office, and members of Rape Trauma Services, who are certified to teach PREA in the State of California. This class emphasizes the Sheriff's Office Zero Tolerance Policy, child abuse reporting requirements, and techniques to identify and respond to sexual abuse.

Inmates

Upon booking into the Maguire Correctional Facility, all inmates are required to complete a PREA risk assessment. This assessment helps identify past sexual abuse, the risk for sexual victimization, and/or the potential for abusing others. The assessment allows staff to effectively monitor and assist inmates, and to provide targeted medical and behavioral health services.

After the PREA assessment, inmates are educated on what PREA is, the jail rules, and how to report an incident. This includes teaching inmates about our Zero Tolerance Policy and the numerous avenues to report sexual victimization on behalf of themselves or others in a facility. There are posters in intake areas and in every housing unit in multiple language of the Zero Tolerance policy in accordance with PREA Standards.

Inmates are told verbally and in writing that they can make free phone calls to confidentially report any incident to facility management, Rape Trauma Services, or the Service League.

To create a way for inmates' friends and family who may not live locally to make PREA-related reports, the Sheriff's Office created an informational website (<https://www.smcsheriff.com/prea-report-sexual-misconduct>) and an email address (sheriffs_prea@smcgov.org), both of which allow for direct reports to be made.

CORRECTIONS DIVISION POPULATION

PREA mandates that certain data be reported to the public. During the 2019 calendar year, the two adult correctional centers in the County, the Maguire Correctional Facility and the Maple Street Correctional Center, processed a total of 15,334 bookings and 15,389 releases. As of December 31, 2019, the Maguire Correctional Facility housed 473 men and 6 women and the Maple Street Correctional Center housed 366 men and 98 women. During the 2019 calendar year, there were a total of 20 reported incidents of sexual abuse and 10 reported incidents of sexual harassment at the Maguire Correctional Facility. At the Maple Street Correctional Center, there were five sexual abuse reported incidents and 15 sexual harassment reported incidents.

DATA COMPARISON CATEGORIES - TERMS AND DEFINITIONS

For the purposes of this report, the below definitions provided by the Department of Justice will be used to examine and determine the number of PREA related incidents that occurred within the Maguire Correctional Facility and the Maple Street Correctional Center.

INMATE SEXUAL CONDUCT

Sexual Abuse

- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuses and;
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person;
- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;
- Contact between the mouth and the penis, vulva, anus or;

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Sexual Abuse reported

- Maguire Correctional Facility: 30
 - Substantiated: 0
 - Unsubstantiated: 10
 - Unfounded: 20
- Maple Street Correctional Center: 20
 - Substantiated: 0
 - Unsubstantiated: 5
 - Unfounded: 15

STAFF SEXUAL MISCONDUCT

Staff Sexual Misconduct

As defined by PREA, Staff Sexual Misconduct is an act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends or other visitors.) This includes sexual abuse and sexual harassment.

The definition includes the below:

- Intentional touching: either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire or;
- Completed, attempted, threatened, or requested sexual acts or;
- Acts of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

***Information regarding people involved has been redacted from this report.**

Staff Sexual Abuse Reported

• Maguire Correctional Facility: 8

• Maple Street Correctional Center: 9

There were no PREA criminal incidents that occurred. There were two reported incidents in which the reporting person was unable to remember the incident clearly to identify location, staff, or detailed information to investigate. Finally, there were eleven incidents in which staff were exonerated as a result of technology available including body worn cameras.

2019 Prison Rape Elimination Act (PREA) Synopsis

Correctional Health Staff (CHS)

All new Correctional Health Staff completed the Sheriff's Office online PREA Training for Staff and signed an acknowledgment, on their first day of employment. All Correctional Health Staff attended an eight-hour PREA class given by PREA certified instructors, and signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Upon arrival, every inmate is asked PREA questions by the intake nurse. Any reports of previous sexual assaults are provided to the Sheriff's Office classification officer, who investigates further. These intake questions have been modified three times in order to obtain the most accurate information from the inmates.

2020 Goals:

- All staff will be PREA trained.
- All reported incidents of sexual abuse and harassment will be accurately and timely reported to certified personnel.
- All new staff will receive PREA training prior to beginning work at a Correctional Facility.
- PREA training materials will be available on our Learning Management System (LMS).

The Service League of San Mateo County

All Service League staff have attended an eight-hour PREA class and have signed a declaration acknowledging that they will abide by PREA's guidelines. The Service League is regularly present in both facilities and can accept inmate reports of PREA violations.

Service League staff serve as mandated reporters in four ways:

- 1) Inmates can submit a PREA complaint through a Service League request form and submit it in the Service League box. This allows the inmate privacy, anonymity, and confidentiality. The boxes are locked and only opened by Service League staff.
- 2) Inmates can submit a PREA complaint through Smart Jail Mail which is included on tablets provided to inmates.
- 3) Inmates can call the Service League PREA hotline directly from the jail.
- 4) Inmates can report to a Service League representative in person.

2020 Goals:

- All Service League volunteers will be PREA trained during the initial badging and renewal process.
- Train all new employees before they begin working.
- Conduct random audit interviews with inmates on a monthly basis.
- Report all PREA cases in a timely manner.

Sheriff's Office Program Services Bureau

All new Program Services staff view a PREA PowerPoint presentation and sign an acknowledgment prior to any inmate contact. All Program Services staff have attended an eight-hour PREA class given by PREA instructors and have signed a declaration acknowledging their compliance with the guidelines mandated by PREA.

Contractors who provide inmate services view a PREA PowerPoint presentation and sign and acknowledgement prior to the commencement of their class and/or contact with inmates. Service providers attend a one-hour PREA class given by PREA instructors, and sign a declaration acknowledging their compliance with guidelines mandated by PREA. All other service providers have completed the PREA online training class.

2020 Goals:

- To have all Program Services staff continue to be PREA trained.
- To have all Service Providers PREA trained.
- To accurately and timely report any and all PREA reports to certified personnel.
- To have all new Program Staff trained prior to any inmate contact.
- To have the PREA training material available via video to allow for online training.

Rape Trauma Services (RTS)

Rape Trauma Services (RTS) is the Rape Crisis Center for San Mateo County. Their mission is, “To serve survivors and proudly collaborate with the San Mateo County Sheriff’s Office to provide the services to incarcerated people.” From January 1st through November 30, 2019*, RTS provided the following:

- The RTS PREA Hotline received 60 calls from 34 incarcerated people.
- There were 188 requests for follow-up crisis intervention sent to RTS. After a request was received there were 82 individuals no longer in custody. Of those who RTS offered services, 68 incarcerated individuals accepted crisis intervention with a Sexual Assault Counselor.
- RTS accompanied four survivors to medical-legal forensic exams, and provided advocacy, (referrals), to 15 survivors on the crisis line and in person. RTS provided follow-up services to 18 incarcerated people.

Cindy Marroquin, Director of Education and Outreach, participated in the filming of the certified PREA online training.

In 2020, RTS seeks to offer ongoing crisis intervention to survivors identified through law enforcement reporting within correctional facilities, accompany victims to the Keller Center for medical-legal exams, and to increase their partnership with Forensic Mental Health (FMH) to provide trauma-informed healing groups within the facilities.

FUTURE

The Sheriff’s Office will continue to thoroughly investigate all PREA reports, implement best practices for PREA compliance, and work with our partner agencies to make sure all inmates are protected. Robust PREA training and enforcement will allow us to build a safer environment for inmates, staff, and visitors.

2020

- Continued education for the PREA Administrator and Corrections Captains on best practices.
- Implement random audits of the facility and inmate education by members of Service League.
- A PREA audit at the Maple Street Correctional Center which will include training and education of staff and volunteers.

2021

- Update training, policy, procedures, and best practices while working with other law enforcement agencies to develop a “benchmark” for implementation of PREA Standards.
- Development of staff certified by DOJ to become PREA Auditors.

*Information available at the time of the report