



Imperial County Sheriff's Office

Prison Rape Elimination Act (PREA) 2023 Annual Report

PREA Background

The Prison Rape Elimination Act (PREA) was signed into Federal law in 2003 by President George W. Bush. It was created to address the problem of sexual misconduct in all confinement facilities. In 2012, the U.S. Department of Justice released national PREA standards to prevent, detect and respond to sexual abuse and sexual harassment in confinement facilities. The Act requires all federal, state and local corrections agencies to have a zero-tolerance policy regarding sexual misconduct in prisons, jails, police lock-ups and community confinement facilities.

The Imperial County Sheriff's Office has a zero-tolerance policy relative to sexual misconduct. All facilities/programs comply with federal and state laws as they pertain to PREA, sexual violence and sexual misconduct.

Definitions

The following definitions are provided for reference from the U.S. Department of Justice, Bureau of Justice Statistics (BJS) Annual Survey of Sexual Victimization. For the full definitions from the PREA standards please refer to 28 CFR 115 § 115.6 *Definitions related to sexual abuse*.

The BJS separates incarcerated sexual victimization into five categories. The five categories include incarcerated person on incarcerated person nonconsensual sexual acts, incarcerated person on incarcerated person abusive sexual contacts, incarcerated person on incarcerated person sexual harassment, staff on incarcerated person sexual misconduct, and staff on incarcerated person sexual harassment.

Incarcerated person on incarcerated person nonconsensual sexual acts includes sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Incarcerated person on incarcerated person abusive sexual contacts includes sexual contact of any person without his or her consent, or 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 the buttocks of any person excluding incidents in which the contact was incidental to a physical altercation.

Incarcerated person on incarcerated person sexual harassment includes repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature.

Staff on incarcerated person sexual misconduct is any behavior or act of a sexual nature directed toward an incarcerated person by an employee, volunteer, contractor, official visitor or other agency representative (excluding family, friends or other visitors). Sexual relationships of a romantic nature between staff and incarcerated persons are included in this definition. Consensual or nonconsensual sexual acts includes; 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 occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff on incarcerated person sexual harassment is repeated verbal comments or gestures of a sexual nature to an incarcerated person by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors) including demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing or repeated profane or obscene language or gestures.

The following definitions are provided for reference from the 28 CFR 115 § 115.5 *General definitions*.

Substantiated allegation - Allegation that was investigated and determined to have occurred.

Unfounded allegation - Allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation - Allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Annual Report

Since 2012, when the final PREA standards came into effect, the Imperial County Sheriff's Office has made every attempt to maintain policies and procedures to guide our staff, volunteers and contractors with regard to incidents of sexual abuse and harassment. A Correctional Lieutenant is assigned as the PREA Coordinator for all facilities within the Imperial County Jail. and is assigned to maintain that all Imperial County Jail facilities meet the standards as set forth in the PREA standards. It is the policy of the Imperial County Sheriff's Office to provide training to all staff, volunteers, contractors, and inmates to prevent sexual misconduct and to fully investigate and prosecute those involved in such conduct.

The U.S. Department of Justice refers to incarcerated persons as inmates in their standards. The Imperial County Sheriff's Office has adopted the term incarcerated person (IP) to replace the term of inmate in accordance with California Code of Regulations Title 15 – Minimum Jail Standards.

The Imperial County Sheriff's Office has a system in place to collect data on incidents of a sexual nature in all of the Imperial County Jail facilities. Each facility collects accurate, uniform data for every allegation of sexual abuse or sexual harassment. The following table includes data from January 2022 to December 2022.

	Allegations	Substantiated	Unsubstantiated	Unfounded	Ongoing Investigation
IP on IP Nonconsensual Sexual Acts	0	0	0	0	0
IP on IP Abusive Sexual Contacts	0	0	0	0	0
IP on IP Sexual Harassment	3	1	1	1	0
Staff on IP Sexual Misconduct	2	0	2	0	0
Staff on IP Sexual Harassment	2	0	1	1	0
Totals	7	1	4	2	0

IP = Incarcerated Person

In the table above sexual abuse is disaggregated into the three categories of incarcerated person on incarcerated person sexual victimization and staff on incarcerated person sexual misconduct and staff on incarcerated person sexual harassment to align with the U.S. Department of Justice survey requirements.

There were a total of seven allegations during the reporting period. Three allegations of incarcerated person on incarcerated person sexual harassment were made, of those allegations one was substantiated, one was unsubstantiated, and one was unfounded. Two allegations of staff member on incarcerated person sexual misconduct were made, of those allegations, both were unsubstantiated. Lastly, two allegations of staff member on incarcerated person sexual harassment were made, one of those allegations was unsubstantiated and the other was unfounded.

The Imperial County Sheriff's Office continues to make great efforts to prevent, detect, investigate and prosecute all instances of sexual abuse and sexual harassment.

The Imperial County Sheriff's Office's PREA Coordinator oversees that all facilities comply with PREA standards. Any questions regarding this report should be directed to the ICSO Corrections Division PREA Coordinator, Correctional Lieutenant Colby Stewart. He can be reached at cstewart@icsso.org.