



# PRISON RAPE ELIMINATION ACT PREA Annual Report

**FY 2020-2021**

## Washoe County Sheriff's Office Detention Bureau

The Washoe County Sheriff's Office Detention Bureau is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety and security for the agencies inmates and staff as a result thereof.

This report is a summary of the agency's efforts in PREA compliance. By examining the collection of agency data, the Washoe County Sheriff's Office Detention Bureau is dedicated to improving the effectiveness of sexual abuse detection, prevention, and response.

## **Purpose**

The Prison Rape Elimination Act (PREA) requires an agency to collect and review data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training. The intention of the data is to identify problem areas, take corrective action on an ongoing basis, compare the current year's data and corrective actions with previous years, and provide an assessment of the agency's progress in addressing sexual abuse (PREA Standard 115.88).

The Washoe County Sheriff's Office will make the Annual Incident Reports, Survey of Sexual Victimization and the PREA Annual Report available to the public on the agencies website. All reports made available to the public will be free of all personal identifiers (PREA Standard 115.89). This report has been approved by the Washoe County Sheriff and is available on our website: [https://www.washoesheriff.com/detention\\_bureau/detention-operations/prea.php](https://www.washoesheriff.com/detention_bureau/detention-operations/prea.php)

## **Background**

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was 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 from prison rape." (Prison Rape Elimination Act, 2003).

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

Washoe County Sheriff's Department has established a zero tolerance policy for the incidents of detention rape and sex-related offenses and attempts thereof. The Department will make the prevention of detention rape a top priority. The Department will strictly enforce all federal, state and local laws regarding inmate sexual misconduct, threats of sexual assault or intimidation by providing clear definitions of prohibited conduct, establishing uniform methods of the prompt reporting and investigation of allegations of sex-related offenses or threat, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses as well as false allegations.

## **Zero Tolerance**

The Washoe County Sheriff's Office has zero tolerance toward all forms of sexual abuse, sexual harassment, and retaliation against any person who reports or cooperates with a sexual abuse or sexual harassment investigation. (S.O.P. 715.325 & Washoe County Policy Manual 904)

# Progress in Addressing Sexual Abuse Prevention, Detection & Response at the Washoe County Sheriff's Office

## Agency Achievements in FY 20-21

- Zero Tolerance — WCSO S.O.P. 715.325 Prison Rape Elimination Act has been reviewed and updated per WCSO S.O.P. 301.7 Annual Policy Review
- Data Collection: BJA Survey of Sexual Victimization for 2019 was completed and submitted to BJA in October 2020
- Training: The PREA Moodle Training for Staff was reviewed and released for staff in January 2021
- Training: The agencies PREA Coordinator, Brenda Larson, participated in a training program through the Bureau of Justice Assistance within the U.S. Department of Justice to become a DOJ-certified PREA Auditor.
- Training: The PREA Employee Training was review and updated in August 2021 to prepare for upcoming change to the production company used to create employee training programs.
- Data Collection: Multiple statistical spreadsheets were created to assist the agency in determining monthly reporting, location of the incidents that allegedly took place, along with a 5-Year and Annual Incident Reported comparison report.

## In the Works for FY 21-22:

- Audit: WCSO applied for and was approved to be a host facility for the PREA Auditor Field Training Program in July 2020. The training audit was originally scheduled for May 2021 and postponed until January 2022, and was ultimately cancelled due to the COVID pandemic. The training audit is now tentatively scheduled for September 2022. This audit will determine WCSO's level of compliance with PREA Standards. WCSO will receive an assessment on the audit findings of compliance as well as corrective action recommendations once the audit has been completed.
- The PREA Lieutenant and PREA Coordinator will work with each Division within the Detention Facility to determine current compliance as well as implement necessary policies, procedures, and practices to reach compliance within each Division.
- Data Collection: BJA Survey of Sexual Victimization for 2020 will be completed, once the survey has been received by BJA in early fall.

## Corrective Action for FY 21-21

Although the numbers of reported PREA Claims have increased slightly in the last fiscal year, the number of substantiated cases have remained at zero. The increase in PREA claims is normal in the progression of PREA Implementation. This indicates that the inmates in our custody are aware of our zero tolerance PREA policy as well as the multitude of reporting options available to them.

The goal for fiscal year 21-22 is to continue to educate inmates and staff along with the continued progress of PREA implementation.

# FY 20-21 Washoe County Detention Facility Annual Statistics

The Washoe County Sheriff's Office serves approximately 485, 849 residents of Washoe County, Nevada

## Annual Bookings and Average Daily Population

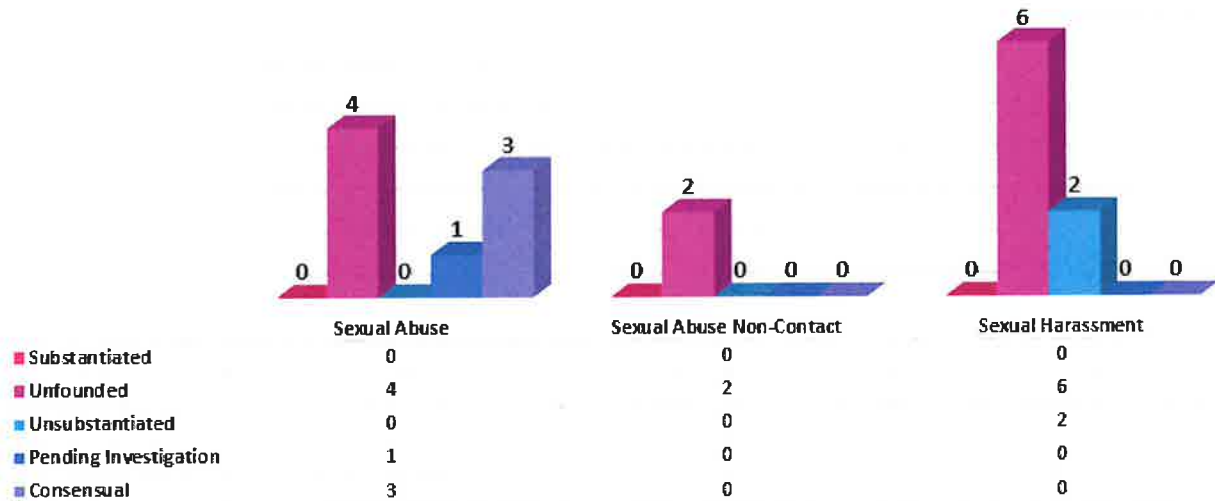
Annual Bookings: 14,088  
 Male: 10,699  
 Female: 3,389

Average Daily Population: 916  
 Male: 725  
 Female: 192

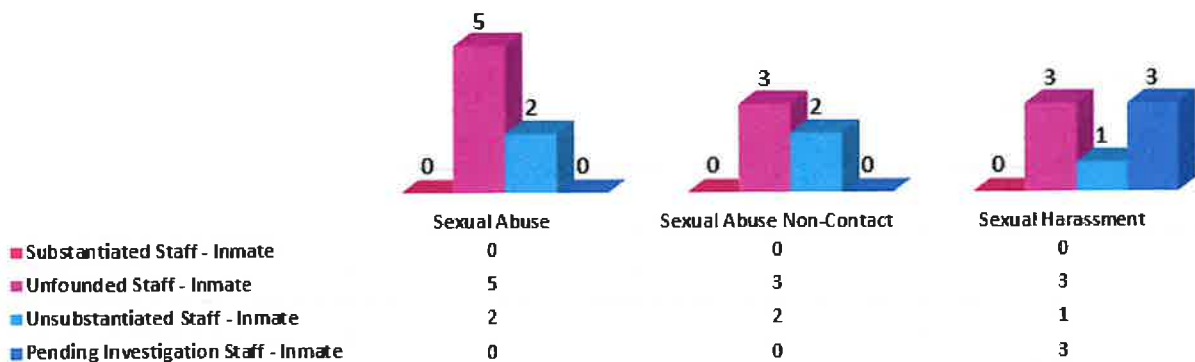
Average Length of Stay: 16

## Annual PREA Statistics

### FY 20-21 INMATE v. INMATE REPORTED PREA INCIDENTS

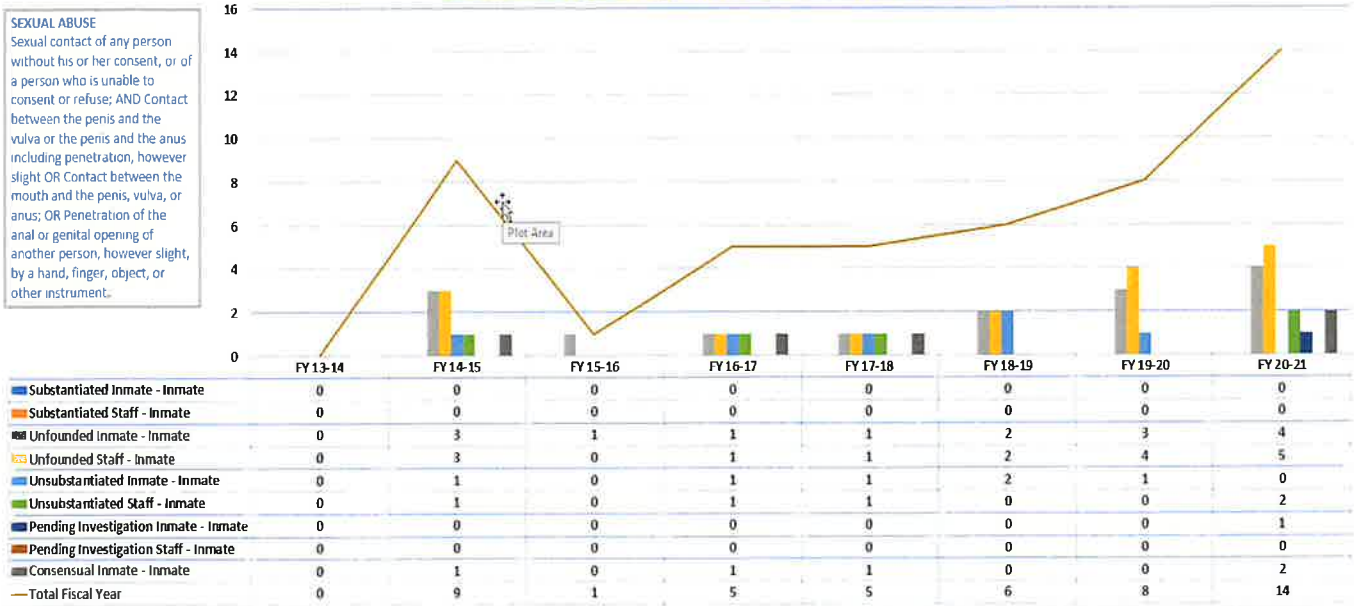


### FY 20-21 STAFF v. INMATE REPORTED PREA INCIDENTS



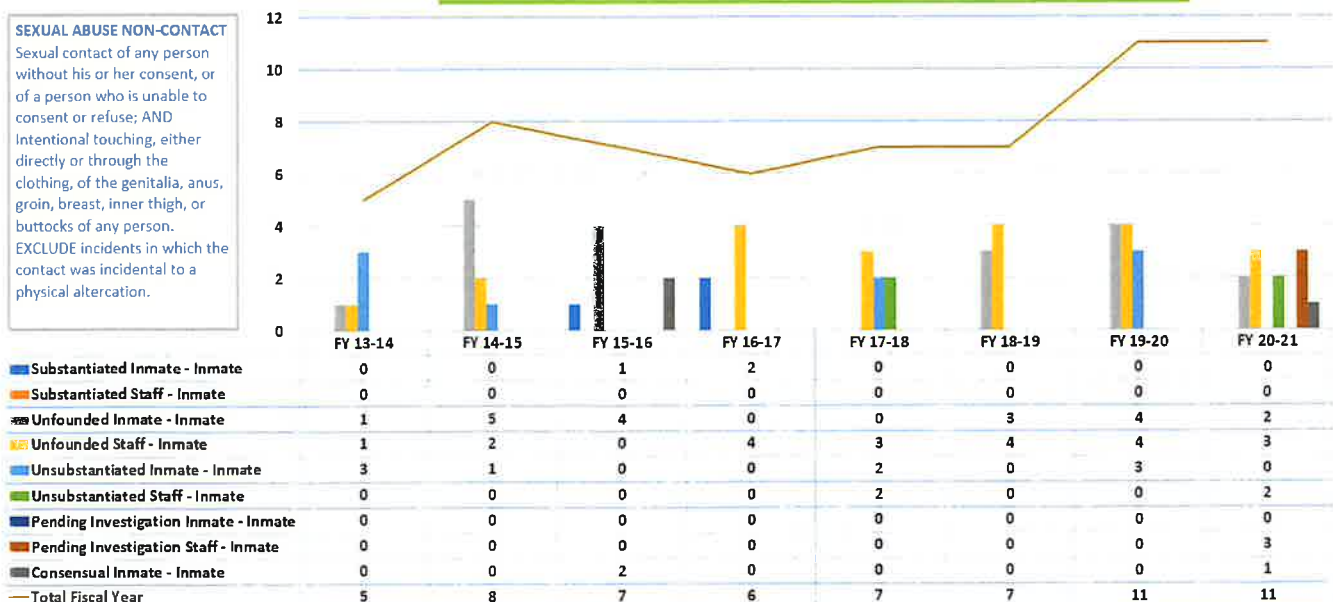
**Sexual Abuse** There has been a total of 48 incidents of Sexual Acts reported during this eight-year comparison. Five of these incidents were deemed as consensual sexual contact between inmates. The remaining 43 incidents were deemed either unfounded, unsubstantiated, or pending investigation.

**SEXUAL ABUSE (CONTACT) DISPOSITIONS - ANNUAL COMPARISON**

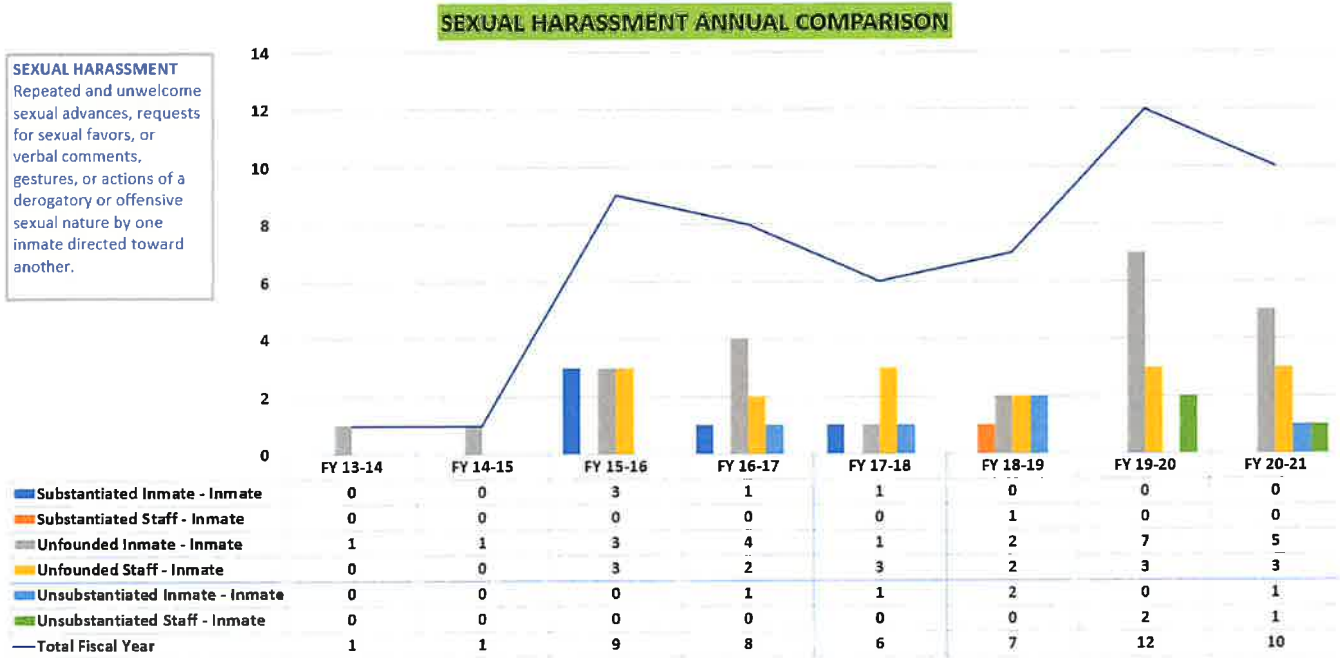


**Abusive Sexual Contact:** There were 62 incidents of Sexual Abuse Non-Contact reported during this eight-year comparison. During this period there were three substantiated PREA incidents, which occurred in FY 15-16 and FY 16-17. In FY15-16, one incident: 1) An inmate made inappropriate physical contact with another inmate and was charged with Battery by Prisoner. In FY 16-17 two incidents: 2.) Three inmates made voluntary physical contact of a sexual nature amongst themselves; no criminal charges were pursued. 3) An inmate was charged with Open and Gross Lewdness for openly masturbating in front of cellmate.

**SEXUAL ABUSIVE (NON-CONTACT) DISPOSITION - ANNUAL COMPARISON**



**Sexual Harassment:** There were 54 incidents of Sexual Harassment reported during this eight-year comparison. During this period there were five substantiated PREA incidents. The five incidents occurring in FY 15-16, FY 16-17, and FY 17-18. Four of these incidents involved inmates making sexual related comments to other inmates. All involved inmates were appropriately disciplined per policy. One incident also involved indecent exposure to a cellmate, in which the inmate was charged with Open and Gross Lewdness. One incident, which occurred in FY 18-19, involved a volunteer making unprofessional and provocative comments to an inmate and physically touching the inmate’s hair. The volunteer was permanently removed from the facility and the volunteer program.



## PREA Disposition Types

PREA defines the dispositions of sexual abuse and sexual harassment cases as the following:

- Unfounded:** An allegation that was investigated and determined not to have occurred.
- Unsubstantiated:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Substantiated:** An allegation that was investigated and the investigation produced sufficient evidence to make a final determination that the event occurred.
- Informational:** A consensual sexual act between inmates that was determined, after investigation, to be a WCSO facility policy violation not a PREA policy violation.
- Pending Investigation:** Investigation has not been completed.



### Reporting Responsibilities

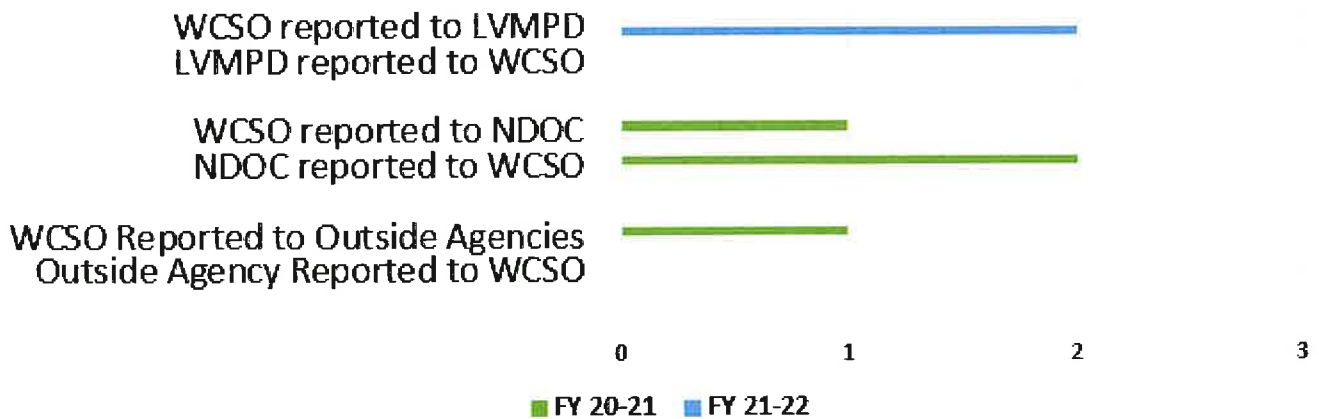
The agency shall provide at least one way for inmates to report sexual abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

Upon receiving allegations that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

The Washoe County Sheriff's Office (WCSO) and the Las Vegas Metropolitan Police Department (LVMPD) have a reciprocal Memorandum of Understanding which allows inmates in the custody of WCSO or LVMPD to report sexual abuse and sexual harassment to the alternate facility. The reports then get forwarded to the proper investigative staff at each agency to investigate the alleged claim.

In addition, when an inmate at the Washoe County Sheriff's Office notifies us that he/she has been sexually abused at an outside agency during a previous incarceration, we notify the agency so they can investigate the claim and determine an outcome.

### REPORTING TO OTHER CONFINEMENT FACILITIES



WCSO – Washoe County Sheriff's Office  
LVMPD – Las Vegas Metropolitan Police Department  
NDOC – Nevada Department of Corrections

# Summary of Annual Statistical Comparison

## Substantiated Incidents

- There have been nine substantiated PREA incidents in eight-years.
  - 3 Sexual Abuse Non-Contact (Inmate v. Inmate)
  - 5 Sexual Harassment (Inmate v. Inmate)
  - 1 Sexual Harassment (Programs Volunteer v. Inmate)

## Sexual Abuse— Contact

- The number of reported sexual assaults have increased
- There have been no substantiated incidents during this eight-year period

## Sexual Abuse—Non-Contact

- The number of reported abusive sexual contacts have increased in the last two years
- The three substantiated incidents occurred in FY 15-16 and FY 16-17 (Inmate v. Inmate)

## Sexual Harassment

- The number of reported sexual harassments incidents have increased in the last two years
- The number of substantiated incidents between inmate-inmate have decreased since FY 15-16
- One substantiated incident occurred in FY 18-19, which involved a volunteer

## Consensual Sexual Acts

- There has been eight substantiated consensual sexual acts between inmates during the eight-year period
  - 5 Sexual Acts —Contact
  - 3 Sexual Acts —Non-Contact

## Definitions

### Sexual Acts Statistics

Sexual Acts tracked by WCSO Inmate Management Unit and the facility PREA Coordinator are also released to the Bureau of Justice Statistics for completion of the Survey of Sexual Victimization.

### WCSO Statistical Purposes:

**Sexual Abuse—Contact (penetration)**

**Sexual Abuse—Non-Contact (non-penetration)**

**Sexual Harassment**

### Sexual Abuse

Per NRS 212.0188: Sexual abuse includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

1. Sexual intercourse or anal intercourse, including penetration, however slight;
2. Fellatio, cunnilingus or contact between the mouth and the anus;
3. Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;



4. Any other intentional contact with a prisoner's unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;
5. Watching a prisoner change clothing or use a shower, toilet or urinal;
6. Requiring a prisoner to expose his or her genitals, buttocks or breasts; or
7. Capturing an image of the private area of a prisoner in violation of NRS 200.604.

### **Sexual Abuse—Non-Contact (non-penetration)**

Sexual contact of any person without his/her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, or the genitalia, anus, groin, breast, inner thigh, or buttocks or any person. EXCLUDE incidents in which the contact was incidental to a physical altercation.

### **Unauthorized Custodial Conduct**

Per NRS 212.188: Unauthorized custodial conduct includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

1. Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;
2. Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;
3. Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or
4. Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.
5. Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.


### **Sexual Harassment**

Per Washoe County policy 904: Sexual harassment includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

# Prison Rape Elimination Act


## PREA Annual Report

 #1603  
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Captain Scott Jacoboni

3/30/22  
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Date

 #1312  
\_\_\_\_\_  
Chief Deputy Ralph Caldwell

3-30-22  
\_\_\_\_\_  
Date

 #1199  
\_\_\_\_\_  
Sheriff Darin Balaam

3/31/22  
\_\_\_\_\_  
Date