



# PRISON RAPE ELIMINATION ACT PREA Annual Report

**FY 2022-2023**

## 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)

# FY 2022-2023 Washoe County Detention Facility

## Annual PREA Statistics

The Washoe County Sheriff's Office serves approximately  
506,016 residents of Washoe County, Nevada

### Annual Bookings and Average Daily Population

Annual Bookings: 14,790

Male: 11,090

Female: 3,700

Average Daily Population: 1247

Male: 1037

Female: 210

Average Length of Stay: 17

### Annual PREA Statistics

The Washoe County Sheriff's Office attempts to collect data on all PREA related incidents. Washoe County Sheriff's Office thoroughly investigates all allegations of sexual abuse and sexual harassment. Substantiated incidents of sexual abuse are referred for prosecution to the Washoe County District Attorney's Office.

### WCSO Reported PREA Incident Data

In FY 2022-2023, a total of 42 PREA related allegations were reported.

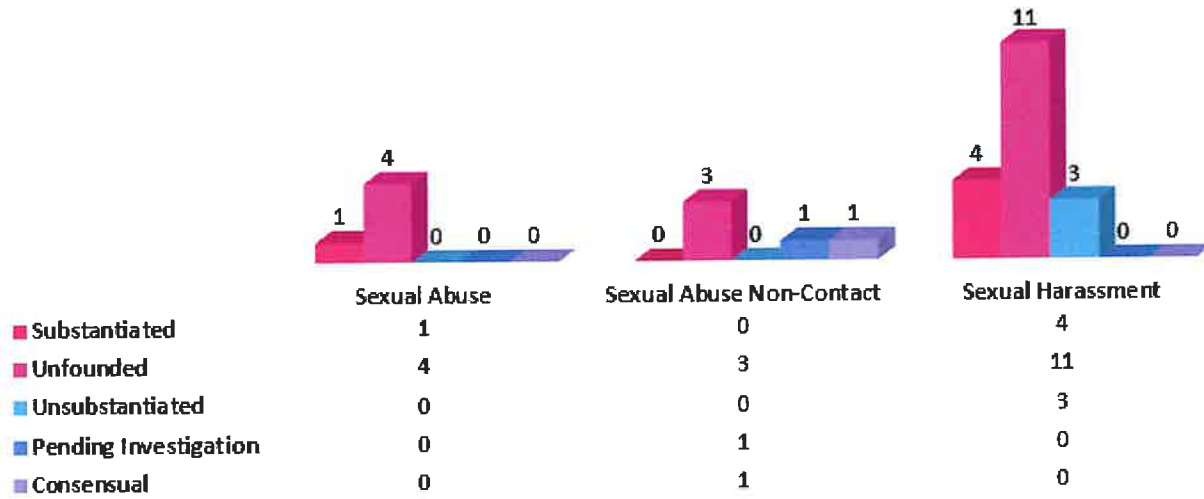
#### Inmate v. Inmate

Twenty-eight allegations were reported. Five allegations were substantiated. Eighteen were unfounded, three were unsubstantiated, one is pending investigation, and one were deemed consensual.

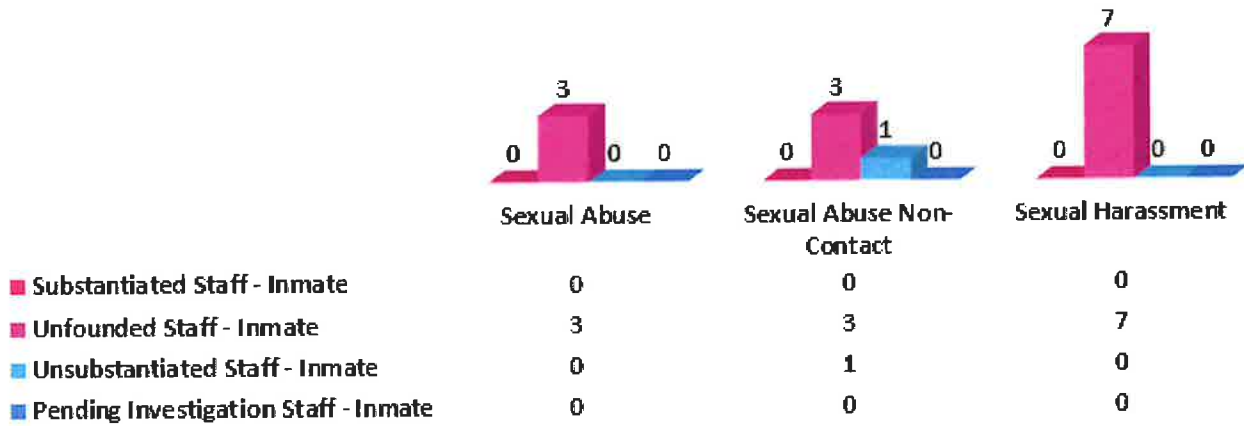
#### Staff v. Inmate

Fourteen allegations were reported. Thirteen allegations were unfounded and one was unsubstantiated.

### FY 2022-2023 INMATE v. INMATE REPORTED PREA INCIDENTS



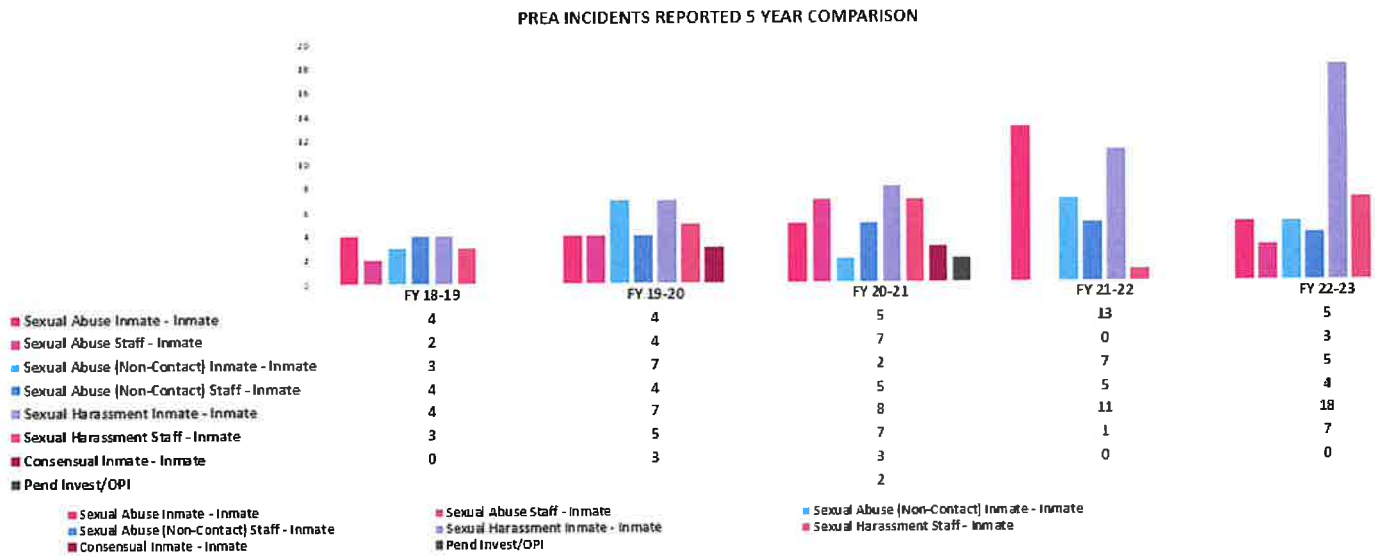
### FY 2022-2023 STAFF v. INMATE REPORTED PREA INCIDENTS



## Annual Statistical Comparison of Reported Incidents (FY 18-19 to FY 22-23)

During this five year period there were 172 PREA allegations reported. The number of PREA allegations increased from 20 to 42 between FY 18-19 and FY 22-23. The number of allegations increased from 37 to 42 between FY 21-22 and FY 22-23.

The increase in PREA allegation reporting is normal in the progression of PREA implementation and compliance. The increase in reported allegation indicates that the inmates in our custody are aware of our zero tolerance policy as well as the multitude of reporting options available to them.



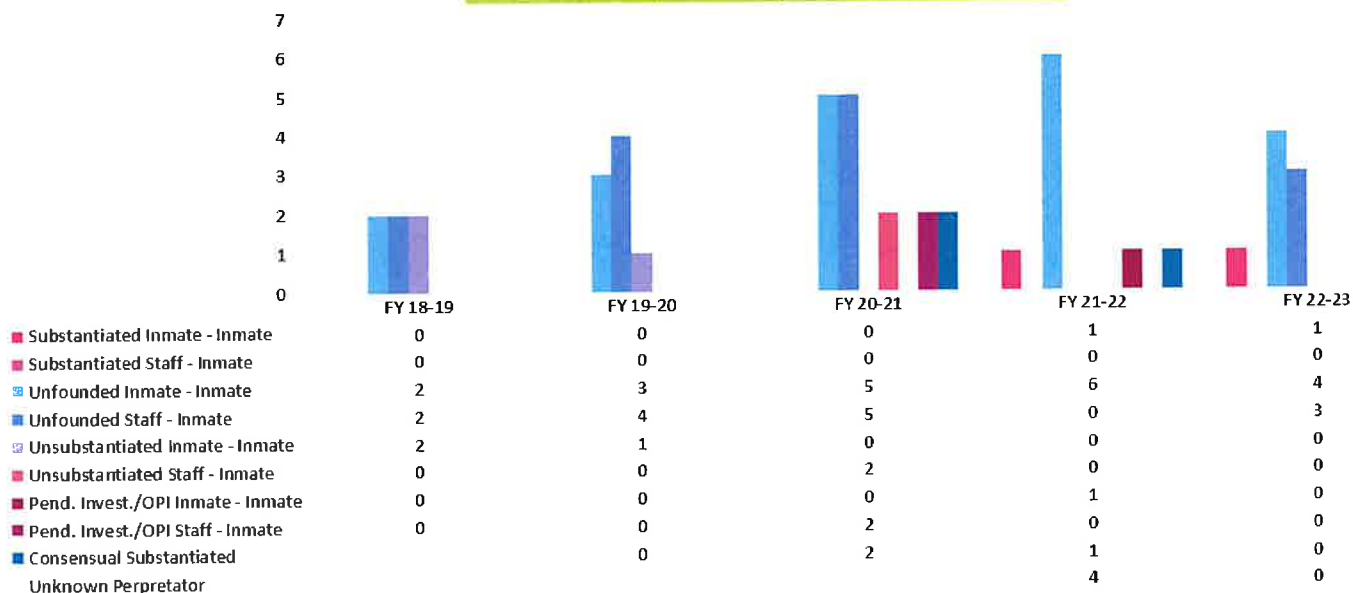
**Annual reports from prior years can be retrieved online at:**

[https://www.washoesherriff.com/detention\\_bureau/detention-operations/prea.php](https://www.washoesherriff.com/detention_bureau/detention-operations/prea.php)

## Findings of Allegations

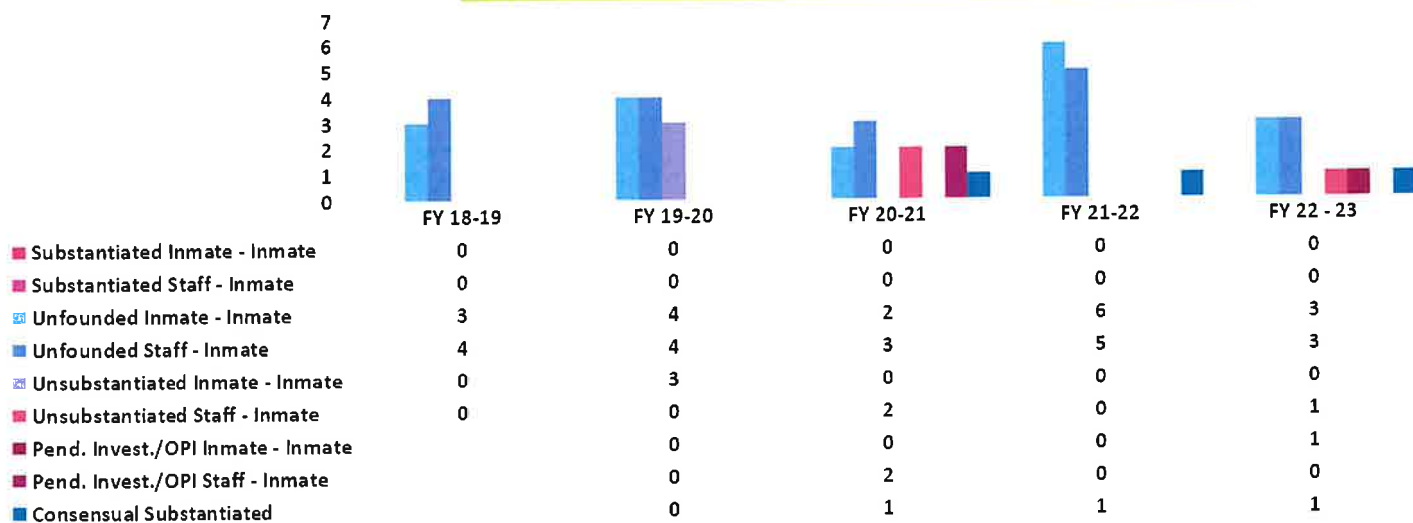
**Sexual Abuse** There has been a total of 51 Sexual Abuse allegations reported during this five-year comparison. During this period two allegations were deemed substantiated. Three allegations were deemed to be consensual sexual acts between inmates. Thirty-four were deemed unfounded, five were unsubstantiated, three pending investigation, and four allegations with unknown perpetrators were unfounded.

### SEXUAL ABUSE (CONTACT) ANNUAL COMPARISON



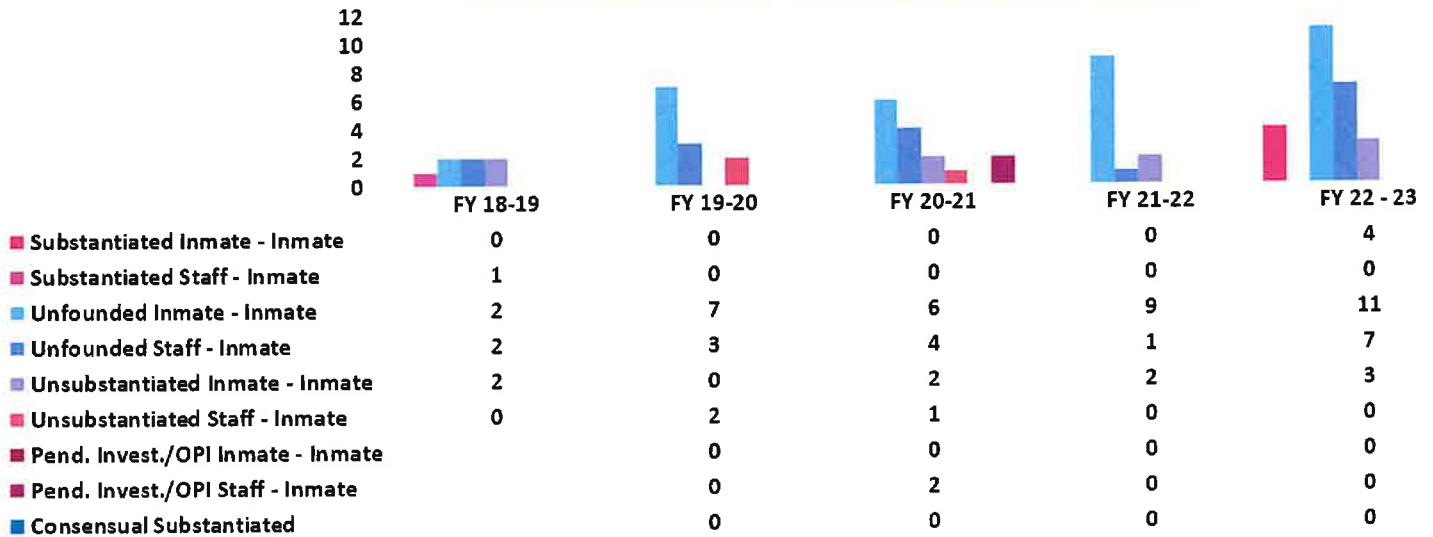
**Abusive Sexual Non-Contact** There has been a total of 49 Abusive Sexual Contact allegations reported during this five-year comparison. During this period there were no substantiated allegations of abusive sexual contact. Three allegations were deemed to be consensual sexual contact between inmates. Thirty-seven were deemed unfounded, six unsubstantiated, and three pending investigation.

### SEXUAL ABUSE (NON-CONTACT) ANNUAL COMPARISON



**Sexual Harassment:** There were 71 Sexual Harassment allegations reported during this five-year comparison. During this period there were five substantiated PREA allegations. Fifty-two were deemed unfounded, twelve were deemed unsubstantiated, and two pending investigation.

### SEXUAL HARASSMENT ANNUAL COMPARISON



## Summary of Annual Statistical Comparison

### Substantiated Incidents

- There have been five substantiated PREA incidents in five-years.
  - 2 Sexual Abuse (Inmate v. Inmate) (FY 21-22 and FY 22-23)
  - 4 Sexual Harassment (Inmate v. Inmate) (FY 22-23)
  - 1 Sexual Harassment (Staff v. Inmate) (FY 18-19)

### Sexual Abuse— Contact

- The number of reported sexual abuse allegations decreased during FY 22-23
- There were two substantiated incidents during this five-year period

### Sexual Abuse—Non-Contact

- The number of reported abusive sexual contacts allegations decreased during FY 22-23
- There were no substantiated incidents in the last five years.

### Sexual Harassment

- The number of reported sexual harassments incidents have increased during FY 22-23.
- The number of substantiated incidents between inmate-inmate increased during FY 22-23.

### Consensual Sexual Acts

- There has been six substantiated consensual sexual acts between inmates during the five-year period
  - 3 Sexual Abuse — Contact
  - 3 Sexual Abuse — Non-Contact

## PREA Disposition Types

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

**Substantiated:** An allegation that was investigated and the investigation produced sufficient evidence to make a final determination that the event occurred.

**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.

**Pending Investigation:** Investigation has not been completed.

**Consensual Substantiated:** Sexual acts between inmates that are determined, after investigation, to be consensual. Consensual Sexual Acts between inmates is a WCSO facility policy violation not a violation of PREA Standards.

## Definitions

### Sexual Acts Statistics

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

## Consensual Sexual Acts

### Inmate Handbook Rules and Regulations

Prohibited activity will include, but not be limited to, the following acts (whether completed or attempted):

19. Indecent exposure, engaging in sexual acts, or making sexual proposals to another.

#### 715.325.5 Procedure

##### A. Prohibited Behaviors

Any behavior of sexual nature by incarcerated inmates is prohibited and subject to disciplinary action in accordance with S.O.P. 705.050 Inmate Disciplinary Procedure and the Inmate Handbook and may result in criminal charges.

Consensual sexual activity among inmates will not be permitted. Inmates engaging in this activity are prohibited by S.O.P. 705.052 Reporting and Recording of Major Rule Violations or Violations of Law, the Inmate Handbook: Rules and Regulations, and NRS 212.187 Voluntary sexual conduct between prisoner and another person.

## 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.






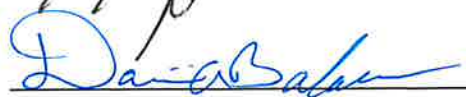
Upon receiving allegations that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

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.

# Prison Rape Elimination Act

## PREA Annual Report

 _____ Brenda Larson PREA Coordinator	<u>11/22/23</u> Date
 _____ Sergeant Samuel Van Der Wall	<u>11/22/23</u> Date
 _____ Lieutenant John Stewart	<u>12/5/23</u> Date
 _____ Captain Andrew Barrett-Venn	<u>12/12/23</u> Date
 _____ Chief Deputy Corey Solferino	<u>12.12.23</u> Date
 _____ Sheriff Darin Balaam	<u>12/13/23</u> Date