



# **PRISON RAPE ELIMINATION ACT PREA Annual Report**

**FY 2018-2019**

## **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/sub.php?page=prison-rape-elimination-act-prea&expand=Detention>).

## **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 2018-2019**

- Outside Reporting Agency – Inmates must have the ability to report a PREA incident to an outside agency that is not part of the agency. LVMPD/Detention Services Division and WCSO/Detention Services Division have entered into a Memorandum of Understanding to act as each others Outside Reporting Agency. PREA Hotline phone numbers to be posted in August 2019.
- Zero Tolerance Signage—Zero Tolerance posters have been posted throughout the facility
- Employee Training— PREA Employee Refresher Acknowledgements were implemented to support staffs bi-yearly PREA Moodle training. All detention staff is required to sign the Employee PREA Acknowledgement annually, beginning January 2019.
- PREA Refresher Training—PREA Refresher Handouts are being posted on the WCSO InSite as an additional training tool to enhance staffs existing knowledge of the PREA Standards and Implementation.
- Inmate Education—The Inmate Orientation Video was updated and implemented by the Administrative Services Unit, which included updating the PREA portion of the video.
- Background Checks—Background checks, running of criminal histories, must be run every five years for detention employees volunteers, and contractors. Background checks have been run for WCSO Detention Staff and NaphCare Employees.

## **In the Works for FY 19-20:**

- The current PREA Policy has been updated to ensure all the PREA standards are met and the policy is in compliance with PREA Standards. The policy is currently up for review by Detention Administrative Staff, once approved, it will be forwarded to PRC and WCSO Legal Department for review before releasing to staff.
- Background Checks— Background checks still need to be run on WCSO Contractors and volunteers.
- The PREA Risk Assessment has been created, approved by WCSO Legal Department, and per PRC complies with PREA Standards. Implementation of the PREA Risk Assessment Questionnaire along with the required follow up assessments will begin when directed by Detention Administrative Staff.
- The Contractor / Volunteer Training will be reviewed to verify PREA compliance. Any necessary changes needed for compliance will be forwarded to DSU.
- Inmate Education—The Inmate Orientation Video will be sent to the PREA Resource Center to review to see if the video meets PREA Standards.
- Employee Annual Review—Employers shall ask employees of misconduct and acknowledgement of duty to disclose PREA related incidents. Verbiage needed to add to Employee annual Reviews has been written and up for review and implementation.
- Cross Gender Announcements— Policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit. PREA Standard has been presented to Detention Administration Staff to review and approve implementation.

# FY 18-19-18 Washoe County Detention Facility Annual Statistics

The Washoe County Sheriff's Office serves approximately  
465,735 residents of Washoe County, Nevada

## Annual Bookings and Average Daily Population

Annual Bookings: 21,365

Male: 15,893

Female: 5,472

Average Daily Population: 1127

Male: 926

Female: 201

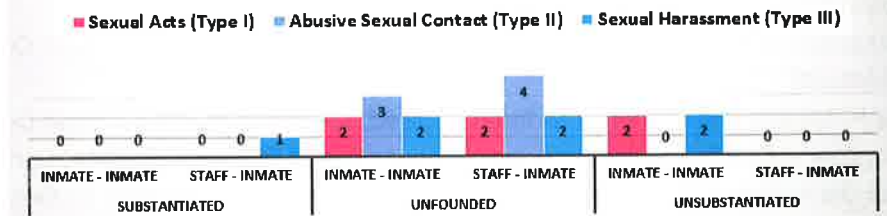
Average Length of Stay: 14.78 days

## Annual PREA Statistics

### FY 2018-2019 PREA Incidents

	Substantiated		Unfounded		Unsubstantiated	
	Inmate - Inmate	Staff - Inmate	Inmate - Inmate	Staff - Inmate	Inmate - Inmate	Staff - Inmate
Sexual Acts (Type I)	0	0	2	2	2	0
Abusive Sexual Contact (Type II)	0	0	3	4	0	0
Sexual Harassment (Type III)	0	1	2	2	2	0
<b>Agency Total</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>4</b>	<b>0</b>

### FY 2018-2019 PREA Incidents



## 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.

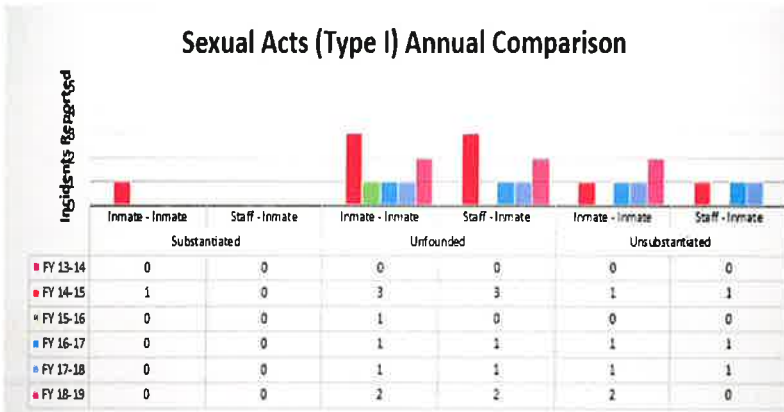
**Substantiated:** An allegation that was investigated and the investigation produced sufficient evidence to make a final determination that the event occurred.

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

# Annual Statistical Comparison

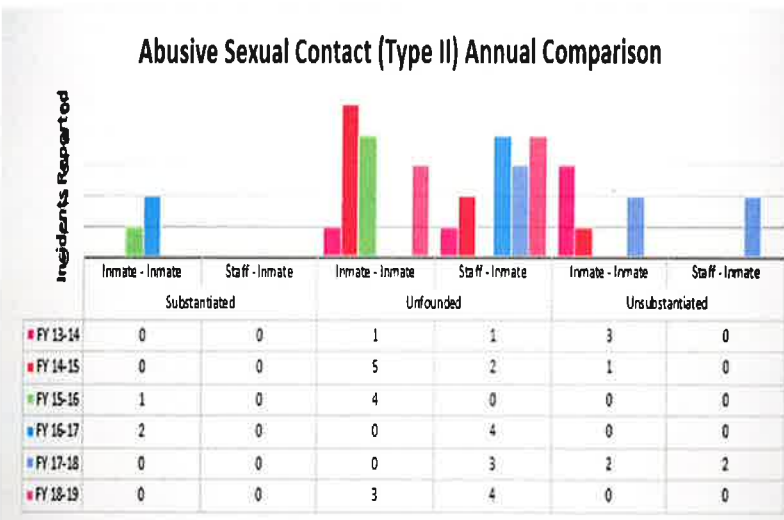
Displayed below is an statistical comparison of the PREA incidents for Sexual Acts, Abusive Sexual Contact, and Sexual Harassment for Fiscal Years: 13-14, 14-15, 15-16, 16-17, 17-18, and 18-19.

## Sexual Acts (Type I) Annual Comparison



**Sexual Acts:** There were 24 incidents of Sexual Acts reported during this six year comparison. During this period there was one substantiated PREA incident, which occurred in FY 14-15, involving two inmates who had voluntarily engaged in sexual conduct. This incident occurred between cellmates while housed in a secured housing unit. Both inmates were charged with voluntary sexual conduct between prisoner and another person.

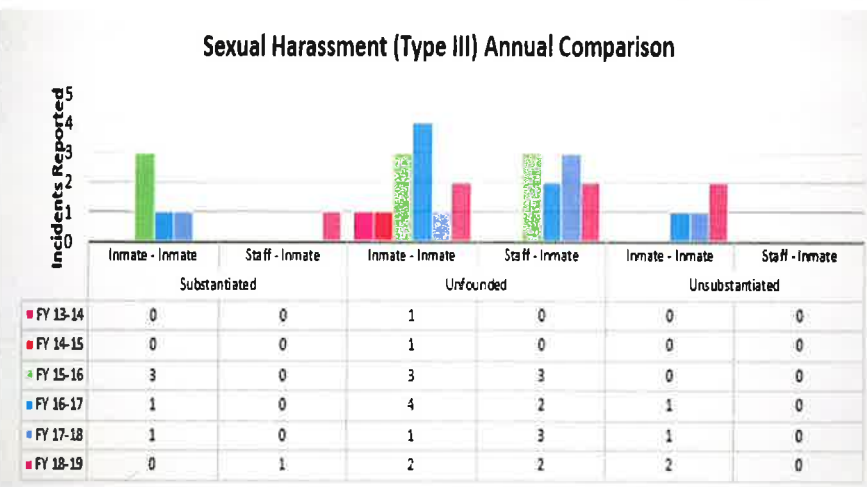
## Abusive Sexual Contact (Type II) Annual Comparison



**Abusive Sexual Contact:** There were 38 incidents of Abusive Sexual Contact reported during this six 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 Harassment:** There were 32 incidents of Sexual Harassment reported during this six year comparison. During this period there were six substantiated PREA incidents. The five incidents occurring in FY 15-16, FY 16-17, and FY 17-18 involved inmates making sexual related comments to other inmates. All

## Sexual Harassment (Type III) Annual Comparison



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. The incident occurring in FY 18-19 involved a volunteer making unprofessional and provocative comments to an inmate and physically touching the inmates hair. The volunteer was permanently removed from the facility and the volunteer program.

## Summary of Annual Statistical Comparison

- **Substantiated Incidents**

- There have been ten substantiated PREA incidents in six years

- **Sexual Acts**

- The number of reported sexual assaults have decreased since FY 14-15
- There have been no substantiated incidents since FY 14-15

- **Abusive Sexual Contact**

- The number of reported abusive sexual contacts have remained between 5-8 each year
- The only substantiated incidents occurred in FY 15-16 and FY 16-17

- **Sexual Harassment**

- The number of reported sexual harassments incidents have increased
- 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

## Definitions

### Sexual Acts Statistics

Sexual Acts tracked by WCSO IMU is also known as Nonconsensual Sexual Acts as referred to in the Bureau of Justice Statistics Survey of Sexual Victimization form.

### WCSO Statistical Purposes:

TYPE I - Sexual Acts

TYPE II - Abuse Sexual Contact

TYPE III - Sexual Harassment

### Sexual Abuse

Per NRS 2120188: 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

## **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

  
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Captain Peter Petzing

10/2/19  
Date

  
\_\_\_\_\_  
Chief Deputy Jeffery Clark

10/2/19  
Date

  
\_\_\_\_\_  
Sheriff Darin Baalam

10/2/19  
Date