



2019 PREA Annual Report

Cherokee Sheriff's Office

BACKGROUND:

The Prison Rape Elimination Act (PREA) was unanimously passed by Congress and signed into law by President George H.W. Bush in 2003, becoming the first federal legislation to address the issue of sexual assault in a correctional setting. On June 20, 2012, the Department of Justice (DOJ) published national standards developed by the National Prison Rape Elimination Commission to enforce the detection, prevention, reduction, and punishment of prison/jail sexual assault and misconduct. The Act applies to adult prisons and jails, juvenile facilities, police lock-ups, and community residential facilities.

Implementation of these PREA standards in a correctional setting is contingent upon effective agency and facility leadership, and the development of an agency's principles to prioritize their efforts to combat sexual abuse. The Cherokee Sheriff's Office has a Zero Tolerance policy on all issues pertaining to sexual abuse and sexual harassment involving inmates and/or staff. The Cherokee County Adult Detention Center complies with all applicable components of the Prison Rape Elimination Act of 2003.

OUR APPROACH:

The Cherokee County Adult Detention Center has long supported the principles associated with PREA. Mandatory annual sexual misconduct and sexual harassment staff training specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct has been conducted since 2009. Other efforts have included the continuous annual revision of policy as it relates to sexual abuse and misconduct to ensure compliance with legal and accreditation standards.

Our PREA Coordinator and Accreditation Administrative Assistant maintain a substantial responsibility to ensure compliance with PREA standards by continual development of policies, implementation, training, and constant review of PREA policies and procedures. A Sexual Abuse Reporting Hotline was implemented to ensure there is an independent outlet for inmates to report incidents of sexual abuse while ensuring anonymity. The ADC also entered into a Memorandum of Understanding with LiveSafe Resource Inc. to provide incarcerated victims of sexual abuse appropriate victim advocate support, rape crisis counseling, and forensic exams. A Sexual Predator and Possible Victimization Screening Form is always conducted during the initial intake of all incoming inmates by trained corrections personnel to ensure proper assessment, housing, and classification status. Video monitoring systems are consistently updated and reviewed for "blind-spots" and updated software and technology.

2019 YEARLY ALLEGATION TRACKING COMPARISON REPORT:

Pursuant to **PREA standard 115.87**, data is collected, aggregated, and reviewed regarding all reports of sexual abuse incidents in order to assess and improve the effectiveness of our sexual abuse prevention, detection, and response policies and practices. These statistics are published in an annual report and made public on the Cherokee Sheriff's Office website as mandated by the **PREA standard 115.88**.

In compliance with the standard, the statistics below detail the incidents of sexual abuse from January 1, 2019 to December 31, 2019, and include the following: (1) Cherokee Sheriff's Office Definitions; (2) Findings of reported incidents of sexual abuse; and (3) Corrective Actions.

DEFINITIONS:

Once a report of sexual abuse has been initiated and investigated, the incident is assigned a number and entered into a database maintained by the PREA coordinator. The incident will be classified using one of the following findings:

- 1) SUSTAINED/SUBSTANTIATED** – allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- 2) NOT SUSTAINED/UNSUBSTANTIATED** – insufficient evidence to either prove or disprove the allegation.
- 3) UNFOUNDED** – allegation is false or the action after investigation was found to not have occurred.

PREA Standard 115.6 specifically defines sexual abuse in terms of inmate-on-inmate, staff-on-inmate, inmate-on-staff, along with sexual harassment and voyeurism. The Cherokee Sheriff's Office utilizes the following PREA definitions:

- 1) Sexual Abuse of an Inmate by Another Inmate** – Any behavior or act of a sexual nature between an inmate and another inmate if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse which may include one or more of: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however slight, by a hand, object, or other instrument; (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- 2) Sexual Abuse of an Inmate by Staff, Service Provider, or Volunteer** – Any behavior or act of a sexual nature (consensual or nonconsensual), or any attempt, threat or request for same, directed toward an inmate by a staff member, service provider, or volunteer which may include one or more of: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight. (2) Contact between the mouth and the penis, vulva, or anus. (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire. (4) Penetration of the anal or genital opening, however slight, by a hand, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire. (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire. (6) Any occurrence of indecent exposure by a staff member, contractor, or volunteer to an inmate. (7) Voyeurism by a staff member, contractor, or volunteer for reasons unrelated to official duties (i.e. cell checks) or for sexual gratification. (8) Sexual relationships of a romantic nature between staff and inmates.
- 3) Sexual Abuse of Staff, Service Provider, or Volunteer by an Inmate** – Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward a staff member, service provider, or volunteer by an inmate which may include one or more of: (1) Contact between the penis and vulva or penis and the anus, including penetration, however slight. (2) Contact between the mouth and penis, vulva, or anus. (3) Penetration of the anal or genital opening of another person, however slight, by a hand, object, or other instrument. (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, excluding contact incidental to a physical altercation. (5) Any occurrence of indecent exposure by an inmate to a staff member, service provider, or volunteer, outside of the staff member's official duties (i.e. searches), with the inmate's intent to harass staff or for sexual gratification.
- 4) Sexual Harassment of an Inmate by Another Inmate** – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another inmate. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.
- 5) Sexual Harassment of an Inmate by Staff, Service Provider, or Volunteer** – (1) Repeated and unwelcome sexual advances, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an employee, volunteer, or service provider toward an inmate. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.

6) Sexual Harassment of Staff, Service Provider, or Volunteer by an Inmate – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward a staff member, service provider, or volunteer. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.

7) Voyeurism – An invasion of privacy of an inmate by a staff member, service provider, or volunteer for reasons unrelated to official duties such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttock, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of any inmate performing bodily functions.

SEXUAL ABUSE REPORT ACTIVITY:

Inmates may confidentially disclose incidents of sexual abuse and sexual harassment to any Sheriff’s Office employee either verbally or through an inmate kiosk. This process allows for confidential reporting by inmates 24 hours per days, 7 days per week. The administrative investigation shall be completed no later than 90 days of the initial filing of the complaint or grievance; or within 5 days of filing an emergency grievance. Only after a full investigation, are incidents categorized as either a PREA violation or not (i.e. consensual, but unauthorized sexual activity that may be a rule violation, rather than a PREA violation).

Inmate-on-Inmate Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2018	2019
Substantiated	0	0
Unsubstantiated	2*	5*
Unfounded	5	13
TOTAL	7	18

**The (5) unsubstantiated cases of Inmate-on-Inmate were reviewed and investigated by the Criminal Investigation Division.*

Inmate-on-Staff Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2018	2019
Substantiated	2*	3*
Unsubstantiated	0	0
Unfounded	0	0
TOTAL	2	3

**The (3) substantiated cases of Inmate-on-Staff were founded as sexual harassment and all investigated by the Office of Professional Standards.*

Staff-on-Inmate Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2018	2019
Substantiated	0	2*
Unsubstantiated	0	0
Unfounded	7*	9*
TOTAL	7	11

**The (2) substantiated cases of Staff-on-Inmate were founded as abuse and harassment, reviewed, and investigated by the Criminal Investigations Division. The abuse case employee resigned and was prosecuted and charged. The harassment case employee received adverse disciplinary actions.*

**The (9) unfounded cases of Staff-on-Inmate were found as retaliatory actions by inmates for disciplinary issues enforced by deputies for rule violations and investigated by the Office of Professional Standards and subsequently all inmates were further disciplined for false allegations.*

PREA Kiosk Errors	Prior Year 2018	2019
Submitted	10	7
Substantiated PREA	0	0
TOTAL	10	7

EFFECTIVENESS OF PREA EFFORTS:

Thorough and systematic investigations of sexual victimization are conducted by the Cherokee Sheriff’s Office. All investigations incorporate current incident review criteria pursuant with **PREA standard 115. 86**.

In comparison to previous years, the numbers have increased in inmate-on-inmate, inmate-on-staff, and staff-on-inmate events. Analyzing this data, it is clear we continue to have a reporting culture here from both staff and inmates. Everyone is being held accountable. Notifications are being made and investigations are being followed through. Appropriate actions are

taken when necessary and incident review summaries are completed on all allegations regardless of their investigation outcomes. The two staff on inmate substantiated findings created roll call discussions and incident debriefings requiring supervisors and deputies alike to remain vigilant with inmate manipulation tactics and to report concerns when they immediately observe them. The main objective was to intervene before things escalated or got out of hand.

Several inmate error submissions in the PREA category continue but have decreased from last year's numbers. Many inmates were instructed how to use the kiosk after submitting a PREA category erroneously. A second error did not become an issue after this instruction. Training newly incoming inmates on the new kiosk system continues in the intake process and addressed when they sign the PREA acknowledgement form.

In 2019, Cherokee Sheriff's Office Policy 03-02-11 "Prison Rape Elimination Act" was archived and addressed in the Adult Detention Center's Policy 08-05-09 "Sexual Assault and Misconduct of Inmates". The revision renamed the ADC policy as 08-05-09 "Prison Rape Elimination Act". The policy extensively addresses proper prevention and responsive planning protocols, training and education, cross gender searches, incident reviews, and data collection. The PREA course conducted in New Hire Orientation was revised to reflect these policy changes.

No physical barriers were identified in the facility and appropriate staffing levels were noted on all shift rotations. The Adult Detention Center continues to use a multi-disciplinary Sexual Abuse Incident Review Board including members of the Criminal Investigation Division, Mental Health Department, Medical Director, Jail Administration, Accreditation, Health Services Administrator, Classification Manager, Jail Programs Manager, Jail Shift Supervisors and any other pertinent personnel. CID investigators were swift to respond to PREA situations in the jail. We were able utilize our victim advocate through our LiveSafe Resource Memorandum for a case being investigated and the PREA anonymous hot line number was also used to notify us of a potential complaint. These resources prove to be very beneficial as outside community reporting measures for inmates.

Our NCHC (National Commission for Correctional Health Care) audit was conducted in November of 2019 and several inmates were interviewed during this time regarding inmate kiosk access to healthcare services and mental health personnel. A score of 100% compliance in both mandatory and non-mandatory standards was achieved by the facility. The efforts of both the ADC staff and medical contracted services provider can be commended for their due diligence to respond to the needs of the inmate population earnestly and effectively.

The Cherokee Sheriff's Office Training Division continues our mandatory PREA training in New Hire Orientation for a 2-hour block of instruction and an annual in-service was conducted for another 2-hour block of instruction before the end of the year in September of 2019 by Jail Instructors. We continue to issue regular training briefs over PowerDMS (our internet policy database) and in person during roll call briefing sessions. Our current training goals are to improve transgender procedures in the intake process for classification and searches and mental health / suicide prevention of special needs populations. Pat down procedures for cross-gender searches are refreshed in the defensive tactics portion of annual in-service and new hire orientation. Mental Health and Suicide Prevention was recently updated and will be taught in next year's ADC annual in-service and New Hire Orientation.

The Cherokee Sheriff's Office will ensure appropriate changes to policies and practices are made when necessary to ensure a safe and secure environment for inmates, staff, and the community.

Conclusion:

The Cherokee County Adult Detention Center proudly continues our PREA compliance and certification. We are currently scheduled for our next audit cycle in June of 2020. We maintain a strong commitment to complying with all PREA standards, keeping inmates safe, and maintaining zero tolerance for all forms of sexual abuse and sexual harassment within our facility.

Report prepared by Lt. Irene Ruiz – Jail Accreditation Manager / PREA Coordinator

March 3, 2020

Jail Administrator Approval:

