

# Prison Rape Elimination Act (PREA)

## Annual Report 2019

### County of Santa Clara Probation Department

#### Juvenile Institutions Division

Juvenile Hall  
840 Guadalupe Parkway  
San Jose, CA 95110

William F. James Ranch  
19050 Malaguerra Avenue  
Morgan Hill, CA 95037

## KEY FINDINGS

The County of Santa Clara Probation Department, Institutional Services Division, strives to be in full compliance with the Prison Rape Elimination Act (PREA).

The following are some of the highlights in 2019 regarding PREA guidelines at Juvenile Hall and William F. James Ranch.

- In 2019, out of five incident reports, there were no sustained PREA Incidents in either facility.
- The Probation Department continues upholding the minimum staff to client ratio.
- The Probation Department continues enforcing a zero-tolerance culture.

## BACKGROUND

The Prison Rape Elimination Act (PREA) passed legislation in 2003. The act is intended 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..." (Prison Rape Elimination Act, 2003). The National Prison Rape Elimination Commission formed shortly after the passage of the act. The Commission developed national standards for all adult and juvenile correctional facilities. In June 2009, each jurisdiction created policies and procedures in line with legislative provisions, which were finalized and submitted to the Department of Justice for review and passage. The National Standards to Prevent, Detect, and Respond to Prison Rape, became effective on August 20, 2012.

The County of Santa Clara Probation Department is committed to providing healthy, safe and secure custodial care for all juvenile residents to include a zero tolerance standard toward any form of sexual abuse, harassment, abuse, assault, as well as staff sexual misconduct within its facilities and contracted programs in compliance with the Prison Rape Elimination Act of 2003.

All policies strictly prohibit sexual contact, sexual harassment, and acts of sexually abusive behavior among residents and/or between residents and staff, volunteers, contractors, interns and official guests/visitors, regardless of consensual status. The Department will immediately respond to allegations, fully investigate reported incidents, pursue disciplinary action, refer matters for investigation, and prosecute those who are found to have perpetrated such misconduct.

## PREA STANDARDS OVERVIEW

The Institutional Services Division's strategies to prevent, detect, reduce and respond to sexual misconduct, to include sexual abuse and harassment of youth are outlined below:

### Figure 1: PREA Standards Overview



There are approximately 180 provisions within the standards set forth within the PREA guidelines. Each provision can contain multiple requirements along with extensive documentation. The most substantial requirement includes providing evidence that departmental efforts are integrated and practiced within the culture of the agency. To obtain this evidence, the PREA auditor incorporates state/local inspections, reviews, observations and interviews with staff, youth and administration alike.

**ZERO TOLERANCE POLICY**

It is the mission of the Santa Clara County Probation Department to provide a healthy, safe and secure environment for youth in our facilities and programs. The department upholds a Zero Tolerance Policy defined by policy and practice, to include, the Probation Department will not tolerate any form of sexual abuse or misconduct. This includes any inappropriate behaviors between staff, contractors, or volunteers, or any sexual activity between youth regardless of consent status. All the above examples are prohibited and are subject to administrative and/or criminal sanctions. To assist with PREA and the Zero Tolerance Policy, a PREA Coordinator is responsible for the development, implementation and oversight of efforts to comply with PREA standards. The department has also designated a PREA Compliance Manager for Juvenile Hall and the William F. James Ranch (James Ranch). The Compliance Managers are responsible for assuring that efforts are being adhered to in their respective facilities. Lastly, the Probation Department, Institutional Services Division, has a full-time Supervising Group Counselor (Juvenile Hall) and Supervising Probation Counselor (James Ranch) dedicated to PREA oversight and compliance.

**EDUCATION AND TRAINING**

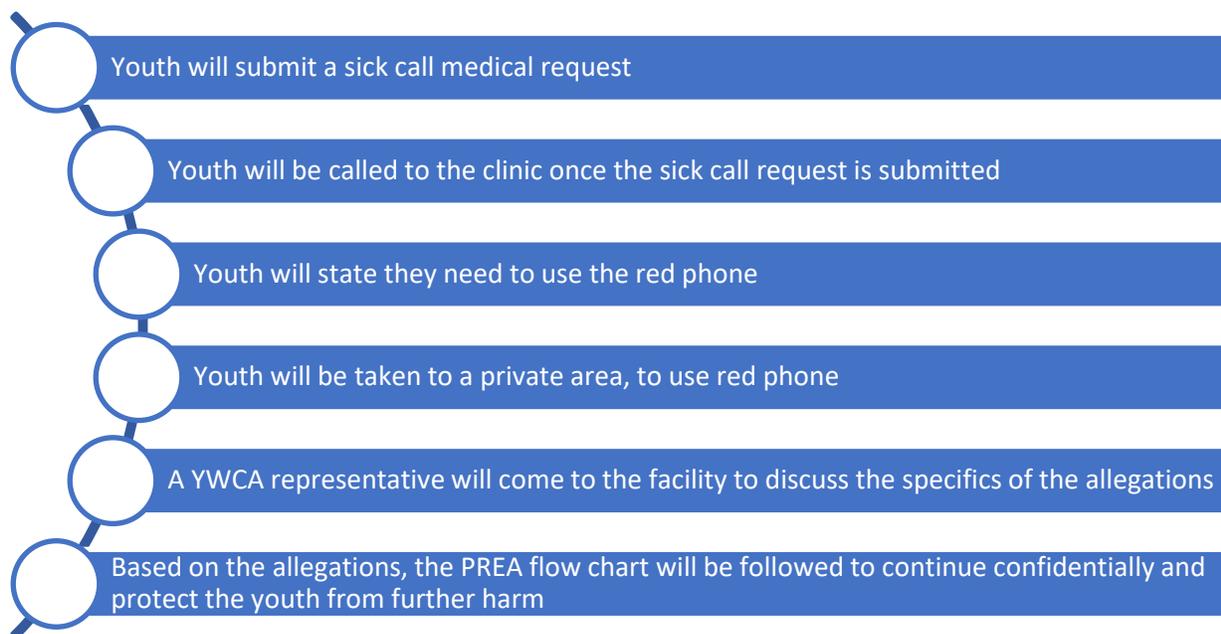
Ongoing youth risk assessments at point of admission, education and training for staff and youth is key in reducing sexual assault and misconduct within the institutions.

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**YOUTH EDUCATION AND TRAINING**

Upon admission to both Juvenile Hall and the James Ranch, youth are administered a PREA risk assessment. This assessment helps to identify trauma related to prior sexual abuse, the risk for sexual victimization and/or the potential to perpetrate. The results of the assessment allows staff to better monitor, assist and provide targeted medical and behavioral health services when risk is identified. After the PREA assessment, youth attend a PREA orientation and education class. There are numerous topics, including victim advocacy, sexual assault awareness, free and ongoing medical and support services for victims. The class also teaches the youth about the Counties Zero Tolerance Policy and the numerous avenues to report sexual victimization for themselves and/ or on behalf of another youth in the facility. Youth can confidentially report incidents to facility management or other law enforcement agencies and have full access to community advocates through the “Red Phone.” The red phone is a dedicated hotline that immediately connects the caller to the Young Women’s Christian Association (YWCA), Rape Crisis Center. Youth can privately access the red phone located in the clinic by submitting a medical request. The figure below shows steps taken to ensure confidentiality when the Red Phone is requested.

**Figure 2: Confidentiality Measures When Red Phone Is Requested**



It is anticipated that with continued education the number of PREA incidents will decrease, resulting in youth accepting and embracing the belief that this type of behavior will not be tolerated and will be investigated to the fullest extent of the law.

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#### STAFF EDUCATION AND TRAINING

All staff working in the institutional setting are trained in their role and responsibilities as a first responder to sexual incidents. All peace officers, non-peace officers, volunteers and contracted providers are required to take a PREA education class every two years. This class emphasizes the County’s Zero

Tolerance Policy, child abuse reporting requirements, and techniques to identify and respond to incidents of sexual misconduct, harassment, abuse and assaults. The training includes proper evidentiary procedures, how to activate the Medical Clinic’s Sexual Assault Team and how to bring in and assist local law enforcement for purposes of conducting a criminal investigation.

Further, the facility PREA Coordinator hosts quarterly meetings with supervisors, counselors, behavioral health, and the medical team to review and discuss incidents of sexual misconduct, harassment, abuse and assaults. The team reviews all reported incidents and debriefs the event to propose recommendations and techniques to eliminate future unwanted behaviors. The outcomes are presented to staff in order to enhance coaching opportunities and train the staff to become experts in their roles and responsibilities as a first responder.

**POPULATION AND SEXUAL MISCONDUCT AGGREGATED DATA**

To ensure transparency, PREA guidelines mandate specific aggregated data is reported and published for public review and consideration on an annual basis. The following sections report information for both institutions: Juvenile Hall and the James Ranch.

**METHODOLOGY**

For this report, we are basing totals on unduplicated youth count who were admitted to the facility in 2019. A youth may have been admitted to Juvenile Hall and/or the James Ranch more than once during 2019 (January 1 – December 31, 2019). However, each youth is only counted once for each facility. This means a youth could be counted for Juvenile Hall and/or the James Ranch. The table below shows total youth admitted and released in 2019, for each facility. For both counts (youth admitted and youth released) we count the first admissions episode. Youth who were admitted to these facilities prior to January 1<sup>st</sup>, 2019, and after December 31, 2019, are excluded from the data below.

**Table 1: Admits and Releases by Facility and Gender**

Institution Facility		Boys	Girls	Total
Juvenile Hall	Youth Admitted	581	167	748
	Youth Released	577	166	743
James Ranch	Youth Admitted	112	19	131
	Youth Released	110	19	129

**PROBATION INVESTIGATIVE DETERMINATIONS**

All sexual assault incidents reported by youth, staff or third parties are investigated by:

- County of Santa Clara Probation Department and;
- County of Santa Clara Sherriff’s Department (Juvenile Hall) or;
- Morgan Hill Police Department (James Ranch).

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## DEFINITIONS FOR INVESTIGATED FINDINGS

The definitions below are used in reporting the results of findings at both facilities.

**Figure 3: Definitions for Investigative Findings**

<b>Sustained</b>	<ul style="list-style-type: none"> <li>•The investigation finds by preponderance of the evidence that the act did occur and constitutes a specific act in violation of law, regulation, or policy of the department or county.</li> </ul>
<b>Not Sustained</b>	<ul style="list-style-type: none"> <li>•The investigation cannot prove or disprove the allegations by a preponderance of the evidence.</li> </ul>
<b>Unfounded</b>	<ul style="list-style-type: none"> <li>•The investigation clearly established that the allegation is not true.</li> </ul>

## DATA COMPARISON CATEGORIES – TERMS AND DEFINITIONS

For the purposes of this report the terms and definitions have been provided by the Department of Justice will be used to examine and determine the number of PREA related incidents that occurred within the institutions.

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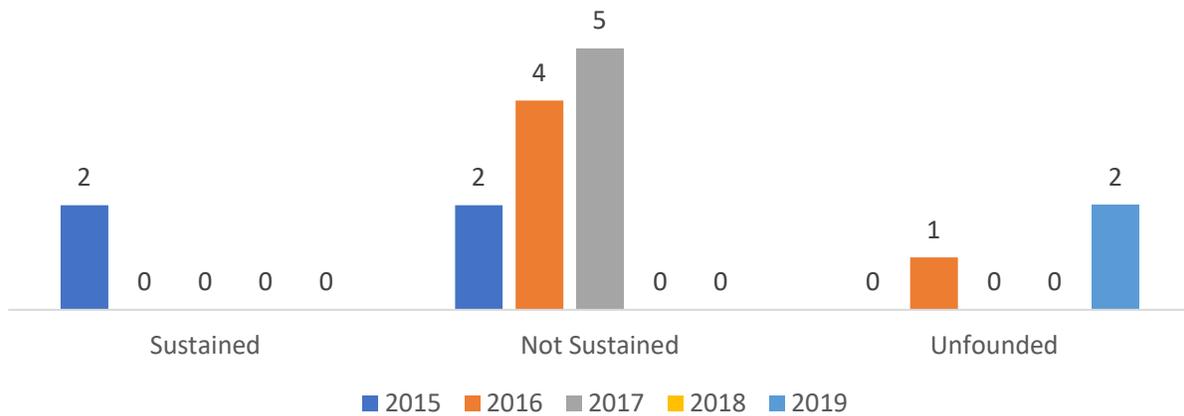
### ABUSIVE SEXUAL CONTACT

PREA Incident Reports related to abusive sexual conduct, include the following criteria:

- Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuses and/ or;
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.

The figure below shows PREA Incident Reports for Juvenile Hall and the James Ranch combined, in the last five years. In 2019, there were two reported Abusive Sexual Contacts involving youth on youth, and both incidents were unfounded.

**Figure 4: PREA Incident Reports of Youth on Youth Abusive Sexual Contacts (2015-2019)**



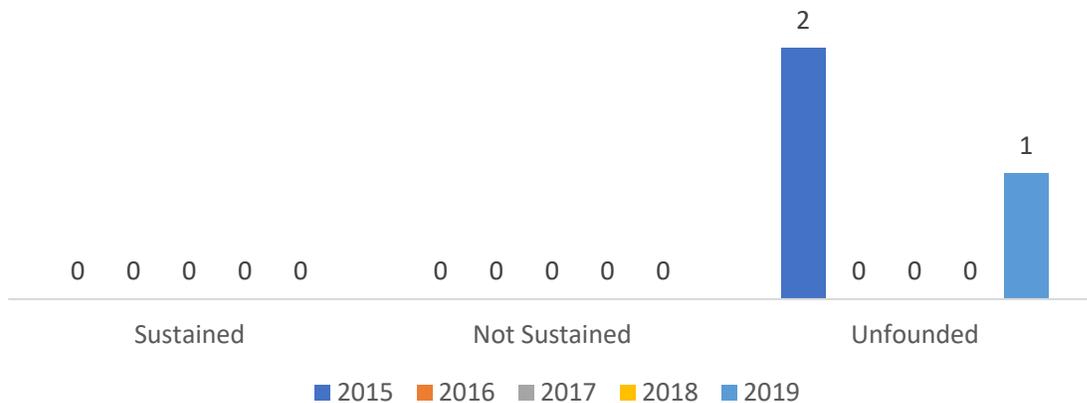
### NON-CONSENSUAL SEX ACTS

PREA Incident Reports related to non-consensual acts, include the following criteria:

- Sexual contact of a person without his or her consent, or of a person who is unable to consent or refuses and/ or;
- Contact between the penis and the vulva or the penis and the anus including penetration, however slight and/ or;
- Contact between the mouth and the penis, vulva, or anus and/ or;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

The figure below shows PREA Incident Reports for Juvenile Hall and the James Ranch combined in the last five years. In 2019, there was one Non-Consensual Sexual Contact, youth on youth, which was unfounded.

**Figure 5: PREA Incident Reports of Youth on Youth Non-Consensual Sexual Contacts (2015-2019)**



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## STAFF ON YOUTH SEXUAL MISCONDUCT

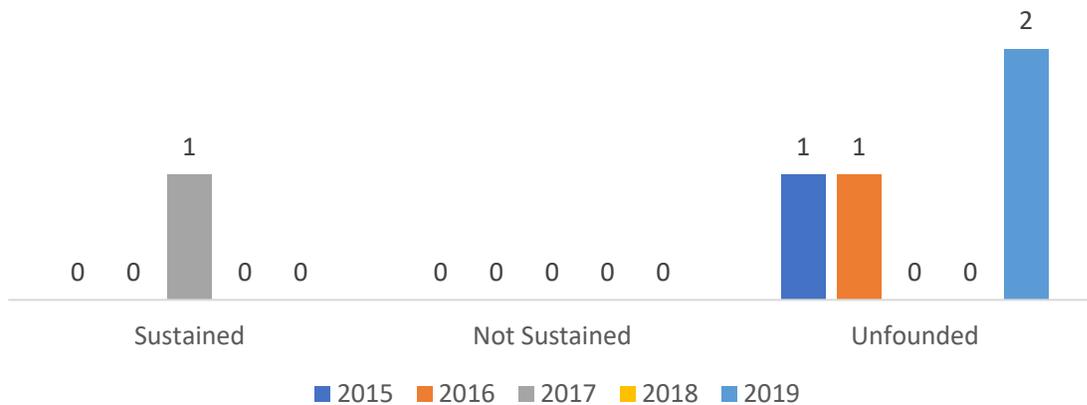
Staff on youth sexual misconduct as defined by PREA standards refers to any behavior or act sexual in nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (excludes family, friends, or other like visitors).

PREA Incident Reports regarding staff on youth sexual misconduct, includes the following criteria:

- 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 and/ or;
- Completed, attempted, threatened, or requested sexual acts and/ or;
- Acts of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

The figure below shows PREA Incident Reports for Juvenile Hall and the James Ranch combined in the last five years. In 2019, there were two Staff Sexual Misconduct reports of which both were unfounded.

**Figure 6: PREA Incident Reports of Staff Sexual Misconduct (2015-2019)**



## MOVING FORWARD

Juvenile Hall and the James Ranch passed the PREA criteria determined by federal, state and county agencies. Based on the audit report of 2017, additional improvements will be implemented soon to both facilities in order to detect and deter sexual misconduct. These changes include, but are not limited to, the following:

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### JUVENILE HALL

The Staffing Plan: Staff to Youth Ratio was changed from 1:10 during waking hours and 1:30 during sleeping hours to 1:8 and 1:16 ratio. Juvenile Hall now maintains the 1:8 and 1:16 ratio during each shift. Further the below provisions were also made to ensure full compliance of PREA standards:

- Additional mirrors were placed in blind spots (i.e. classrooms).
- Any obstruction from classrooms or office windows were removed for clear view (i.e. MAAC office had a wall removed and cubicle's walls were reduced in height to allow visual access).
- We have increased access to PREA information for the youth throughout the Institution.
- Video Surveillance System has been installed.

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#### WILLIAM F. JAMES RANCH

- The James Ranch has added additional mirrors throughout the facility and changed door locks on the classroom bathrooms to increase supervision.
- A new break schedule and Security Floater Positions have been established to maintain PREA staffing ratios. The role of the Security Floater is to support pod staff to always maintain staffing ratios of at least two Probation Counselors in each pod at all times.
- James Ranch has established a detailed process to streamline the documentation of PREA education for all youth admitted to the James Ranch.
- The New Admit Orientation Form is utilized to document resident education, youth's gender identity and sexual orientation, pod orientation, family orientation and PREA Vulnerability Assessment Screening.
- The PREA Vulnerability Assessment Screening is administered to each youth within the youth's first 72 hours at the James Ranch. Mental Health referrals are generated when a youth discloses prior sexual victimization during the screening process.

PREA standards dictate that annual incident review meetings are conducted to assure the Probation Department, Institutional Services Division, continues to improve, identify, and implement practices to reduce incidents of sexual misconduct, harassment, abuse and assaults. In collaboration with Behavioral Health and Valley Medical Center the following recommendations were proposed in a continuous effort to provide the best supervision possible in the institutions:

- Gather information regarding the youth's gender identity from the Probation Officer prior to the incident review meeting to determine if this was a contributing factor.
- Take steps to assure that victims do not experience additional trauma associated with the alleged incident.
- Provide additional staff trainings to better assist and respond in recognizing sexual misconduct behaviors while implementing county policies.
- Refer to the youth's PREA assessment to verify if there were past victimization and disability vulnerabilities as a part of the review process.
- Review how safety checks are monitored and recorded to assure there are no patterns that youth can discern.