



PRISON RAPE ELIMINATION ACT

ANNUAL REPORT 2017

SANTA CLARA COUNTY



JUVENILE INSTITUTIONS DIVISION

JUVENILE HALL
840 GUADALUPE PARKWAY
SAN JOSE, CALIFORNIA 95110

WILLIAM F. JAMES RANCH
19050 MALAGUERRA AVENUE
MORGAN HILL, CALIFORNIA 95037

BACKGROUND

The Prison Rape Elimination Act (PREA) passed 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, they 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.

PREA STANDARDS OVERVIEW

The PREA standards are organized into 11 categories:

- Prevention Planning;
- Responsive Planning;
- Training and Education;
- Screening for Risk of Sexual Victimization and Abusiveness;
- Reporting;
- Audits;
- Official Response following a Resident Report;
- Investigations;
- Discipline;
- Medical and Mental Health Care;
- Data Collection and Review.

Full compliance with a PREA audit is very challenging. There are approximately 180 separate provisions within the standards. Each provision can contain multiple requirements and extensive documentation. The most substantial requirement is that the department must provide evidence that efforts are integrated and practiced within the culture of the agency. To obtain this evidence, the PREA auditor incorporates state/local inspections and reviews, observations and interviews with staff, youth and administration.

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. Zero tolerance means that through policy and practice, the Probation Department will not tolerate any form of sexual misconduct. This includes any inappropriate behavior between staff, contractors, or volunteers with our youth; 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 William F. James Ranch (James Ranch). The Compliance Managers are responsible for assuring that efforts are adhered to in their perspective facility. Lastly, the Probation Department has a full-time Group Counselor (Juvenile Hall) and Probation Counselor (James Ranch) dedicated to PREA compliance.

EDUCATION AND TRAINING

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

Youth

Upon admission to Juvenile Hall, youth are required to take a PREA risk assessment. This assessment helps to identify sexual abuse, the risk for sexual victimization and/or the potential for abusing. The results allow staff to effectively monitor, assist and provide targeted medical and behavioral health services.

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 our Zero Tolerance Policy and the numerous avenues to report sexual victimization for themselves and on behalf of another youth in the facility.

Youth can confidentially report incidents to facility management or other law enforcement agencies or via the "Red Phone." The red phone is a dedicated hotline that immediately connects to the YWCA Rape Crisis Center. Youth can privately access the red phone located in the clinic by submitting a medical request.

The following steps help to ensure confidentiality, when the red phone is used:

- Youth will submit a sick call medical request
- Youth will be called to the clinic once the sick call request is submitted
- Youth will state they need to use the red phone
- Youth will be taken to a private area, to use red phone
- A YWCA representative will come to either facility to discuss the specifics of the allegations
- Based on the allegations, the PREA flow chart will be followed to continue confidentially and protect the youth from further harm

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

Staff

All facility staff, volunteers and community-based organizations are required to take a PREA education class every two years. This class emphasizes the department's Zero Tolerance Policy, child abuse reporting requirements and techniques to identify and respond to sexual abuse.

Staff train as to their roles and responsibilities as a first responder to sexual incidents. This training includes proper evidentiary procedures; how to activate the Medical Clinic's Sexual Assault Team; and how to bring in and assist the appropriate law enforcement agency for purposes of conducting a criminal investigation.

JUVENILE HALL AND JAMES RANCH POPULATION AND SEXUAL MISCONDUCT AGGREGATED DATA

To ensure transparency, PREA mandates that specific aggregated data be reported to the public. As such, the chart below reflects the number of youth admitted to and released from our facilities in 2017. Also reflected are population totals and gender breakdowns for both facilities on December 31, 2017.

JUVENILE HALL AND JAMES RANCH ADMITS AND RELEASES FOR 2017	
JUVENILE HALL	TOTAL
Youth Admitted	763
Youth Released	664
JAMES RANCH	TOTAL
Youth Committed	97
Youth Released	41

HALL AND JAMES RANCH JUVENILE YOUTH POPULATION ON DECEMBER 31, 2017	
JUVENILE HALL	TOTAL
Population - <u>Male</u>	86
Population - <u>Female</u>	13
GRAND TOTAL	99
JAMES RANCH	TOTAL
Population - <u>Male</u>	45
Population - <u>Female</u>	8
GRAND TOTAL	53

*Numbers are not exact due to rounding

SANTA CLARA COUNTY PROBATION INVESTIGATIVE DETERMINATIONS AND DEFINITIONS

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

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

DEFINITIONS FOR INVESTIGATIVE FINDINGS

The definitions below reflect the determination when reporting the results of the report:

- **Sustained** - 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.
- **Not Sustained** - The investigation cannot prove or disprove the allegations by a preponderance of the evidence.
- **Unfounded** - The investigation clearly established that the allegation is not true.

DATA COMPARISON CATEGORIES - TERMS AND DEFINITIONS

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

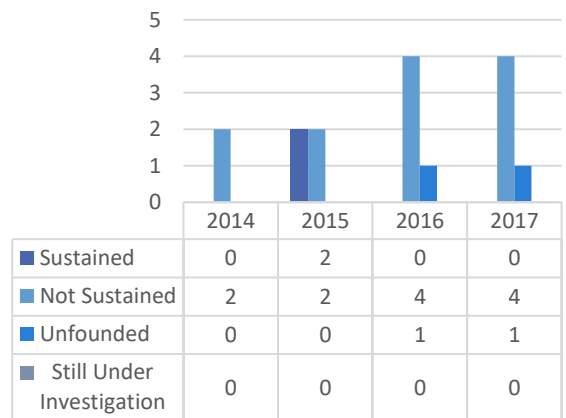
Abusive Sexual Contact

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

Non-Consensual Sex Acts

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

CHART 1 **REPORTS OF YOUTH ON YOUTH ABUSIVE SEXUAL CONTACTS (2014-2017)**



ABUSIVE SEXUAL CONTACT AND NON-CONSENSUAL SEX ACTS

Charts 1 and 2 reflect zero sustained incidents of “Sexually Abusive Contact” and zero sustained incidents of “Non-Consensual Sexual Acts” in 2017.

STAFF ON YOUTH SEXUAL MISCONDUCT

Staff Sexual Misconduct

As defined by PREA, Staff Sexual Misconduct is an act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.)

The definition includes the below:

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

CHART 2 REPORTS OF YOUTH-ON-YOUTH NON-CONSENSUAL SEXUAL ACTS IN JUVENILE HALL AND JAMES RANCH 2014 - 2017

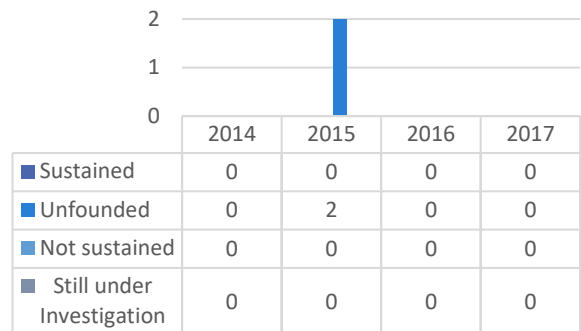
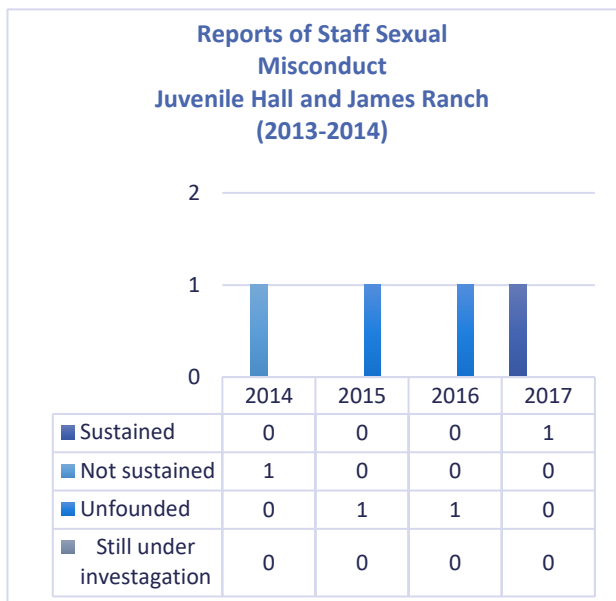


CHART 3



There were zero allegations of “Staff on Youth” sexual misconduct during 2017. The incident that was still under investigation in 2016 is now determined to be “Sustained.” The administrative investigation into that incident concluded in the middle of 2017.

Even though there were zero incidents of Staff Sexual Misconduct, the Probation Department cannot afford to be complacent in its PREA related efforts to detect and deter such incidents. The Department will continue to promote and enforce a zero-tolerance culture.

MOVING FORWARD

Based on recommendations from incident reviews, staffing reviews and the PREA Auditor, Juvenile Hall and William F. James Ranch continue to implement best practices to better detect and deter sexual misconduct. These practices include but are not limited to:

- A higher Staff/Youth Supervision Ratio. During waking hours, the ratio went down to 1:8 from 1:10 and during sleeping hours it went to 1:16 from 1:30. As a result, our staff can provide an even safer environment for our youth.
- Per PREA, supervision is now defined as “direct supervision.” This means that whether the youth are in their rooms or not, we must always meet the above ratio.
- Staff and youth are required to be visible to others always. For the safety of both, a staff and a youth may not be alone unless there is supervision either remotely by video monitoring or by a staff member.
- A new James Ranch facility is under construction that takes into consideration PREA standards. One major upgrade is that there will be a video surveillance system throughout the new buildings. Additionally, there will be a “Control Desk” where a Probation Counselor can monitor the pods, youth and staff for improved safety for all.
- “Safe walk areas” and restricted areas are marked by signage and integrated into policy. They increase safety for both the staff and youth to assure visual contact always.

PREA standards dictate that formal incident review and staffing review meetings take place to assure that the Probation Department continues to improve, identify and implement practices to reduce incidents of sexual misconduct. In collaboration with Behavioral Health and Valley Medical Center, the following recommendations were proposed in a continuous effort to provide the best supervision possible:

- Take steps to assure that victims do not experience additional trauma associated with the alleged incident, this measure will be included in the incident report training.
- Recommend additional training to assist and respond in recognizing sexual misconduct behaviors and take appropriate action when appropriate.
- Refer to youth’s PREA assessment to verify if there were past victimization and disability vulnerabilities as a part of the incident review.
- A QA review of how safety check tier sheets are signed to assure there are no patterns that youth can discern.

Contributors

Juvenile Institutions Administration, Juvenile Hall Quality Assurance Team, Information Technology Division and JPRS Navarro