



# PRISON RAPE ELIMINATION ACT

*ANNUAL REPORT 2018*

**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 of 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 being 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 are taken to ensure confidentiality when the red phone is requested:

- 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 Juvenile Hall 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 peace officers, non-peace officers, 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 are trained in their role 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 is reported to the public. As such, the chart below reflects the number of youth admitted to and released from our facilities in 2018. Also reflected are population totals and gender breakdowns for both facilities on December 31, 2018.

<b>JUVENILE HALL AND JAMES RANCH ADMITS AND RELEASES FOR 2018</b>	
<b>JUVENILE HALL</b>	<b>TOTAL</b>
Youth Admitted	922
Youth Released	772
<b>JAMES RANCH</b>	<b>TOTAL</b>
Youth Committed	125
Youth Released	75

<b>HALL AND JAMES RANCH JUVENILE YOUTH POPULATION ON DECEMBER 31, 2018</b>	
<b>JUVENILE HALL</b>	<b>TOTAL</b>
Population - <u>Male</u>	100
Population - <u>Female</u>	19
<b>GRAND TOTAL</b>	<b>119</b>
<b>JAMES RANCH</b>	<b>TOTAL</b>
Population - <u>Male</u>	49
Population - <u>Female</u>	9
<b>GRAND TOTAL</b>	<b>58</b>

\*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 are used in reporting the results of findings:

- **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.

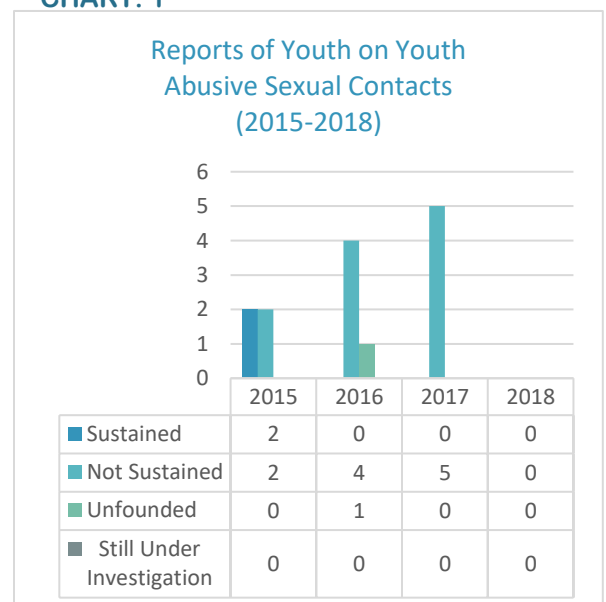
#### **Abusive Sexual Contact**

- 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**



## 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 2018.

### STAFF ON YOUTH SEXUAL MISCONDUCT

The following definition of "Sexual Misconduct" is provided by the PREA Standards:

#### Staff Sexual Misconduct

Any behavior or 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

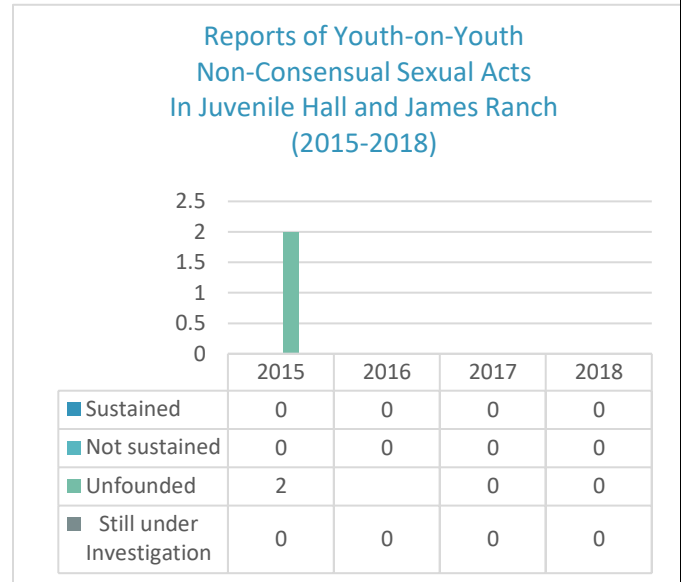
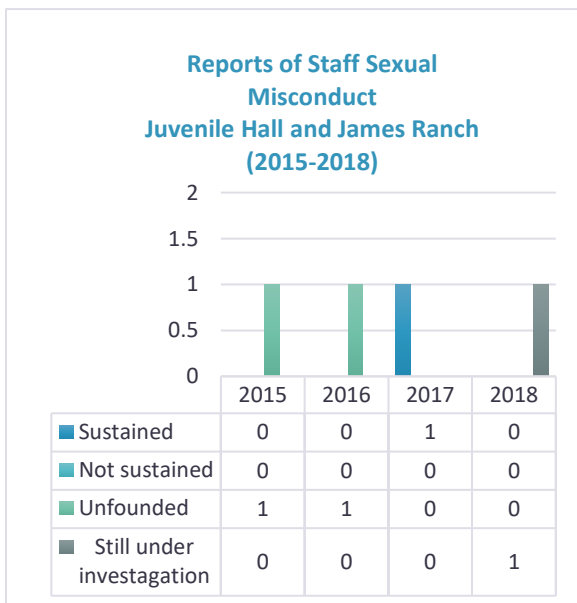


CHART: 3



In 2018, there were no sustained sexual incidents of staff on youth misconduct. However, the Probation Department will not be complacent in its PREA related efforts and will continue to create and enforce a zero tolerance culture.

## MOVING FORWARD

Juvenile Hall and William F. 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 in the near future to both facilities in order to detect and deter sexual misconduct. These changes include but are not limited to:

### 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. We now maintain the 1:8 and 1:16 ratio.
- Additional mirrors were placed in blind spots (*i.e* classrooms).
- Any obstruction from classrooms or office windows were removed for clear view.
- We have increase access to PREA information for the youth throughout the Institution.
- Funding for a Video Surveillance System capable of monitoring and recording was approved by the Board of Supervisors. The installation of this system began in 2018.

### William F. James Ranch

- A new facility is under final stages of construction. The facility will be in compliance with PREA standards.
- Additional mirrors are to be installed in both the old campus and the new dormitory in order to improve staff supervision in areas with limited visibility.
- Youth PREA assessments protocol will be improved to facilitate enhanced communication with pod staff and treatment supervisors.

PREA standards dictate that formal incident review meetings are conducted 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:

- Gather information regarding the youth's gender identity from the Probation Officer prior to the incident review meeting to determine if it was a contributing factor.
- Take steps to assure that victims do not experience additional trauma associated with the alleged incident.
- 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 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 Systems Team, Information Technology Division and JPRS Navarro