



PRISON RAPE ELIMINATION ACT

2022 ANNUAL REPORT



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ALAMEDA COUNTY PROBATION DEPARTMENT

JUVENILE FACILITIES DIVISION

JUVENILE HALL

2500 Fairmont Drive
San Leandro, CA 94578

CAMP WILMONT SWEENEY

2600 Fairmont Drive
San Leandro, CA 94578

BACKGROUND

The Prison Rape Elimination Act (PREA) was passed by Congress in 2003. The purpose of the act is 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 drafting standards for eliminating prison rape. Those standards were published in June 2009 and turned over to the Department of Justice for review and passage as a final rule. The Department of Justice published the final PREA Standards in the Federal Register on June 20, 2012, and they became effective August 20, 2012.

PREA STANDARDS OVERVIEW

The PREA standards are organized into 12 categories:

- Prevention Planning
- Responsive Planning
- Training and Education
- Screening for Risk of Sexual Victimization and Abusiveness
- Reporting
- Official Response Following Resident Report
- Investigations
- Discipline
- Medical and Mental Health Care
- Data Collection and Review
- Auditing & Corrective Action
- State Compliance

Within each of the above-referenced categories are specific standards and provisions. Each provision can contain multiple standards and require extensive documentation. These standards and provisions are used to guide implementation and responses to alleged sexual misconduct.

ZERO TOLERANCE POLICY

The Alameda County Probation Department (ACPD) is committed to creating and maintaining a safe and humane environment free from any act of sexual abuse and sexual harassment involving youth-on-youth or adult-on-youth. To create and sustain such an environment, the ACPD maintains a zero-tolerance policy in accordance with PREA standards.

Zero tolerance means that through policy and practice, ACPD will not tolerate any form of sexual misconduct. This includes any inappropriate behavior between staff, contractors, or volunteers with youth or any sexual activity between youth, regardless of consent status. This behavior is prohibited, and individuals displaying such conduct are subject to administrative and/or criminal sanctions.

EDUCATION AND TRAINING

Using a youth risk assessment and providing education and training for staff and youth is key to reducing sexual assault and misconduct within the institutions.

Youth

Upon admission to Juvenile Hall, youth are required to take a PREA risk assessment which assists in identifying past sexual abuse, the risk for sexual victimization, and/or the potential for perpetrating abuse. The results allow staff to assist youth by providing targeted medical and behavioral health services and support youth during their time at the Facilities.

In addition, youth attend a PREA orientation and education class. There are numerous topics, including victim advocacy, sexual assault awareness, and free and ongoing medical and support services for victims. The class also teaches the youth about the ACPD's Zero Tolerance Policy and how to report sexual victimization for themselves and on behalf of other youth in the facility.

Staff

All peace officers, non-peace officers, volunteers, contractors, and community-based organizations who may have contact with youth in the Facilities are required to take a PREA education class. This class emphasizes ACPD's Zero Tolerance Policy, child abuse reporting requirements, and techniques to identify and respond to sexual abuse. Staff are trained on their role and responsibilities as a first responder to sexual incidents. In addition, staff are provided refresher training every two (2) years.

JUVENILE HALL AND CAMP WILMONT SWEENEY POPULATION AND SEXUAL MISCONDUCT AGGREGATED DATA

To ensure transparency, PREA mandates that specific aggregated data is reported to the public. As such, the below chart reflects the population totals and gender breakdowns for both facilities at year's end.

YOUTH POPULATION ON DECEMBER 31, 2022	
JUVENILE HALL	TOTAL
Population - Male	62
Population - Female	4
GRAND TOTAL	66
CAMP WILMONT SWEENEY	
TOTAL	
Population - Male	7
Population - Female	0
GRAND TOTAL	7

ALAMEDA COUNTY PROBATION INVESTIGATIVE DETERMINATIONS AND DEFINITIONS

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

- Alameda County Probation Department – Professional Standards Unit
- Alameda County Sheriff's Department

DEFINITIONS FOR INVESTIGATIVE FINDINGS

The definitions below are used in reporting the results of findings:

- **Sustained** - The investigation finds by a preponderance of the evidence that the act occurred and constituted a specific act in violation of ACPD policy or law.
- **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 and camp.

Abusive Sexual Contact

- Sexual contact of any person without their 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 their 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.

ABUSIVE SEXUAL CONTACT AND NON-CONSENSUAL SEX ACTS

Charts 1 and 2 reflect zero incidents of “Sexually Abusive Contact” and zero incidents of “Non-Consensual Sexual Acts” in 2022.

CHART 1 Reports of Youth-on-Youth Abusive Sexual Contacts	
Sustained	0
Not Sustained	0
Unfounded	0
Still Under Investigation	0

CHART 2 Reports of Youth-on-Youth Non-Consensual Sexual Acts in Juvenile Hall & Camp Wilmont Sweeney	
Sustained	0
Not Sustained	0
Unfounded	0
Still Under Investigation	0

STAFF ON YOUTH SEXUAL MISCONDUCT

The following definition of “Sexual Misconduct” is provided by 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 following:

- 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.
- Acts of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Chart 3 reflects one (1) sustained sexual incident of staff on youth misconduct.

CHART 3 Reports of Staff Sexual Misconduct in Juvenile Hall & Camp Wilmont Sweeney	
Sustained	1*
Not Sustained	0
Unfounded	0
Still Under Investigation	0

*Carry over from 2021

PREA COMPLIANCE

The Department continues to enforce its zero-tolerance policy in both facilities to detect and deter sexual misconduct and continues to ensure all allegations of sexual misconduct

are thoroughly documented, investigated, and support is provided to any youth alleging sexual misconduct.

If any form of sexual misconduct is substantiated, persons responsible for the misconduct are disciplined accordingly, up to and including termination of employment, or may have their permission to enter the juvenile facilities revoked. All allegations involving criminal conduct will be investigated by the Alameda County Sheriff's Office and may result in a referral to the Alameda County District Attorney's Office.