



# PRISON RAPE ELIMINATION ACT

*2020 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 11 categories and 41 standards:

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

There are approximately 180 separate provisions within the 41 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, youths and administration.

## **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.

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 youths; 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.

## **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.

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, contractors, and community-based organizations are required to take a PREA education class. 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 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 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 on December 31, 2020.

<b>YOUTH POPULATION ON DECEMBER 31, 2020</b>	
JUVENILE HALL	TOTAL
Population - Male	48
Population - Female	8
<b>GRAND TOTAL</b>	<b>56</b>
CAMP WILMONT SWEENEY	TOTAL
Population - Male	6
Population - Female	0
<b>GRAND TOTAL</b>	<b>6</b>

## **ALAMEDA COUNTY PROBATION INVESTIGATIVE DETERMINATIONS AND DEFINITIONS**

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

- Alameda County Probation Department
- Alameda County Sherriff's Department

## 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 and camp.

### ***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.

## 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 2020.

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

<b>CHART 2</b> 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 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 3 reflects zero 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.

<b>CHART 3</b> <b>Reports of Staff Sexual Misconduct in Juvenile Hall &amp; Camp Wilmont Sweeney</b>	
Sustained	0
Not Sustained	0
Unfounded	0
Still Under Investigation	0

## **ON-GOING PREA COMPLIANCE EFFORTS**

Based on a 2019 PREA audit, additional improvements have been implemented. The Department will continue to enforce its zero policy efforts in both facilities in order to detect and deter sexual misconduct. Recent changes include but are not limited to:

### ***Juvenile Hall***

- Additional mirrors were installed in order to improve staff supervision in areas with limited visibility.
- Any obstruction from classrooms or office windows were removed.
- Increase access to PREA information (signs, posters, etc.) for the youth throughout the Institution.
- A new and updated Video Surveillance System was installed in April 2021.

### ***Camp Wilmont Sweeney***

- Additional mirrors were installed in order to improve staff supervision in areas with limited visibility.
- Additional PREA signage has been installed in all areas of the Camp to enhance reporting information to all youth.
- Addition visual barriers are being installed in the shower areas to prevent cross-gender viewing.
- A new and updated Video Surveillance System was installed in April 2021.

The ACPD will continue to ensure all allegations of sexual misconduct must be thoroughly documented, investigated and analyzed to ensure the appropriate response to the allegation and assist in preventing future incidents. Furthermore, an increase in PREA audits will be conducted to support the goal of preventing future incidents of sexual misconduct.

If any form of sexual misconduct is substantiated, persons will be 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.