

# PRISON RAPE ELIMINATION ACT

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## ANNUAL REPORT 2017

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## Detention Corrections Bureau

Central Valley Juvenile Detention and Assessment Center  
900 East Gilbert St  
San Bernardino, CA 92415

High Desert Juvenile Detention and Assessment Center  
21101 Dale Evans Parkway  
Apple Valley, CA 92307

Gateway Program  
740 E. Gilbert St  
San Bernardino, CA 92415

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was 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). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged the commission with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

The San Bernardino County Probation Department (SBCPD) is committed to the care and safety of all youth in our facilities and to the Prison Rape Elimination Act (PREA) Standards. The SBCPD strives to maintain compliance with the PREA Standards for Juvenile Facilities and make improvements to existing policies, practices, education, and trainings as needed.

SBCPD has a zero tolerance policy for all forms of sexual abuse and sexual harassment of youth. We are committed to the prevention and detection of such conduct, we immediately respond to all allegations of sexual abuse and sexual harassment, pursue appropriate disciplinary action, and refer for investigation and prosecution for those who perpetrate criminal conduct.

PREA requires juvenile agencies to collect and review data “...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.” (PREA Standard 115.388a). This review is intended to meet this standard and:

- Identify problem areas
- Taking corrective action on an ongoing basis for each facility
- Preparing an annual report of our findings and corrective action for each facility as well as the agency as a whole.

This report has been approved by the San Bernardino County Probation Department Chief Probation Officer and is available on our website: <http://www.joinprobation.org>

### 2017 PREA Activities

During calendar year 2017, SBCPD continued its efforts to establish full PREA compliance:

- Governor’s Certification: PREA requires all agencies who fall under the operational control of the executive branch of the government to be in full compliance with the PREA Standards. The Governor of each State must provide certification of full PREA Compliance to the Federal Government that their State is in compliance or working toward compliance. Failure to do so, could result in significant loss of federal funding.
- SBCPD is a local agency and therefore does not fall under the operational control of the executive branch of the government. However, to ensure the safety of our youth and staff, we have taken an affirmative action and successfully completed PREA Audits at High Desert Juvenile Detention

and Assessment Center (HDJDAC) and Central Valley Juvenile Detention and Assessment Center (CVJDAC) during this reporting period.

#### Sexual Violence Reporting

SBCPD participates in the annual Survey of Sexual Violence conducted by the US Census on behalf of the US Department of Justice. The summary of this report through calendar year 2017 shows the low number of sexual abuse and harassment incidents occurring in our facilities even prior to full implementation of PREA related policies and practices.

SBCPD has zero tolerance for sexual abuse and harassment and is actively working to eliminate these activities in our facilities. The sexual abuse and harassment definitions used for the Survey of Sexual Violence and SBCPD's incident reporting mirror the definitions from the PREA Juvenile Standards.

### **ALLEGATIONS OF YOUTH-ON-YOUTH SEXUAL VICTIMIZATION DEFINITIONS:**

#### NONCONSENSUAL SEXUAL ACTS

Sexual contact of any person without their consent, or of a person who is unable to consent or refuse where there is:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

#### ABUSIVE SEXUAL CONTACT

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse and:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- EXCLUDE incidents in which the contact was incidental to a physical altercation.

#### SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

### **STAFF-ON-YOUTH SEXUAL ABUSE DEFINITIONS:**

#### 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). Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include:

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

- 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.

**STAFF SEXUAL HARASSMENT**

Repeated verbal comments or gestures of a sexual nature to a youth by an employee, volunteer, Contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Which includes:

- Repeated profane or obscene language or gestures.
- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing.

**GATEWAY PROGRAM**

The Gateway Program is a secure residential program that provides rehabilitative services to male youth, ages 16 to 19, who are working toward reintegration with their families and/or emancipation readiness. The facility provides comprehensive programming to address a broad range of needs. The San Bernardino County Superintendent of Schools provides educational services, and staffs full-time teachers, instructional aides and resource specialists. Probation staff facilitate some of the program services and provide mentoring, guidance and social support. Under agreement with the Department of Behavioral Health, the Gateway Program has incorporated behavioral health services that include individual and family counseling, crisis intervention and psychological evaluations. Medical services and care coordination are provided on on-site nurses, who are available to youth daily. Community service and occupational training is an integral part of the Gateway program, along with an array of social awareness programs that promote successful community reentry. This program officially started in 2008, as a result of Senate Bill (SB) 81.

Gateway Program is a 40 bed, all male juvenile facility. From January 1, 2017, to December 31, 2017, there were a total of 39 youth admitted into the facility and 19 youth discharged from the facility. On December 31, 2017, there were 32 youth detained at the facility. There was 1 unsubstantiated report of youth-on-youth nonconsensual sexual acts.

There were no reported allegations of:

- Youth-on-youth, abusive sexual contact
- Youth-on-youth, sexual harassment
- Staff sexual harassment
- Staff sexual misconduct

Reported allegation of sexual abuse and sexual harassment in 2017.

| Type of Incident          | Substantiated | Unfounded | Unsubstantiated | Total Incidents |
|---------------------------|---------------|-----------|-----------------|-----------------|
| Gateway Program           |               |           |                 |                 |
| Nonconsensual Sexual Acts |               |           | 1               | 1               |
| Abusive Sexual Contact    |               |           |                 | 0               |
| Sexual Harassment         |               |           |                 | 0               |
| Staff Sexual Misconduct   |               |           |                 | 0               |
| Staff Sexual Harassment   |               |           |                 | 0               |
| <b>Gateway Total</b>      | <b>0</b>      | <b>0</b>  | <b>1</b>        | <b>1</b>        |

**Gateway Aggregated Data****PREA Cases by Type, Disposition: 2013, 2014, 2015, 2016 and 2017**

| Allegation Type                           | Finding                | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------------------------|------------------------|------|------|------|------|------|
| Youth-on-youth, nonconsensual sexual acts | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 1    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Youth-on-youth, abusive sexual contact    | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Youth-on-youth, sexual harassment         | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Staff sexual harassment                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Staff sexual misconduct                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |

**CENTRAL VALLEY AND HIGH DESERT JUVENILE DETENTION AND ASSESSMENT CENTERS**

SBCPD operates two juvenile detention and assessment centers. Both facilities are primarily staffed with Probation Corrections Officers and Probation Corrections Supervisors I/II. Following the intake process youth are provided information about facility procedures, rules, behavior expectations, services and programming. Orientation is intended to reduce rule violations and provide a safe and secure environment for both youth and staff.

Detained youth have access to educational services and under an agreement with the San Bernardino County Superintendent of Schools. Comprehensive behavioral health, Forensic Adolescent Service Team (FAST) and medical services are provided to youth. A range of social awareness programs are provided at both facilities with some services being regionally specific.

**Central Valley Juvenile Detention and Assessment Center**

Central Valley Juvenile Detention and Assessment Center is a 240 bed male and female juvenile facility. From January 1, 2017 to December 31, 2017, there were a total of 1241 youth admitted into the facility and 1269 youth discharged from the facility. On December 31, 2017, there were 91 youth detained at the facility. There were 2 unsubstantiated report of youth-on-youth nonconsensual sexual acts during this reporting period. Staff and supervisors responded appropriately to the allegation.

**Actions included:**

- Immediate separation of alleged victim and perpetrator
- Comprehensive investigations
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Immediate protection of youth from retaliation

There were no reported allegations of:

- Youth-on-youth, abusive sexual contact
- Youth-on-youth, sexual harassment
- Staff sexual harassment
- Staff sexual misconduct

Reported allegation of sexual abuse and sexual harassment in 2017.

| Type of Incident          | Substantiated | Unfounded | Unsubstantiated | Total Incidents |
|---------------------------|---------------|-----------|-----------------|-----------------|
| CVJDAC                    |               |           |                 |                 |
| Nonconsensual Sexual Acts |               |           | 2               | 2               |
| Abusive Sexual Contact    |               |           |                 | 0               |
| Sexual Harassment         |               |           |                 | 0               |
| Staff Sexual Misconduct   |               |           |                 | 0               |
| Staff Sexual Harassment   |               |           |                 | 0               |
| <b>CVJDAC Total</b>       | <b>0</b>      | <b>0</b>  | <b>0</b>        | <b>2</b>        |

#### CVJDAC Aggregated Data

##### PREA Cases by Type, Disposition: 2013, 2014, 2015, 2016 and 2017

| Allegation Type                           | Finding                | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------------------------|------------------------|------|------|------|------|------|
| Youth-on-youth, nonconsensual sexual acts | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 2    | 2    |
|                                           | <i>Substantiated</i>   | 1    | 0    | 0    | 0    | 0    |
| Youth-on-youth, abusive sexual contact    | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Youth-on-youth, sexual harassment         | <i>Unfounded</i>       | 0    | 2    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 1    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 1    | 0    | 0    |
| Staff sexual harassment                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Staff sexual misconduct                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |

#### High Desert Juvenile Detention and Assessment Center

High Desert Juvenile Detention and Assessment Center is a 200 bed male and female juvenile facility. From January 1, 2017 to December 31, 2017, there were a total of 791 youth were admitted into the facility and 789 youth discharged from the facility. On December 31, 2017, there were 39 youth detained at the facility. During this reporting period there were 2 reports of youth-on-youth nonconsensual sexual acts; 1 was unsubstantiated and 1 was unfounded.

## Actions included:

- Immediate separation of alleged victim and perpetrator
- Comprehensive investigations
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Immediate protection of youth from retaliation

## There were no reported allegations of:

- Youth-on-youth, abusive sexual contact
- Youth-on-youth, sexual harassment
- Staff sexual harassment
- Staff sexual misconduct

## Reported allegation of sexual abuse and sexual harassment in 2017.

| Type of Incident          | Substantiated | Unfounded | Unsubstantiated | Total Incidents |
|---------------------------|---------------|-----------|-----------------|-----------------|
| HDJDAC                    |               |           |                 |                 |
| Nonconsensual Sexual Acts |               | 1         | 1               | 2               |
| Abusive Sexual Contact    |               |           |                 | 0               |
| Sexual Harassment         |               |           |                 | 0               |
| Staff Sexual Misconduct   |               |           |                 | 0               |
| Staff Sexual Harassment   |               |           |                 | 0               |
| <b>HDJDAC Total</b>       | <b>0</b>      | <b>1</b>  | <b>1</b>        | <b>2</b>        |

## HDJDAC Aggregated Data

## PREA Cases by Type, Disposition: 2013, 2014, 2015, 2016 and 2017

| Allegation Type                           | Finding                | 2013 | 2014 | 2015 | 2016 | 2017 |
|-------------------------------------------|------------------------|------|------|------|------|------|
| Youth-on-youth, nonconsensual sexual acts | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 1    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 1    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Youth-on-youth, abusive sexual contact    | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 1    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 1    | 0    | 0    |
| Youth-on-youth, sexual harassment         | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 4    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 1    | 1    | 0    | 0    | 0    |
| Staff sexual harassment                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |
| Staff sexual misconduct                   | <i>Unfounded</i>       | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Unsubstantiated</i> | 0    | 0    | 0    | 0    | 0    |
|                                           | <i>Substantiated</i>   | 0    | 0    | 0    | 0    | 0    |

The San Bernardino County Probation Department continues its commitment in providing safety and security for the youth and staff. The agency continues to invest resources in educating our youth, training our staff, modifying our operation procedures, and upgrading our physical plants to support the prevention, detection, reporting, and investigation of all forms of sexual abuse and sexual harassment.