



PREA ANNUAL REPORT FOR CLACKAMAS COUNTY JAIL

2019

BACKGROUND

PREA was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison rape. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. The Clackamas County Sheriff's Office has adopted a zero tolerance on issues pertaining to sexual abuse and sexual harassment involving inmates and is working continuously to implement new policies, training requirements for staff and inmates, and developing standards for detection, prevention, reduction and punishment of prison rape.

It is the policy of the Clackamas County Sheriff's Office to provide a safe and secure environment for the inmates committed to the care and custody of the Clackamas County Jail (CCJ). The passage of the Prison Rape Elimination Act (PREA) by the United States Congress in 2003 reinforces previous policies of the Clackamas County Jail. All sworn/non-sworn staff, volunteers and contractors of the Clackamas County Sheriff's Office must abide by this and related laws, policies and standards that help prevent, detect, reduce, document and punish inmate sexual assault. Sexual misconduct, in any form, between staff and inmate or inmate and inmate is strictly prohibited.

General Information

During 2019, there were a total of 14,464 new admissions into the Clackamas County Jail. Of the new admissions, 10,664 were male, and 3,800 were female. The average daily population of the Facility was 467 inmates.

DEFINITIONS OF SEXUAL VIOLENCE

The definition of "rape" as required under the Prison Rape Elimination Act of 2003 will be operationalized by disaggregating sexual assault into two categories of inmate-on-inmate SEXUAL VIOLENCE. These categories reflect uniform definitions formulated by the National Center for Injury Prevention and Control, in "Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements," Centers for Disease Control and Prevention. The categories of inmate-on-inmate SEXUAL VIOLENCE are:



NONCONSENSUAL SEXUAL ACTS:

Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND/OR

Contact between the mouth and the penis, vagina, or anus;

OR

Penetration of the anal or genital opening of another person by a hand, finger, or other object.

ABUSIVE SEXUAL CONTACTS:

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.

SEXUAL HARASSMENT:

The definition of SEXUAL HARASSMENT was also developed by the National Institute of Corrections. SEXUAL HARASSMENT includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends, or other visitors).

Demeaning references to gender or derogatory comments about body or clothing;

OR

Repeated profane or obscene language or gestures.

FINDINGS

Following an investigation into an inmate's allegation that he or she was the victim of sexual misconduct, the Clackamas County Jail classifies each investigation as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Those findings are defined as such:

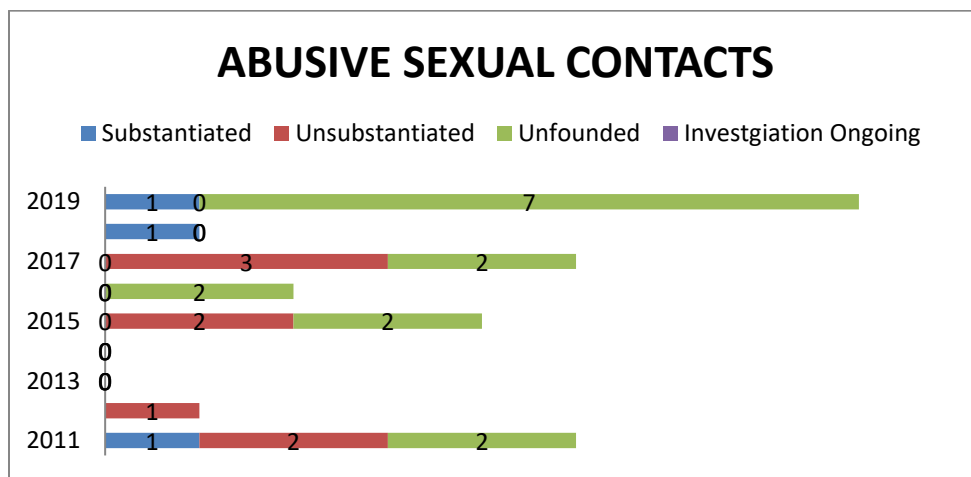
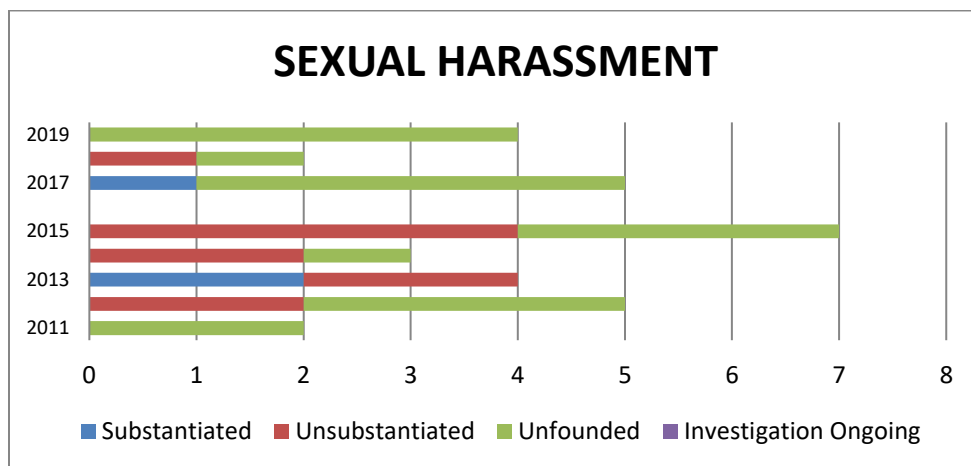
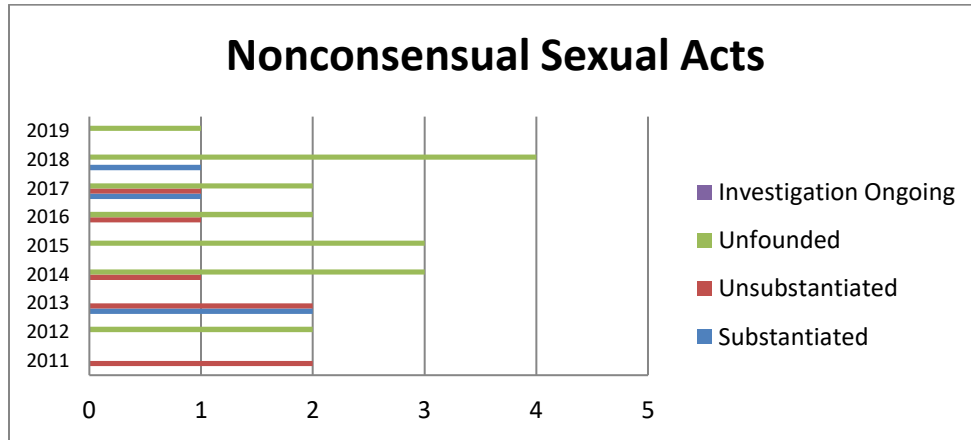
UNFOUNDED: The allegation is false or not factual.

UNSUBSTANTIATED: There is insufficient factual evidence either to prove or disprove the allegations.

SUBSTANTIATED: The allegation is supported by sufficient factual evidence.



PREA REPORT ACTIVITY





STAFF SEXUAL MISCONDUCT

DEFINITION OF STAFF SEXUAL MISCONDUCT

Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; The definition of STAFF SEXUAL MISCONDUCT is based on "Training for Investigators of Staff Sexual Misconduct," prepared by the National Institute of Corrections.

STAFF SEXUAL MISCONDUCT includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends, or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts including:

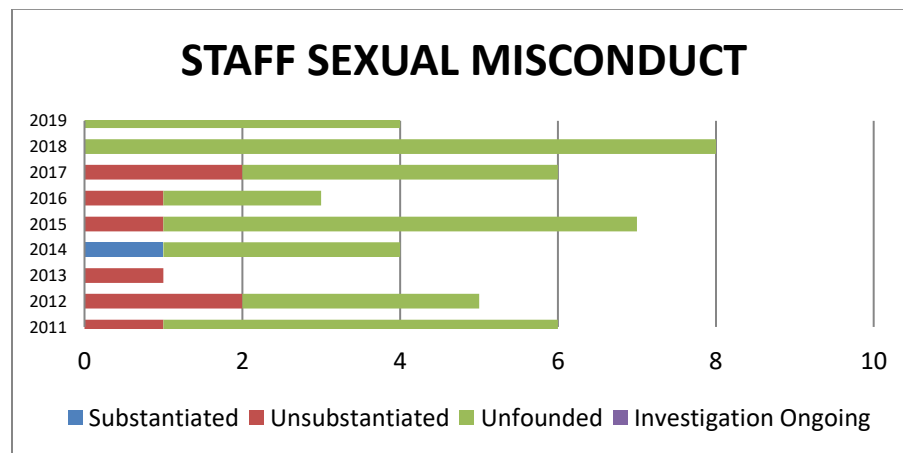
Completed, attempted, threatened, or requested sexual acts;

OR

Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification;

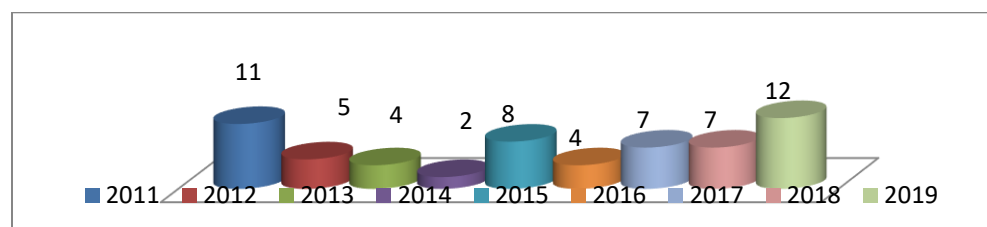
OR

Verbal statements or comments of a sexual nature to an inmate to include demeaning references to gender or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.



Referrals

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, PREA Coordinator shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. The following referrals occurred:





CLOSING

In September 2013, the jail implemented the Sexual Abuse Incident Review group per PREA standard 115.86. Under this standard, the Division must conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review will ordinarily occur within 30 days of the conclusion of the investigation. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The jail administration will implement the recommendations for improvement, or document its reasons for not doing so.

Review Criteria:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the alleged incident was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the allegation occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) through (d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

In all of the allegations that were reviewed, it was clear that staff have implemented ongoing training that has been occurring on PREA requirements. All initial investigations were done in a quick manner and all complaints were addressed immediately upon their receipt. Administrative review timeliness needs to improve as many of the reviews were completed over the mandated timeline. A review and focus on administrative reviews is necessary to ensure compliance in the coming year. Continued training during the year to staff has focused on PREA requirements and staff obligations for reporting and victim care, then preserve and protect the scene until the appropriate steps can be taken to collect any evidence.

In all of the allegations, there was no change of policy or practice that was required, no physical barriers identified and adequate staffing was identified. In the Adult allegations, there was no change of policy or practice that was required. As a result of the new PREA standards, the jail has continued to update their PREA policy and practices to be compliant with required federal standards.