



Prison Rape Elimination Act PREA Annual Report: 2016

Multnomah County Sheriff's Office

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Summary

This is the Multnomah County Sheriff's Office (MCSO) annual report of data collected and aggregated pursuant to Prison Rape Elimination Act (PREA) Standard 115.88 – PREA Annual Report. The purpose of this report is to assess and improve the effectiveness of the agency's sexual abuse prevention, detection, and response policies, practices, and training. This report presents data collection findings and corrective actions for the two adult jail facilities, the Multnomah County Detention Center (MCDC) and Inverness Jail (MCIJ), and the agency as a whole and includes a comparison of data from prior years in order to provide an assessment of progress made in addressing sexual abuse.

This report has been approved by the Multnomah County Sheriff and is available on our website, <https://www.mcsso.us/site/prea.php>

Background

The Prison Rape Elimination Act was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies.

Pursuant to PREA policy requirements, each agency shall report their data annually. This report focuses on 2016 incidents and compares this data with three prior years, 2013, 2014, and 2015.

MCSO adopted a zero tolerance policy on issues pertaining to sexual abuse and sexual harassment involving inmates and

2016 Data Summary

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In 2016, the Multnomah County Sheriff's Office documented 19 allegations of sexual abuse. None of the allegations were substantiated; all were unfounded.

In addition, there were 13 allegations of sexual harassment. One incident was substantiated, where an inmate was sexually harassed by two others through a cell door. The remaining 12 incidents of sexual harassment were either unfounded or unsubstantiated.



has implemented new policies, training requirements, and standards for the detection, prevention, reduction and punishment of prison rape. Reporting data collected and aggregated provides important information to assist in improving processes. The goal of this report is to identify any problem areas, find solutions to these issues, and explain the findings in a comprehensive manner.

General Jail Information

MCSO serves the nearly 791,000 residents of Multnomah County, Oregon¹. Portland, the largest city in Oregon, and Gresham, the state's fourth largest city, are both located in Multnomah County. MCSO manages the adult jail population with two facilities, MCDC and MCIJ.

Over the past four years, MCSO booked an annual average of 36,405 arrestees and had an average daily population of over 1,100 inmates (Table 1). The total *budgeted*² capacity is 1,192 beds.

Table 1. Annual Bookings and Average Daily Population

	2013	2014	2015	2016
Standard Bookings	37,346	34,974	32,403	30,321
Turn-Self In Bookings ³	1,833	1,569	1,417	1,625
In-Transit Bookings ⁴	1,037	1,033	1,059	1,004
Bookings Total	40,216	37,576	34,879	32,950
MCDC: Average Daily Population	419	398	392	399
MCIJ: Average Daily Population	817	787	776	756
Average Daily Population Total	1,236	1,185	1,168	1,155

MCSO Reported PREA Incident Data

No matter when an incident occurred, MCSO attempts to collect data on all PREA incidents, including those reported by arrestees and/or inmates that took place in another jurisdiction and those that were previously reported. Each incident is reviewed and, if necessary, investigated.

For example, as part of MCSO's classification process, arrestees are asked if they have ever been sexually assaulted in custody. At this point, an arrestee may respond that an incident occurred at the Eastern Oregon Correctional Institution in 1992 and that this incident was also

¹ <https://www.pdx.edu/prc/population-reports-estimates>

² FY18 budget (July 2017 to June 2018).

³ Turn-Self In bookings are where an offender has been sentenced and ordered to return to jail at a later date.

⁴ In-Transit bookings are individuals being held for other jurisdictions while being transported.



reported to MCSO during a previous booking. Although information on this incident is captured, unlike new allegations of sexual abuse in a Multnomah County Jail facility, it would not be included as part of the annual Federal reporting requirement.

MCSO 2016 PREA Incidents

In 2016, a total of 173 PREA-related incidents were reported. Of these, 32 (19%) qualified for Federal reporting, as these allegations occurred within an MCSO facility, were stated to have occurred between January 1, 2016 and December 31, 2016, and were identified as PREA incident per Federal definitions.

Facility: Multnomah County Detention Center (MCDC)

All bookings are processed at MCDC and PREA allegations may, and often do, take place while an arrestee is being searched and booked. Of the 32 alleged incidents, 26 were reported to have occurred at MCDC. The one substantiated PREA incident that occurred in 2016 was of inmate-on-inmate sexual harassment. This incident occurred in an MCDC closed housing dorm, where two inmates were harassing another inmate through a cell door.

Facility: Multnomah County Inverness Jail (MCIJ)

Six alleged incidents were reported to have occurred at MCIJ, with no incidents being substantiated.

Data Summary

Table 2 shows 2016 incidents by location, type of sexual abuse, and disposition. (See the glossary for definitions of types and dispositions.)

The most frequent alleged incident type was Staff Sexual Misconduct. In 2016, 18 of the 32 (55%) reported incidents were of Staff Sexual Misconduct. All of these incidents were unfounded.

There were four reports of Staff Sexual Harassment, all determined to be unfounded.

For inmate-on-inmate incidents, the most frequent reported allegation was of sexual harassment. In 2016, there were nine alleged incidents of inmate-on-inmate sexual harassment, four of which were unsubstantiated, four were unfounded, and one was substantiated.

There was one report of an inmate-on-inmate abusive contact. This report was determined to be unfounded. There were no reported incidents of inmate-on-inmate nonconsensual sexual acts.



Table 2: Number of Alleged Incidents by Facility, Type of Incident, and Disposition

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
MCDC				
Sexual Harassment	1	1	4	6
Staff Sexual Misconduct		17		17
Staff Sexual Harassment		3		3
MCDC Total	1	21	4	26
MCIJ				
Abusive Sexual Contact		1		1
Sexual Harassment		3		3
Staff Sexual Misconduct		1		1
Staff Sexual Harassment		1		1
MCIJ Total		6		6
Agency Total	1	27	4	32

Demographics

There were a total of three inmates, all female, involved in the single substantiated incident in 2016. Two inmates were perpetrators and one was a victim. The victim was White. One perpetrator was White and one perpetrator was Black (Table 3).

Table 3. Demographics of Substantiated Incidents

Perpetrators: Race/ Gender	Female	Male	Total
Black	1		1
White	1		1
Total	2		2
Victims: Race/Gender	Female	Male	Total
Black			
White	1		1
Total	1		1



2013-2016 Comparisons of Reported Incident Data

Part of the annual reporting requirement includes a comparison of current year data to prior years. Between 2015 and 2016, the number of reported PREA allegations that were reported and occurred during that year decreased by 18% (Table 4).

Table 4. PREA Cases by Type, Disposition: 2013, 2014, 2015, 2016

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
2013				
Nonconsensual Sexual Acts				
Abusive Sexual Contact	3		2	5
Sexual Harassment	1	1	1	3
Staff Sexual Misconduct		8	1	9
Staff Sexual Harassment				
2013 Total	4	9	4	17
2014				
Nonconsensual Sexual Acts		1		1
Abusive Sexual Contact	3			3
Sexual Harassment	5	1	3	9
Staff Sexual Misconduct		4		4
Staff Sexual Harassment		3	1	4
2014 Total	8	9	4	21
2015				
Nonconsensual Sexual Acts		2		2
Abusive Sexual Contact		3		3
Sexual Harassment	3	2	5	10
Staff Sexual Misconduct		19	1	20
Staff Sexual Harassment		4		4
2015 Total	3	30	6	39
2016				
Nonconsensual Sexual Acts				
Abusive Sexual Contact		1		1
Sexual Harassment	1	4	4	9
Staff Sexual Misconduct		18		18
Staff Sexual Harassment		4		4
2016 Total	1	27	4	32

Although PREA allegations were higher in 2015 and 2016 than the two previous years, substantiated incidents remain low.



Inmates are provided education on PREA at all stages of their custody, from booking to housing, and are asked specifically about their experiences during intake and transfers through the system.

PREA incidents may be reported by a number of sources including arrestees, inmates, jail staff, medical personnel, outside family/contacts, and other jurisdictions. The MCSO Jail Detective reviews each case and investigates accordingly. The PREA Coordinator collects the case files and examines the information to make a final determination. If necessary, a case may be reviewed through the chain of command and/or sent for further investigation to Internal Affairs.

PREA Review Committee

The MCSO PREA Review Committee was formed in mid-2014. The Committee reviews all cases of sexual abuse that are substantiated or unsubstantiated and is usually able to complete these reviews within 30 days from the conclusion of the investigation. The Committee is comprised of the Facility Commander where the incident occurred, the PREA Coordinator, Medical Staff and/or Mental Health Staff, the investigator, and a line supervisor. The Committee reviews the police reports and internal reports and evaluates the following areas for corrective action:

- Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification status, or perceived status; gang affiliation; or other group dynamics at the facility;
- The area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Adequacy of staffing levels in that area during different shifts;
- Whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The PREA Review Committee creates a report with their findings and any recommended improvements. The report is submitted to the PREA Compliance Manager and Facility Commander. The facility either implements the recommendations and documents completion or documents the reasons for not implementing the recommendations.

In 2016, the PREA Review Committee reviewed two cases from 2015. There were no suggested recommendations for either event based on the circumstances of the incidents.

On reviewing the data collected over the past few years, incidents of sexual harassment appear to occur in housing between inmates. Deputy response has been acceptable in dealing with



these issues. Multiple changes and improvements were added and implemented to comply with the PREA standards in 2016.

Summary of Corrective Actions

In early 2016, MCSO designated a dedicated PREA Coordinator who is responsible for creating and implementing policies, procedures, and training to move the agency towards compliance with Federal PREA standards. Achieving compliance involves a coordinated effort across the agency. This included modifications to investigations; response; education for staff, support staff and inmates; housing and classification decisions; search procedures; data collection and reporting; and medical and mental health care. In 2016, the Jail Detective, Detective Sergeant, and PREA Coordinator completed a specialized training class in investigations.

In 2016, inmates received a variety of new educational materials and support options while in custody at MCSO. An emotional support phone-line was added to both facilities in housing units to aid inmates in dealing with the difficulties of trauma experienced in or out of custody. PREA pamphlets were created for inmates and written at the health literacy level to allow all inmates to learn about PREA, explain multiple reporting options for allegations of sexual abuse and sexual harassment, and list follow-up support care including medical and mental health services that are available while in custody. Pamphlets are posted in housing units in multiple languages. Inmates have available a variety of reporting options, including telling a staff member, contacting a friend or family member who can report the allegation through the PREA Response Hotline, or writing to the Clackamas County Sheriff's Office if they prefer to report to an outside agency.

Staff received new materials to aid in their ability to respond to PREA incidents. A PREA Supervisor Checklist was created for supervisors responding to incidents of sexual abuse or sexual harassment to assist in the investigative process and provide appropriate follow-up care for inmates. A process was created and implemented to monitor for retaliation of inmates and staff who report allegations of sexual abuse and sexual harassment and this process will assist with safety needs. A cross gender and transgender search training video was created internally to help staff respond appropriately to these situations. Education for new employees that have inmate contact was continued in 2016 with in-person instruction to allow for direct response to questions. Training materials were updated to include current case law, statistics, and policies and procedures. Volunteers and contractors received education and handouts about PREA and the Sheriff completed a PREA course in September of 2016. An on-line class for current employees has been developed and will be implemented in early 2017.

The Multnomah County Sheriff's Office has a PREA compliance audit scheduled for February 2017 for both facilities: MCDC and MCIJ.



Below are some corrective actions and information by facility:

MCDC

- Reviewed and updated relevant policies and procedures
- PREA Compliance Manager designated
- Staff are announcing presence when entering housing units of the opposite gender
- PREA Pamphlets placed in housing units in multiple languages
- Inmates provided access to a free confidential emotional support phone-line in housing
- Inmates who are in custody receive a resolution document for reported PREA allegations as investigations are completed
- Presentation updated for in-person PREA training for new sworn deputies

MCIJ

- Reviewed and updated relevant policies and procedures
- PREA Compliance Manager designated
- Staff are announcing presence when entering housing units of the opposite gender
- PREA pamphlets placed in housing units in multiple languages
- PREA information was added to inmate kiosks
- Inmates provided access to a free confidential emotional support phone-line in housing
- Inmates who are in custody receive a resolution document for reported PREA allegations as investigations are completed
- Presentation updated for in-person PREA training for new sworn deputies

Agency Updates

- Volunteer Education handout and acknowledgement forms were created and implemented
- Contractor Education handouts and acknowledgement forms were created and implemented
- Cross-Gender and Transgender Search Video created to educate staff
- PREA contract language was updated in existing contracts to comply with PREA requirements
- Annual Report was completed and added to agency website
- PREA information was updated on agency website
- Memorandum of Understanding (MOU) signed with Clackamas County Sheriff's Office to allow for reporting between agencies
- PREA Response Hotline implemented to take reports from family or friends of inmates
- PREA case files maintained for all PREA investigations



Glossary: Definitions for Federal Reporting

PREA Incident Types

Inmate-on-inmate Nonconsensual Sexual Act:

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

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.

Inmate-on-inmate 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.

EXCLUDES incidents in which the contact was incidental to a physical altercation.

Inmate-on-inmate 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 inmate directed toward another.

Staff-on-inmate Sexual Misconduct

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, or other agency representative (exclude family, friends or other visitors).

Sexual relationships of a romantic nature between staff and inmates are included in this definition.

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

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



Staff-on-inmate Sexual Harassment

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, or other agency representative (exclude family, friends, or other visitors).

Include—

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

OR

Repeated profane or obscene language or gestures.

PREA Disposition Types

Substantiated: An allegation that was investigated and determined to have occurred.

Unsubstantiated: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded: An allegation that was investigated and determined not to have occurred.

Investigation ongoing: Investigation has not been completed.