



Prison Rape Elimination Act PREA Annual Report: 2019

Multnomah County Sheriff's Office

October 15, 2020



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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.mcso.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 2019 incidents and compares this data with four prior years: 2015, 2016, 2017, and 2018.

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

2019 Data Summary ...

In 2019, the Multnomah County Sheriff's Office documented 26 allegations of sexual abuse. Of these incidents, 23 were unfounded and three were unsubstantiated.

In addition, there were 23 allegations of sexual harassment. Of these, 18 were unfounded and three were unsubstantiated. Two incidents were substantiated.



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 821,730 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 five years, MCSO booked an annual average of 32,532 arrestees and had an average daily population of 1,112 inmates (Table 1). The total *budgeted*² capacity is 1,192 beds.

Table 1. Annual Bookings and Average Daily Population

	2015	2016	2017	2018	2019
Standard Bookings	32,403	30,321	28,336	30,119	29,502
Turn-Self In Bookings ³	1,417	1,625	1,373	1,215	1,404
In-Transit Bookings ⁴	1,059	1,004	925	976	979
Bookings Total	34,879	32,950	30,634	32,310	31,885
MCDC: Average Daily Population	392	399	402	398	397
MCIJ: Average Daily Population	776	756	673	678	687
Average Daily Population Total	1,168	1,155	1,075	1,076	1,083

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.

MCSO 2019 PREA Incidents

In 2019, a total of 186 PREA-related incidents were reported. Of these, 49 (26%) qualified for Federal reporting, as these allegations occurred within an MCSO facility, were stated to have

¹ <https://www.pdx.edu/population-research/population-estimates>, estimate as of 7/15/2020

² FY20 budget (July 2019 to June 2020).

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.



occurred between January 1, 2019 and December 31, 2019, and were identified as a PREA incident per Federal definitions.

Facility: Multnomah County Detention Center (MCDC)

All bookings are processed at MCDC and PREA allegations may take place while an arrestee is being searched and booked. Of the 49 incidents that qualified for Federal reporting, 39 were alleged to have occurred at MCDC. Of these, 32 were unfounded, five were unsubstantiated, and two were substantiated.

Facility: Multnomah County Inverness Jail (MCIJ)

Nine of the 49 alleged incidents were said to have occurred at MCIJ. Of these, eight were unfounded and one was unsubstantiated.

Other: Transport

One incident was alleged to have occurred while an inmate was being transported. This incident was unfounded.

Data Summary

Table 2 shows 2019 incidents by location, type, and disposition. (See the glossary for definitions of types and dispositions.)

Staff-on-inmate

In 2019, 16 of the 49 (33%) reported incidents were of Staff Sexual Misconduct. Fifteen were unfounded and one was unsubstantiated.

There was one report of Staff Sexual Harassment. This incident was unfounded.

Inmate-on-inmate

There are three categories of inmate-on-inmate incidents. The most frequently reported allegation was of sexual harassment. In 2019, there were 22 alleged incidents of inmate-on-inmate sexual harassment. Of these, 17 were unfounded, three were unsubstantiated, and two were substantiated.

There were six reports of inmate-on-inmate nonconsensual sexual act incidents. Four of these were unfounded and two were unsubstantiated.

In 2019, there were four reports of an inmate-on-inmate abusive contact. All four were unfounded.

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

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
MCDC				
Nonconsensual Sexual Act		2	1	3
Abusive Sexual Contact		3		3
Sexual Harassment	2	13	3	18
Staff Sexual Misconduct		13	1	14
Staff Sexual Harassment		1		1
MCDC Total	2	32	5	39
MCIJ				
Nonconsensual Sexual Act		2	1	3
Abusive Sexual Contact		1		1
Sexual Harassment		4		4
Staff Sexual Misconduct		1		1
Staff Sexual Harassment				
MCIJ Total		8	1	9
Other				
Nonconsensual Sexual Act				
Abusive Sexual Contact				
Sexual Harassment				
Staff Sexual Misconduct		1		1
Staff Sexual Harassment				
Other Total		1		1

Substantiated incidents

There were two substantiated PREA incidents in 2019 and both were of inmate-on-inmate sexual harassment. The victim in one incident was a 27-year-old Black male and the perpetrator was a 25-year-old Black transgender individual who self-identifies as female. The victim in the second incident was a 23-year-old Black male and the perpetrator was a 40-year-old White transgender individual who self-identifies as female.

2015-2019 Comparisons of Reported Incident Data

Annual reporting requirement includes a comparison of current year data to prior years (Table 3). The number of PREA allegations increased from 26 to 49 (88%) between 2018 and 2019. The number of substantiated incidents increased from one to two.



Table 3. PREA Cases by Type, Disposition: 2015, 2016, 2017, 2018, 2019

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
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
2017				
Nonconsensual Sexual Acts		3		3
Abusive Sexual Contact		2	1	3
Sexual Harassment	1	3	4	8
Staff Sexual Misconduct		17	1	18
Staff Sexual Harassment		1	1	2
2017 Total	1	26	7	34
2018				
Nonconsensual Sexual Acts		4		4
Abusive Sexual Contact		1		1
Sexual Harassment	1	3	6	10
Staff Sexual Misconduct		9	1	10
Staff Sexual Harassment		1		1
2018 Total	1	18	7	26
2019				
Nonconsensual Sexual Acts		4	2	6
Abusive Sexual Contact		4		4
Sexual Harassment	2	17	3	22
Staff Sexual Misconduct		15	1	16
Staff Sexual Harassment		1		1
2019 Total	2	41	6	49



Although substantiated cases only increased by one between 2018 and 2019, there was a significant increase in the number of total PREA allegations received (26 to 49, respectively).

On further examination, the bulk of this increase were allegations that fall into the category of inmate on inmate sexual harassment. In 2018, there were 10 inmate on inmate cases of sexual harassment compared to 23 cases in 2019.

A number of factors may have contributed to the increase in allegations received. There is an enhanced cultural awareness in the jails of PREA resources and how to report. PREA educational materials are found in a variety of locations, including bulletin boards, kiosks, and digital signage. Inmates are provided PREA education at all stages of their custody, from booking to housing. All inmates are asked specifically about their PREA-related experiences during intake and as they are transferred through the system. In addition, staff are more cognizant of PREA response protocols and are educated annually on these processes.

Data from 2019 indicate a number of inmates reported multiple unfounded incidents during their time in custody. While each allegation is investigated separately on its own merit, this pattern was determined when evaluating the data for this report.

The number of staff misconduct allegations went from 10 in 2018 to 26 in 2019. Although this was a large increase between years, the number of 2019 allegations is actually on par with the number of allegations from 2015, 2016 and 2017.

Addressing PREA allegations

When a PREA incident is reported, staff immediately separate the alleged victim and alleged perpetrator while the investigation occurs. If warranted, and regardless of the disposition of the incident, a “keep separate” may be added between inmates, which could result in changes to housing.

PREA incidents can 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 reviews cases of sexual abuse that are substantiated or unsubstantiated. 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 documents their findings and any recommended improvements. Their report is submitted to the PREA Compliance Manager and Facility Commander and the facility either implements the recommendations and documents completion, or documents the reasons for not implementing the recommendations.

Summary of Corrective Actions

Below are some corrective actions and PREA-related information agency-wide:

- A previous PREA Coordinator returned to the role in October 2019.
- The PREA online class for staff was updated, reviewed, and released.
- The PREA Staffing Plan was evaluated, updated and approved for 2019.
- The housing status of the inmates involved in the two substantiated incidents was reviewed. In one case, the inmates were separated and placed on “keep separate” status. In the second case, one of the involved inmates moved housing units. These actions were reviewed by the Transgender Review Committee.



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).



INCLUDES 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.

Pending/Investigation ongoing: Investigation has not been completed.