



# Prison Rape Elimination Act PREA Annual Report: 2015

Multnomah County Sheriff's Office

August 8, 2016



# Prison Rape Elimination Act PREA Annual Report: 2015

Multnomah County Sheriff's Office

## Summary

This is the Multnomah County Sheriff's Office (MCSO) first 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, <http://www.mcso.us/profiles/>.

## 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 is MCSO's first annual report of findings and corrective actions. This report focuses on 2015 incidents and compares this data with two prior years, 2013 and 2014.

## 2015 Data Summary ...

In 2015, the Multnomah County Sheriff's Office documented 39 allegations of sexual abuse. Three were substantiated incidents of inmate-on-inmate sexual harassment. There were no substantiated incidents of inmate-on-inmate abusive sexual contact or non-consensual sexual acts; nor were there any substantiated incidents of staff-on-inmate misconduct or harassment. Each allegation was reviewed and appropriate corrective action was taken for substantiated incidents.



MCSO adopted a zero tolerance policy on issues pertaining to sexual abuse and sexual harassment involving inmates and is working continuously to implement 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 780,000 residents of Multnomah County, Oregon<sup>1</sup>. 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.

Each year, MCSO books over 34,000 arrestees and has an average daily population of over 1,100 inmates (Table 1). The total *budgeted*<sup>2</sup> capacity is 1,310 beds.

**Table 1. Annual Bookings and Average Daily Population**

	2013	2014	2015
Standard Bookings	37,346	34,974	32,403
Turn-Self In Bookings <sup>3</sup>	1,833	1,569	1,417
In-Transit Bookings <sup>4</sup>	1,037	1,033	1,059
<b>Bookings Total</b>	<b>40,216</b>	<b>37,576</b>	<b>34,879</b>
MCDC: Average Daily Population	419	398	392
MCIJ: Average Daily Population	817	787	776
<b>Average Daily Population Total</b>	<b>1,236</b>	<b>1,185</b>	<b>1,168</b>

### 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

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

<sup>2</sup> FY16 budget.

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

<sup>4</sup> 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 2015 Federal reporting requirement.

### **MCSO 2015 PREA Incidents**

In 2015, a total of 193 PREA-related incidents were reported. Of these, 39 (20%) qualified for Federal reporting, as these allegations occurred within an MCSO facility and were stated to have occurred between January 1, 2015 and December 31, 2015.

#### ***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 39 alleged incidents, 28 were reported at MCDC. Two were substantiated incidents of inmate on inmate sexual harassment. These two incidents both occurred in housing and were incidents of verbal harassment.

#### ***Facility: Multnomah County Inverness Jail (MCIJ)***

Ten alleged incidents were reported at MCIJ, with one incident being substantiated. The substantiated incident involved several inmates feeling harassed by another inmate in a dorm.

#### ***Location: Other***

One alleged incident was reported to have occurred while the inmate was being transported to another jurisdiction. This allegation of inmate-on-inmate sexual harassment was unsubstantiated.

### ***Data Summary***

Table 2 shows 2015 incidents by location, the type of sexual abuse, and the disposition. (See the glossary for definitions of types and dispositions.)

The most frequent alleged incident type was Staff Sexual Misconduct. In 2015, 20 of the 39 (51%) reported incidents were of Staff Sexual Misconduct. Of the 20 incidents, 19 were unfounded and one was unsubstantiated.

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. There were 10 alleged incidents of inmate-on-inmate sexual harassment, five of which were unsubstantiated, three were substantiated, and two were unfounded.

There were two reports of inmate-on-inmate nonconsensual sexual acts and three reported incidents of inmate-on-inmate abusive sexual contact. Inmate-on-inmate abusive sexual



contact is considered a less severe act than nonconsensual sexual acts. All of these types of alleged reports were determined to be unfounded.

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

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
<b>MCDC</b>				
Nonconsensual Sexual Acts		2		2
Abusive Sexual Contact		1		1
Sexual Harassment	2		2	4
Staff Sexual Misconduct		16	1	17
Staff Sexual Harassment		4		4
<b>MCDC Total</b>	<b>2</b>	<b>23</b>	<b>3</b>	<b>28</b>
<b>MCIJ</b>				
Abusive Sexual Contact		2		2
Sexual Harassment	1	2	2	5
Staff Sexual Misconduct		3		3
<b>MCIJ Total</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>10</b>
<b>Other</b>				
Sexual Harassment			1	1
<b>Other Total</b>			<b>1</b>	<b>1</b>
<b>Agency Total</b>	<b>3</b>	<b>30</b>	<b>6</b>	<b>39</b>

**Demographics**

There were a total of eight inmates involved in the three substantiated incidents in 2015. Three inmates were perpetrators and five were victims. One incident had three victims. Incidents involved both female and male inmates whose races were Black or White (Table 3).

**Table 3. Demographics of Substantiated Incidents**

Perpetrators: Race/ Gender	Female	Male	Total
Black		1	1
White	1	1	2
<b>Total</b>	<b>1</b>	<b>2</b>	<b>3</b>
Victims: Race/Gender	Female	Male	Total
Black	1		1
White	3	1	4
<b>Total</b>	<b>4</b>	<b>1</b>	<b>5</b>



## 2013-2015 Comparisons of Reported Incident Data

Part of the annual reporting requirement includes a comparison of current year data to prior years. Although MCSO experienced fewer standard bookings and a lower average daily population between 2013 and 2015, the number of reported PREA allegations increased (Table 4).

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

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
<b>2013</b>				
Nonconsensual Sexual Acts				
Abusive Sexual Contact	3		2	5
Sexual Harassment	1	1	1	3
Staff Sexual Misconduct		8	1	9
Staff Sexual Harassment				
<b>2013 Total</b>	<b>4</b>	<b>9</b>	<b>4</b>	<b>17</b>
<b>2014</b>				
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
<b>2014 Total</b>	<b>8</b>	<b>9</b>	<b>4</b>	<b>21</b>
<b>2015</b>				
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
<b>2015 Total</b>	<b>3</b>	<b>30</b>	<b>6</b>	<b>39</b>

While the number of allegations went up, there appears to be a positive motivation to this increase. Education for inmates has allowed people in custody to feel more comfortable bringing complaints forward. Staff education is an important part of training and has resulted in better response to incidents of sexual abuse and sexual harassment. Staff are aware that every allegation must be submitted for investigation. Each PREA incident reported by an arrestee or inmate is documented and assessed. MCSO's dedicated Jail Detective reviews each case, investigates accordingly, and provides resolution. The PREA Coordinator collects the case files and examines the information to make a final determination. In addition, each case



may be reviewed through the chain of command and/or sent for further investigation to Internal Affairs.

While ultimately the number of substantiated incidents is low, it is the type of incidents that has remained consistent. Harassment is a difficult area to combat in a jail facility where inmates have difficulty getting along. Consistent response to these types of incidents will keep this behavior to a minimum.

### **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 made up of the Facility Commander where the incident occurred, the PREA Coordinator, Medical Staff, and Mental Health Staff. Police reports and internal reports are reviewed and the following areas are evaluated for corrective action:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation 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;
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

A report is then created with the finding and improvements recommended by the PREA Review Committee. The report is submitted to the PREA Coordinator as no PREA Compliance Managers were appointed during this reporting period. The PREA Review Committee documented improvements needed and whether they were put into place.

In 2014 and 2015, the committee reviewed over 20 cases including sexual harassment cases and cases that involved inmate-to-staff which are not required under the PREA standards. These reviews helped the committee develop its skills in assessing situations. Suggestions included adding more education for inmates, looking at camera locations, and creating a watch list of repeated perpetrators and victims. Additional members will be added to the Committee in 2016.



### **Summary of Corrective Actions (included from prior years)**

On reviewing the collected data, incidents of sexual harassment appear to occur in housing between inmates. Deputy response has been acceptable in dealing with these issues. Additional education provided to staff will address what to do in these circumstances when an incident occurs and remind staff of the PREA protocols. Continued education for inmates will clarify how to report and what behavior is inappropriate in jail. MCSO is continuing to develop its processes to be compliant with the PREA standards. Numerous changes are being initiated to prepare for the first PREA Audit at MCDC in late 2016. An audit of MCIJ will be scheduled in 2017.

Efforts began in 2014 with a new training class developed for all Corrections Staff, Law Enforcement Officers, Counselors, and Chaplains. Specialized training in investigations was also completed by the Jail Detective and the PREA Coordinator. In 2015, a new system was implemented to capture PREA information electronically for both facilities. This program allows for easy access to the records, reports, and information on all inmates who have made allegations. New Hire Training was also implemented to make sure that all new deputies have received the complete PREA class from an in person instructor to allow for direct response to questions. A transgender booking policy was also published that explains the process for booking, searching, and initial housing of transgender inmates. The Transgender Review Board was established to discuss the housing of each transgender inmate in custody and is used in both facilities. The PREA Coordinator was trained as a Certified PREA Auditor to help prepare the agency to be in compliance with PREA.

Below are some corrective actions and information by facility:

#### ***MCDC***

- Reviewed and updated relevant policies and procedures
- Developed and implemented the Transgender Booking Policy
- Transgender Review Board enacted
- Added Digital Signage to Booking with Inmate Education and Informational Video
- Began a process of sending information electronically for PREA cases that are reported in booking, but occurred at another agency or in another facility
- New PREA Database contains all case files electronically
- In-person PREA training for sworn deputies

#### ***MCIJ***

- Reviewed and updated relevant policies and procedures
- Upgraded and installed cameras in each housing unit
- Transgender Review Board enacted
- New PREA Database contains all case files electronically
- In-person PREA training for sworn deputies



## **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, official visitor 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.

Consensual or nonconsensual sexual acts include—

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, official visitor, 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.