



Yakima County, Washington
DEPARTMENT OF CORRECTIONS

2021 Prison Rape Elimination Annual Report

BACKGROUND

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that occurs in confinement settings. On June 2012, the national standards for reducing prison rape that were developed by the National Prison Rape Elimination Commission were published by the Department of Justice (DOJ) in the Federal Register. PREA applies to adult prisons and jails, juvenile confinement facilities, lockup and community confinement facilities.

Implementation of the PREA standards in combating sexual abuse in confinement facilities will be contingent upon effective agency and facility leadership, and the development of an agency's principles prioritizing efforts to combat sexual abuse. The Yakima County Department of Corrections has a zero tolerance for any incidence of rape, sexual assault or sexual misconduct and complies with applicable components of the Prison Rape Elimination Act (PREA) of 2003.

Yakima County Department of Corrections' Approach

Our agency approach has long supported principles associated with the Prison Rape Elimination Act of 2003. We provide mandatory annual sexual misconduct training to all staff specific to prevention, identification, reporting, and handling of inmate sexual misconduct / sexual assault, including common indicators of misconduct. Our efforts included, but not limited to:

- Revision of YCDOC policy as it relates to sexual abuse and misconduct.
- Implemented and updated PREA educational signage throughout the facility.

Since the passing of the Federal PREA standards, the YCDOC designated a PREA Coordinator, with identified PREA managers. A substantial part of the position is to further develop, implement, and manage YCDOC efforts to comply with PREA standards. Furthermore, the department has revised existing policy and established new policies to improve both staff and inmate responses to incidents of sexual abuse. Our department established the PREA Hotline as an independent outlet for inmates to report incidents of sexual abuse; and provide anonymity. YCDOC has entered into a contract agreement with Comprehensive Healthcare of Central Washington to provide incarcerated victims of sexual abuse appropriate victim advocate support.

Pursuant to §115.87 of the PREA standard, data is collected, aggregated and reviewed in regards to report of sexual abuse incidents. Subsequently, the statistics are published in an annual report and made public on the YCDOC website mandated by PREA standard §115.87.

The following 2021 Annual PREA Report details incidents of sexual abuse from January 1, 2020 to December 31 2021.

Definitions

Once a report of sexual abuse has been initiated and investigated, the incident will be assigned a case number in the IA-Pro database and maintained by the Internal Affairs sergeant. The incident will be classified using one the following findings:

- SUSTAINED / SUBSTANTIATED – allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- NOT SUSTAINED / UNSUBTANIATED – insufficient evidence to either prove or disprove the allegation.
- UNFOUNDED – allegation is false or the action did not involve a YCDOC employee.
- EXONERATED – incident occurred, but was lawful and proper.

PREA Standard 115.6 specifically defines sexual abuse in terms of inmate-on-inmate, staff-on-inmate, along with sexual harassment and voyeurism. The YCDOC utilized the PREA definitions;

- INMATE-ON-INMATE – sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:
 - 1) Contact between the penis and the vulva or the penis and the anus, including penetration; however slight;
 - 2) Contact between the mouth and the penis, vulva, or anus;
 - 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
 - 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person excluding contact incidental to a physical altercation.
- STAFF-ON-INMATE – sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident
 - 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however, slight;
 - 2) Contact between the mouth and the penis, vulva, or anus;

- 3) Contact between the mouth and any body part where a staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desire;
 - 4) Penetration of the anal or genital opening, however slight, by the hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
 - 5) Any other intentional contact either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in activities described in paragraphs (1) through (5) of this definition;
 - 7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
 - 8) Voyeurism by a staff member, contractor, or volunteer.
- VOYEURISM – an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breast; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

SEXUAL ABUSE REPORT ACTIVITY

Inmates may confidentially disclose incidents of sexual abuse to any Yakima County Department of Corrections employee, either verbally or in writing. The process allows for confidential reporting by inmates 24 hours a day, 7 days a week. The administrative investigation shall be completed no later than 90 days of the initial filing of the complaint or grievance. Such investigations embrace current incident review criteria pursuant to PREA standard §115.86 to include:

- a) YCDOC shall 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.
- b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- c) The review team shall include upper-management officials, with input from the line supervisors, investigators, and medical or mental health practitioners.
- d) The review team shall:
 - 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 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 within YCDOC;
- 3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may have enabled abuse;
 - 4) Assess the adequacy of staffing levels in the 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) – (d)(5) of this section, and any recommendations for improvement and submit such report to the Director and the PREA compliance manager.
- e) YCDOC shall implement the recommendations for improvement, or shall document its reasons for not doing so.

For all sexual abuse allegations in 2021 there were no change of policy or practice needed, no physical barriers identified and adequate staffing levels were identified. The Yakima County Department of Corrections will continue to make appropriate changes where necessary to ensure a safe, secure environment for inmates, staff, and the community.

DATA REVIEW FOR CORRECTIVE ACTIONS

PREA Standard § 115.88 Data review for corrective action:

- a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including by:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- b) Such report shall include a comparison of the current year's dates and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

Inmate-on-Inmate Abuse	2020	2021
Sustained	0	0
Unfounded	11	15

Inmate-on-Inmate Harassment	2020	2021
Sustained	0	2
Unfounded	3	19

Staff-on-Inmate Abuse	2020	2021
Sustained	0	0
Unfounded	4	3

Staff-on-Inmate Harassment	2020	
Sustained	0	1
Unfounded	0	2

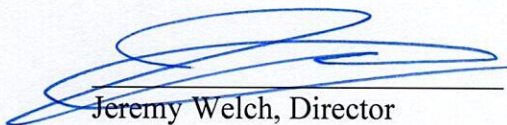
- c) The agency's report shall be approved by the agency head and made available to the public through its website or, if it does not have one, through other means.
- d) The agency may redact specific material from the reports when the publication would present a clear and specific threat to the safety and security of the facility, and must indicate the nature of the material redacted.

Analysis: None to report.

Corrective Action: None to report

A PREA Review Committee examines each completed PREA investigation. The Yakima County Department of Corrections is committed to zero tolerance of any form of sexual abuse in our facility.

This report has been approved by:

 1/31/22

 Jeremy Welch, Director