



TCSO 2020 PREA Annual Report

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Background

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into federal law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse and sexual harassment occurring in confinement settings.

The Travis County Sheriff's Office (TCSO) has ZERO TOLERANCE for all forms of sexual abuse and sexual harassment within its jail facilities. Procedures are in place to prevent, detect, and respond to sexual misconduct in accordance with federal PREA standards. The Sheriff's Office administratively and/or criminally investigates all alleged incidents of a sexual nature.

Compliance

TCSO's two correctional facilities achieved full compliance with PREA following intensive audits in 2016, and that compliance was confirmed by audits in March of 2020. TCSO's PREA program ensures we provide staff training, inmate education, and screening for risk of victimization and/or abusiveness. We conduct thorough investigations of every allegation of sexual misconduct, and we continuously monitor the facilities and population. The PREA team provides input in many areas of agency work, including housing determinations, video monitoring system deployment, and hiring and promotion standards.

2020 Survey of Sexual Violence

Each year, TCSO collects PREA data in accordance with PREA standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training. We compare this data to data from prior years and take information from the year's cases and events to identify strengths and problem areas and make any necessary corrections or adjustments to our practices. This data must also be reported to the U.S. Department of Justice, Bureau of Justice Statistics, when requested.

Definitions for the below:

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

Inmate on Inmate Nonconsensual Sexual Acts – unwanted contact with another inmate including contact between genitals, between mouth and genitals, or penetration (see full definitions [here](#)).

Substantiated	1
<u>Unfounded</u>	<u>1</u>
Total	2

Inmate on Inmate Abusive Sexual Contact – unwanted contact with another inmate involving touching of the inmate’s buttocks, thighs, breasts, or genitals in a sexual way

Substantiated	5
Unsubstantiated	13
<u>Unfounded</u>	<u>2</u>
Total	20

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:

Substantiated	7
Unsubstantiated	19
<u>Unfounded</u>	<u>5</u>
Total	31

Staff Sexual Misconduct – sexual contact, voyeurism, exposure, threat of sexual abuse:

<u>Unfounded</u>	<u>4</u>
Total	4

Staff Sexual Harassment – sexual harassment by a staff member directed at an inmate:

Total	0
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Other – insufficient information was provided to categorize the case

<u>Unfounded</u>	<u>2</u>
Total	2

2020 in Review

Cases have decreased from prior years, which is expected as the jail population was significantly lower over the past year due to the area COVID-19 response. In 2019 there were a total of 71 cases, 12 of which were substantiated (roughly 17%). The number of substantiated cases did not significantly increase—13 total—but given the lower number of cases (59 total), they make

up 22% overall. While variation in cases and findings is expected, especially given the relative small numbers involved, we review these statistics carefully each year to ensure our reporting and investigation mechanisms are working. The comparative increase in substantiated cases began in late 2019, which is when all administrative PREA investigators attended agency-specific investigation training. This training covered the evidentiary findings and the standard of proof for administrative cases, which is lower than what is required for criminal cases, and the clarifications could have contributed here. Each substantiated case of sexual abuse (six total in 2020) was followed with a Sexual Abuse Incident Review, wherein PREA and command staff review the circumstances of the case as well as the staff response to it to learn from them.

This year also showed a significant decrease in staff assault and misconduct claims. In 2019, there were 16 staff sexual misconduct claims and three staff sexual harassment claims (all determined to be unfounded). To examine this data, we first note that inmates, staff, and the public can report allegations in numerous ways, and means of access did not change in 2020. In fact, direct private reporting was even easier as most inmates had access to tablet devices that could send communications, and our private internal hotline received more calls than in prior years. We are confident that we continue to provide meaningful access to reporting.

This decrease could be explained by pandemic response. Operationally, jail staff reduced proximity and contact with inmates wherever possible to ensure we took maximum precaution against viral transmission. More communication was conducted with barrier separation, for example. Often, claims of inappropriate touching arise from ordinary contact in the course of supervision, treatment, or other routine business. When considering the drastic measures that had to be taken this year, the reduction in claims makes sense.

Another possible explanation for the reduction in staff cases comes from the 2019 training discussed above. To be investigated as a PREA case (as opposed to a general jail incident report), the allegation must meet the definition of sexual abuse under PREA—we ask our investigators to evaluate whether, if true, the case would meet those definitions. The training on this evaluation and the definitions themselves led to cases where we were able to determine certain staff cases did not meet the definition of PREA and thus, though a response was made, the case does not show up in our statistics. An example would be a case where an inmate complains that an officer touched him during a pat search. Unless the inmate says that the officer inappropriately and sexually touched him, beyond the scope of normal duties, this does not rise to the level of a PREA allegation (in other words, it is a general claim about a search, which will receive a non-PREA response). The PREA team continues to monitor reporting and investigations to ensure we are recognizing and responding to all allegations.


In March of 2020, both TCSO facilities were audited by an independent, certified auditor. The auditor inspected the facility, interviewed dozens of staff and inmates, and reviewed thousands of pages of training, investigation, and security documents. The auditor issued her findings in May and determined that both facilities were meeting the PREA standards in every way. Importantly, the auditor found that both facilities exceeded the PREA standards in 10 areas,

including in inmate education, staff training, use of screening information, and supervision and monitoring. The audit reports are available on our website.

Throughout this challenging year, PREA maintained our compliance. Staff trainings continued (often virtually), inmates were screened for risk of abuse/victimization and housed appropriately, facility and monitoring technology checks were on schedule, and inmate visits were made in the safest manner possible.

Conclusion:

Even in incredibly challenging times, TCSO's commitment to sexual safety has not wavered. We are proud to continue our PREA program and look forward to furthering our progress.



Sally I. Hernandez, Travis County Sheriff



Date