



Bexar County Sheriff's Office

Sheriff Javier

Prison Rape Elimination Act (PREA) annual Review: 2018

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"To achieve compliance with the Prison Rape Elimination Act (PREA) by developing guidelines and policies for preventing, detecting, responding, monitoring and eradicating all sexual abuse and harassment within the Bexar County Adult Detention Center."

Mission:

The Bexar Adult Detention Center states to deliver detention services and conduct operations to maintain the proper well-being of incarcerated men and women, provide safe environment to the staff, inmates and public within the facility, and remain fiscally responsible and accountable to the citizens of Bexar County.

The Bexar County Sheriff's Office (BCSO) has zero tolerance towards all forms of sexual abuse and sexual harassment within Bexar County Adult Detention Center (BCADC) facilities and will prevent, detect, and respond to such activity. The BCSO will immediately respond to allegations, fully investigate reported alleged incidents, pursue disciplinary action based upon the outcome of the investigations and in accordance with the PREA standards, and refer for prosecution those who perpetrate prohibited conduct.

The overall goal of the Bexar County Adult Detention Center (BCADC) PREA Program is to provide a safe environment and a comprehensive approach to prevent, detect, and eliminate sexual harassment and sexual abuse within the facility. To achieve a culture characterized by a greater understanding, knowledge and "Zero Tolerance" of the many facets of prison rape. BCADC will provide a conducive environment to allow increased reporting, investigation, prosecution and appropriate crisis intervention and on-going victim services support.

Facility:

The Bexar County Adult Detention Center is the 16th largest jail in the Nation with a maximum housing capacity of 4563 inmates. In 2018, the BCADC averaged a daily population of 3513 with 2782 male inmates and 731 female inmates. With approximately 62,940 total bookings.

Definitions:

Sexual Abuse

Sexual abuse includes—

(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and



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- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

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.

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 the 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 a 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 the 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 the activities described in paragraphs (1)-(5) of this section;
- (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.



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Voyeurism by a staff member, contractor, or volunteer means 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 breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment

Sexual harassment includes—

- (1) 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, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Dispositions

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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

PREA Statistics

The BCSO collects data in accordance with 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices, and training. In subsequent years, the information collected for this report will be used to identify problem areas and to take corrective action on an ongoing basis.



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Total Number of allegations: 110

Inmate on Inmate allegations:

<u>Allegation</u>	<u>Substantiated</u>	<u>Unsubstantiated</u>	<u>Unfounded</u>	<u>Investigation on-going</u>	<u>Total</u>
Non-Consensual Sexual Acts	0	7	9	0	16
Abusive Sexual Contact	1	2	2	1	6
Sexual Harassment	2	46	27	0	75

Staff on Inmate allegations:

<u>Allegation</u>	<u>Substantiated</u>	<u>Unsubstantiated</u>	<u>Unfounded</u>	<u>Investigation on-going</u>	<u>Total</u>
Staff Misconduct	0	0	5	1	6
Staff Sexual Harassment	0	1	6	0	7



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Areas to Improve prevention, detection, and response

The Bexar County Sheriff's Office has a continuous commitment to maintain a culture amongst inmates and staff that the Bexar County Adult Detention Center has a ZERO Tolerance towards all forms of sexual abuse and sexual harassment. Efforts are made to educate inmates during the booking and intake process on their rights to be free from sexual abuse and sexual harassment. Inmates are informed of the multiple ways to report sexual abuse and sexual harassment including being able to report confidentially through the Rape Crisis Center. All inmate reports are treated with dignity, concern and investigated thoroughly. BCSO Staff, Volunteers and Contractors attend training on how to effectively respond to allegations of sexual abuse and sexual harassment. Supervisors receive specialized training in investigative procedures for sexual abuse and sexual harassment investigations.

Jaime Rios

Deputy Chief Jaime Rios, Jail Administrator

7-6-2020

Date

Kennisha Short

Kennisha Short, PREA Coordinator

7/6/2020

Date