

Shafter Modified Community Correctional Facility (MCCF) Prison Rape Elimination Act (PREA) Annual Report – Calendar Year 2015

The Federal Prison Rape Elimination Act (PREA) of 2003 was established to address the sexual abuse and sexual harassment of offenders in confinement settings. On August 20, 2012, the PREA Standards Final Rule, to help prevent, detect, and respond to sexual violence, staff sexual misconduct, and sexual harassment behind bars was released.

The Shafter MCCF's policy establishes zero tolerance for sexual abuse, staff sexual misconduct and sexual harassment and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations against CDCR offenders. A further purpose of this policy is to provide guidelines for the successful community re-entry of offenders.

Shafter MCCF continues to remain diligent in investigating all allegations of sexual abuse, staff sexual misconduct, and sexual harassment against offenders. Staff and offenders are education on the departments zero tolerance policy and provided information on the multiple ways to report an allegation, to include third-party reporting.

DEFINITIONS:

Substantiated allegations – an allegation that was investigated and determined to have occurred

Unsubstantiated allegation – an allegation that was investigated and insufficient evidence was obtained to determine if the allegation did or did not occur.

Unfounded allegation – an allegation that was investigated and proven not to have occurred

On-going Investigation – the investigation was initiated and is on-going

STATISTICS:

The following are statistics of reported allegations within Shafter MCCF, by category:

➤ Inmate on Inmate Nonconsensual Sexual Acts

	2014	2015
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Nonconsensual sex acts is defined as contact of any person without his/her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

➤ Inmate on Inmate Abusive Sexual Contact

	2014	2015
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Abusive sexual contact is defined as contact of any person without his/her consent, or by coercion, or contact 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.

➤ Inmate on Inmate Sexual Harassment

	2014	2015
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Inmate on inmate sexual harassment is defined as repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

➤ Staff Sexual Misconduct

	2014	2015
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Staff is inclusive of employees, volunteers, and independent contractors. Shafter MCCF's zero tolerance policy holds all staff accountable when it is proven that they have violated the policy. Please remember, the legal concept of "consent" does not exist between staff and offenders; any

sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary action and/or to prosecution under the law.

➤ Staff Sexual Harassment

	2014	2015
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

SUMMARY

Since December 2013, the Shafter MCCF has not received any reports of sexual abuse or sexual misconduct. Shafter MCCF continues to train our staff in addressing sexual abuse by continually monitoring all allegations of sexual abuse, staff sexual misconduct, and sexual harassment. If such conduct were to occur, each allegation will be investigated by trained investigators and reviewed by the facility hiring authority. If we identify issues or trends they will be addressed immediately. This may include modifications to existing policy, procedures, education or training. This also could take into consideration physical plant limitations.

Some of the activities the Shafter MCCF has been involved in during the previous calendar year included:

- Revision to the PREA Policy, Shafter Policies and Procedures 5.22 & 5.22A
- Revision to PREA Training materials
- Modification of the inmate education materials on sexual abuse

Approved for posting



P.R. Lozano, Chief

10/05/16

Date