

DAJD PREA Annual Report

2020 Reported Incident Data

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2020

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Department of Adult
& Juvenile Detention

PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT

This Annual Report of the King County Department of Adult & Juvenile Detention includes PREA information for the Adult Jails (KCCF & RJC), Juvenile Facility, and Work Release (WER).

PREA Intent, Purpose & Background

The Prison Rape Elimination Act (PREA) was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, and respond to sexual abuse and sexual harassment of inmates while in our secure custody. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. DAJD has 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 for staff and inmates, and standards for detection, prevention, reduction and punishment of prison rape.

Federal regulation asks that each facility collect and review data "...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training" (Standard 115.88a). In addition, it requires all correctional facilities to conduct sexual abuse incident reviews and collect "accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions." (Standard 115.87 a).

Annual reports from prior years can be retrieved online at:

<https://www.kingcounty.gov/depts/jails/prison-rape-elimination-act.aspx>

Set of Definitions/Acronyms:

ADP: Average Daily Population

Allegation: A claim or assertion that someone has done something illegal or wrong, typically one made without or prior to proof. The term “PREA Allegations/Reports” refers to claims made by each and every victim and suspect involved in a PREA Case to ensure all distinct attributes (race, gender, age, etc.) are acknowledged and included in the data provided.

BJS: Bureau of Justice Statistics

DOJ: Department of Justice

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. [PREA 28 CFR Part 115] [SURVEY OF SEXUAL VICTIMIZATION]

Inmate Nonconsensual Sexual Act/Abuse: Any of the following acts between inmates, detainees, or residents 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: contact between genitals, between mouth and genitals, penetration of genital or anal opening of another person, however slight, by a hand, finger, object, or other instrument; [PREA 28 CFR Part 115] [SURVEY OF SEXUAL VICTIMIZATION]

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, detainee, or resident directed toward another. EXCLUDE incidents in which the contact was incidental to a physical altercation. [PREA 28 CFR Part 115] [SURVEY OF SEXUAL VICTIMIZATION]

KCCF: King County Correctional Facility

PREA: Prison Rape Elimination Act

PREA Allegation/Report: Counts each and every victim and suspect involved in PREA cases to ensure all distinct attributes (race, gender, age, etc.) are acknowledged and included in the data provided. The data in these tables will not match the exact number of PREA cases due to multiple victims or suspects included in some cases.

PREA Case: A situation or set of incidents that may involve the same victims and suspects on particular incident date(s). We see each PREA Case as a set of alleged actions linked together by virtue of the same incident date and suspect(s) or different dates involving the same victim and suspect over time.

MRJC: Maleng Regional Justice Center

SAIRC: Sexual Abuse Incident Review Committee

Staff Sexual Harassment: Repeated and unwelcome verbal comments or gestures of a sexual nature to an inmate 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. [PREA 28 CFR Part 115] [SURVEY OF SEXUAL VICTIMIZATION]

Staff Sexual Misconduct/Abuse: [paraphrased from PREA 28 CFR Part 115] Any of the following acts toward an inmate by a staff member, contractor, or volunteer with or without consent: contact between genitals, between mouth and genitals, penetration of genital or anal opening, however slight, by a hand, finger, object, or other instrument; intentional touching/contact, either directly or through clothing of 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; any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities above; display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate and voyeurism by a staff member, contractor or volunteer. [PREA 28 CFR Part 115]
[SURVEY OF SEXUAL VICTIMIZATION]

Substantiated Allegation: Allegation that was investigated and determined to have occurred [PREA 28 CFR Part 115.5].

Unfounded: Allegation that was investigated and determined not to have occurred [PREA 28 CFR Part 115.5].

Undetermined: Allegation whose investigation is not yet closed (i.e. open, underway).

Unsubstantiated Allegation: Allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred [PREA 28 CFR Part 115.5].

WER: Work, Education & Release

Population Information

Table 1. 2013 – 2020 Average Daily Population (ADP), by Facility

	2013	2014	2015	2016	2017	2018	2019	2020
KCCF	1,101	1,138	1,129	1,139	1,189	1,177	1,159	755
MRJC	696	771	795	776	882	785	817	716
Juvenile	58	57	60	50	50	53	43	27
WER	133	142	88	70	80	80	80	17

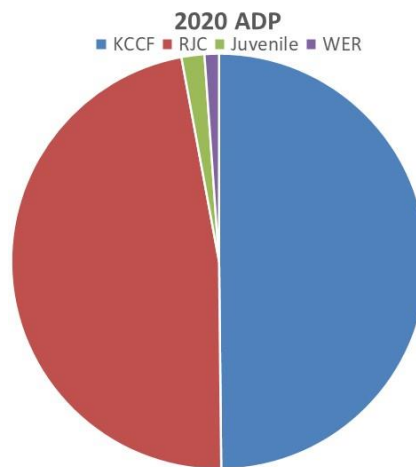


Figure 1. Average Daily Population (ADP), by Facility

Note: In May of 2020, Work Education Release (WER) population dropped to zero. The WER program zero population continues through to the time of this report. In the fall of 2017, DAJD made a change in housing location for youth who are under the age of 18 and who are charged with adult crimes in Superior Court. In the past, these youth were housed in one of DAJD’s adult facilities but are now being housed at the Youth Service Center (YSC). This report combines the two populations, youth whose crimes are being adjudicated by the Juvenile Division of the Superior Court (Juvenile Secure) and Long-term Juvenile Secure youth that are charged with adult crimes and held under the jurisdiction of Superior Court, or for whom the Prosecuting Attorney’s Office has filed for a hearing to decline juvenile court jurisdiction.

Additional information regarding our Average Detention Population (ADP) data such as gender, age, race/ethnicity can be found on our DAJD statistic website here:
<https://www.kingcounty.gov/depts/jails/about/dajd-stats.aspx>

PREA Cases & Allegations/Reports

This section presents data on allegations, the nature of the allegation, and the findings of a thorough investigation into each allegation. DAJD tracks all allegations (included attempted acts) reported as potentially sexual abuse and sexual harassment.

Important Information:

The number of PREA allegations may not match the exact number of PREA cases because multiple victims or suspects may be included in PREA Cases. The Department of Justice (DOJ) BJS asks us to count incidents for each victim and suspect pair in a case.

The following data counts PREA allegations for each and every alleged victim and suspect involved in a PREA case. This approach ensures that the data reflects all distinct attributes (race, gender, age, etc.). Should an allegation name multiple persons, each is counted as a separate allegation. Should a case allege both sexual harassment and sexual abuse by a person, the most severe allegation is counted.

Data is current as of this year. Data from prior year reports may not match this report, due to findings of now closed cases reported as “undetermined” in past years. Data set is updated this year for any cases from past years that closed. Four 2020 cases are open (or undetermined) as of the date of this report.

PREA Allegations by Facility

Table 2 indicates the number and location of allegations reported to DAJD. The Department provides multiple reporting methods to encourage reporting. The most common method used over years is by reporting to a staff member. Other forums used this year included (listed in order of frequency): paper forms (grievances and “kites”), staff observed or suspected, and reports made through a direct line to the King County Ombudsman's Office.

In 2020, there were 62 allegations investigated in 53 cases in DAJD correctional facilities. Those alleged to have occurred in another correctional facility were referred to that facility for investigation. In two (2) cases, the victim alleged both Sexual Harassment and Sexual Abuse together from the same perpetrator. The investigations determine separate findings for each allegation in these instances, and so four (4) allegations are counted.

Beginning 2020, at PREA Auditors recommendation DAJD began reporting only allegations that meet the definition of sexual abuse or harassment. Prior, persons who alleged “PREA” whose actions did not meet the definition of sexual abuse or harassment were included in counts.

Table 2A. 2012 – 2020 PREA Allegation, by Facility

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total	17 ¹	42	61	59	54 ²	52	50	76	62
KCCF	10	25	45	39	37	34	35	46	34
MRJC	0	12	10	20	14	17	12	16	27
Juvenile	7	5	3	0	3	1	3	9	1
WER	0	0	3	0	0	0	0	1	0
Unknown	--	--	--	--	--	--	--	4 ³	--

*2020, two cases occurred during transport between facilities, counted under MRJC.

The Department may receive an allegation that an inmate was sexually abused while confined at another facility. The “other” facility category indicates when the location is external to DAJD (see Table 2b). In these cases, DAJD ensures that the head of the facility or appropriate office of the agency where the alleged abuse occurred is notified. The DAJD annual PREA report’s detailed findings will include only allegations of events that occurred in DAJD facilities. This year, DAJD received two (2) allegations of sexual abuse that occurred prior to booking, outside of DAJD custody.

Table 2b. 2012-2020 Allegation of sexual abuse or harassment while in another facility, referred to external facility

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Other	0	2	2	1	3	3	6	1	2

¹ Correction from past report, 18 to 17, one of the 2012 allegations was out of custody - not in a DAJD facility

² Correction from past report, 58 to 54. 6 of the allegations were not in a DAJD facility (another facility, prior to booking).

³ Reporting parties declined to provide the location.

Findings of Allegation Investigations

DAJD ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Table 3 indicates the findings of all investigations. Figures 2 and 3 show the relative frequency of findings across years.

An investigation may close with a finding may be the allegation is substantiated, unsubstantiated, unfounded, or it may be undetermined (open) at the time of this report.

Allegations closed as Unfounded are determined to have evidence that the event did not occur. Those designated as “unfounded” meet the PREA definition of sexual abuse or sexual harassment, but evidence is present that indicates it did not occur.

Allegations closed as Substantiated meet the definition of sexual abuse or harassment and are determined to have occurred based on a preponderance of evidence. Allegations closed as Unsubstantiated are determined to have a lack of evidence to make a final determination as to whether or not the event occurred. Reasons may be that the person declined to provide names, dates, or locations to support an investigation. Allegations made from events that are years past, while investigated, can also lead to little or no available evidence. Nation-wide, it is more common to have unsubstantiated findings than to have substantiated findings.

Undetermined finding indicates that the allegation is still under investigation or open at the time of this report. Five (5) allegations are still under open investigation (Undetermined) at the time of this report.

Allegations have decreased from the previous year. The ADP was lower and most cells were single bunked in 2020. This year, the auditor recommended that we exclude allegations that claimed “PREA” but whose actions described do not meet the definition of sexual abuse or harassment. Prior years, DAJD included allegations that claimed to be PREA related but did not meet the definition of sexual abuse or harassment.

Allegations closed as substantiated and unsubstantiated are subject to even further SAIRC review, as discussed in the next section. The purpose of SAIRC review is to ensure proper process is followed and to identify any changes to policy or procedure that could improve performance in the future.

Table 3. 2020 PREA Allegation Findings of Investigations, by Facility

	<i>All Allegations</i>	Unfounded	Undetermined	Unsubstantiated	Substantiated
All DAJD Facilities	62	43	5	9	5
KCCF	34	22	4	5	3
MRJC	27	20	1	4	2
Juvenile	1	1	--	--	--
WER	--	--	--	--	--
Unknown	--	--	--	--	--

Figure 2. 2020 PREA Allegations, by Findings of Investigations, all DAJD Facilities

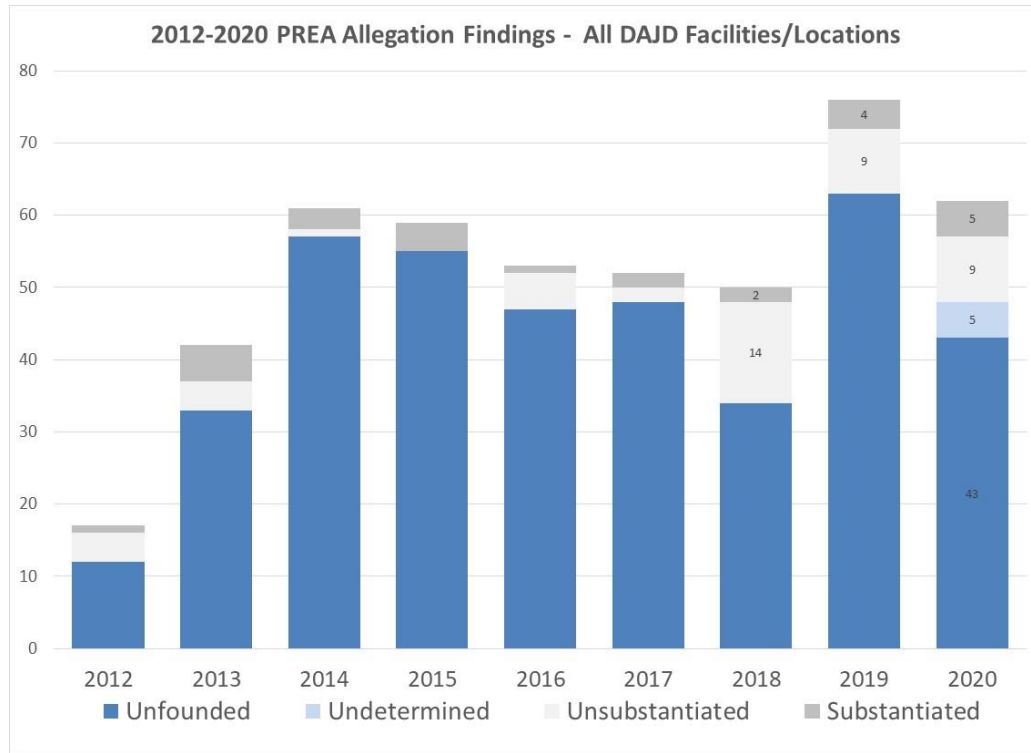
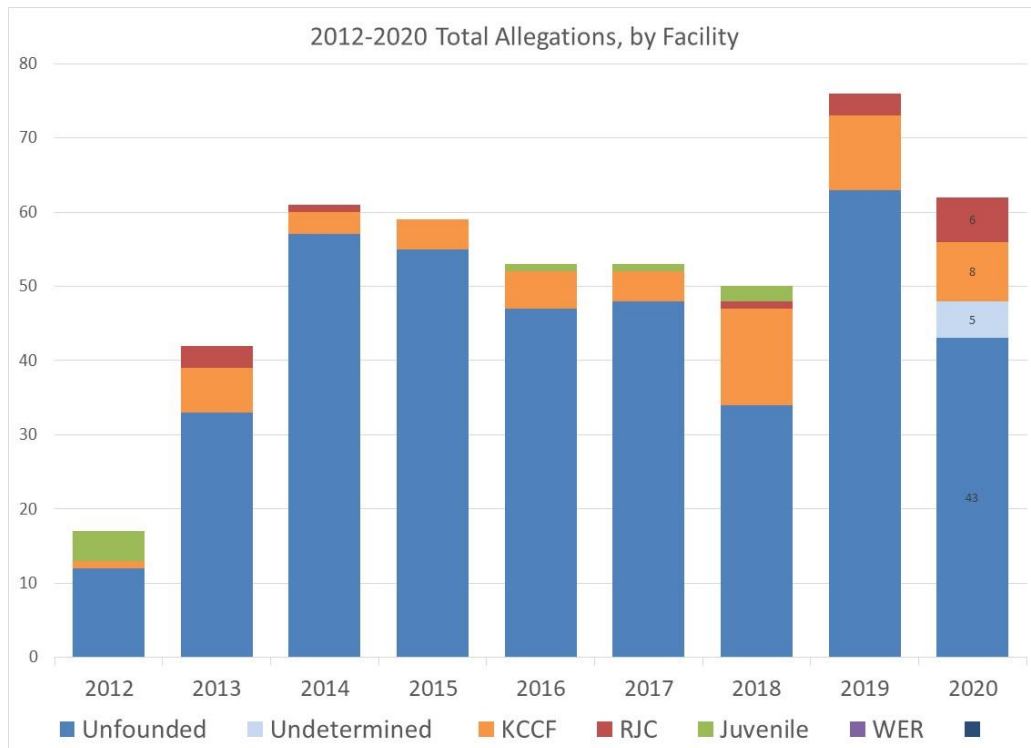


Figure 3. 2012-2020 PREA Allegations, by Location of Investigations, by DAJD Facility



PREA Allegations by Investigation Determination

DAJD follows Bureau of Justice definitions to report types of sexual abuse and sexual harassment allegations in Table 4. The Bureau of Justice Statistics group (BJS) took the PREA definitions of sexual abuse and sexual harassment and then further broke the categories apart. The BJS categories allow the reader to better distinguish between who is involved in allegations and the severity of the allegation. DAJD adds the term inmate (IM) or staff to further clarify who was involved. See the definitions section for a description of the allegation types.

Table 4. 2012 – 2020 PREA Allegations in DAJD facilities, by investigation determination.

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total Allegations	17	42	61	59	53	52	50	76	62
Unfounded Allegations	12	33	57	55	47	48	34	63	43
PREA Allegations: Unsubstantiated, Substantiated,	5	9	4	4	6	4	16	13	14
PREA Allegations: Undetermined	0	0	0	0	0	0	0	0	5
Inmate and Inmate									
Inmate Nonconsensual Sexual Act									
Substantiated	1	3	0	4	0	0	0	1	0
Unsubstantiated	1	1	0	0	2	1	6	6	3
Undetermined (open)	0	0	0	0	0	0	0	0	1
Inmate Abusive Contact									
Substantiated	1	3	0	4	0	0	0	0	0
Unsubstantiated	1	1	0	0	2	1	2	2	2
Undetermined (open)	0	0	0	0	0	0	0	0	0
Inmate Sexual Harassment									
Substantiated	0	2	3	0	1	2	2	1	5
Unsubstantiated	0	1	1	0	1	0	2	1	1
Undetermined (open)	0	0	0	0	0	0	0	0	4
Staff and Inmate									
Staff Sexual Misconduct									
Substantiated	0	0	0	0	0	0	0	1	0
Unsubstantiated	1	1	0	0	2	1	2	0	3
Undetermined (open)	0	0	0	0	0	0	0	0	0
Staff Sexual Harassment									
Substantiated	0	0	0	0	0	0	0	1	0
Unsubstantiated	2	1	0	0	0	0	2	0	0
Undetermined (open)	0	0	0	0	0	0	0	0	0

Sexual Abuse Incident Review Committee

Department policy mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The Sexual Abuse Incident Review Committee (SAIRC) was formed by DAJD in February 2013 to comply with PREA Standards 115.86 (Adult), 115.386 (Juvenile) and 115.286 (Community Confinement/WER) Sexual Abuse Incident Reviews. According to these standards, DAJD must conduct a sexual abuse incident review at the conclusion of each sexual abuse investigation except when the allegation is determined as unfounded. These reviews typically occur within 30 days of the conclusion of a PREA Case investigation. The review team includes upper-level management (with input from line supervisors) and medical or mental health practitioners. For each investigation the SAIRC reviews the following criteria:

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 at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

SAIRC confirms that routine corrective actions have taken place and then asks if other actions are also needed. They review the PREA checklist, which documents immediate actions such as separation of the alleged perpetrator and provision of medical and mental health care and forensic exams. Retaliation monitoring is conducted following allegations to prevent retaliation. "Keep separates" are entered to prevent housing alleged victims and perpetrators for each substantiated and unsubstantiated case. Whenever a case is closed as substantiated, a new PREA risk assessment is conducted to determine if the risk rating of the persons involved has changed as a result.

Summary of Corrective Actions

During 2020, DAJD initiated several changes to improve our practices to prevent, detect, and respond to incidents. Some were in response to SAIRC review to better meet the intent of the PREA standards. Other improvements came while preparing for a PREA Audit, and this proactive work allowed KCCF and MRJC to pass the audit itself with no corrective actions. These efforts included:

King County Correctional Facility (KCCF) and Maleng Regional Justice Center (MRJC)

- Improved the PREA sexual abuse and harassment checklist form, to replace some open text fields with more itemized documentation. Changed the reporting forms to better provide space to explain any "NA" responses, document each form of evidence gathered, name staff witnesses, and record the finding at top of the form.
- Established a cross reference process to share information between JHS and DAJD regarding reported sexual abuse history during intake to inform risk assessment and housing decisions.
- Established process to proactively contact staff witnesses to offer retaliation monitoring, to increased visibility of staff retaliation monitoring guaranteed in policy.
- Developed PREA training specific to acting SGTs and above, as part of leadership development training. This is in addition to the all staff new employee and refresher PREA training.

- Launched a “PREA drill” to quiz officers on aspects of their PREA training; all officers required to pass.
- Revised inmate handbook to clarify phone call use; approved creation of braille inmate handbook for 2021.
- Increased showing of the inmate PREA education video (English, Spanish closed captioned) provided during intake. Newly installed video system in inmate common areas allows added digital signage.
- Additional steps were taken to remove persons from line of sight and sound contact, in addition to keep separates to prevent housing together.
- Updated facility posters to provide more comprehensive information to staff as first responders, and to residents to report allegations. Posted in visiting areas for persons who can be third party reporters.

Juvenile Detention Facility

- DAJD executed a grant from the federal oversight agency called PREA Resource Center (PRC) to assist DAJD in certifying the new CFJC facility.
 - Reviewed the staffing plan ratio with PREA coaches provided by PREA Resource Center.
 - Added staff to recruit more officers which resulted in hiring to zero vacancies.
 - Developed training drills to use with staff and youth between audits to begin use in 2021. This is in addition to PREA posters for staff and youth, and required PREA training upon hire and every year.

Work, Education & Release (WER)

- Work Education Release did not house persons for the majority of 2020. WER PREA audit passed with no corrective actions in 2019.

References

- Data Sources:
 - DAJD Statistics and DAR Reports:
http://www.kingcounty.gov/courts/detention/DAJD_Stats.aspx
 - DAJD Director’s PREA Log/Spreadsheet
- Information Sources:
 - PREA Resource Center: <http://www.prearesourcecenter.org/>

Appendix A. PREA Annual Report Methodology

This appendix provides an overview of the general method and notes changes in data gathering practices over time. DAJD continues to strive for the most accurate and relevant information, including efforts to remain compliant with dynamic PREA standards. As a result, some aspects of the methodology change over time.

The DAJD methodology adheres to directives in PREA § 115.87 Data collection, § 115.88 Data review for corrective action, and § 115.89 Data storage, publication, and destruction. DAJD meets the PREA requirement to include data necessary to respond to the most recent version(s) of the Department of Justice Survey of Sexual Violence (since renamed to the Survey of Sexual Victimization) (SSV).

The Department of Justice (DOJ) SSV methodology can change slightly over time and varies between youth and adult collections. In 2005 BJS began gathering information on substantiated incidents of sexual victimization. In 2013 DOJ's Bureau of Justice Statistics (BJS) began collecting data on inmate-on-inmate sexual harassment. DOJ Survey of Sexual Violence data are collected on counts of sexual violence allegations for each year. For any substantiated allegations, further information is collected.

DAJD data on the inmate population is already shared with the public. Additional information regarding our Average Detention Population (ADP) data such as gender, age, race/ethnicity, and new admissions can be found on our DAJD statistic website here:

- <https://www.kingcounty.gov/depts/jails/about/dajd-stats.aspx>
- https://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_02_2020.ashx?la=en

PREA Annual Reports provide to the public findings and corrective actions for each facility, as well as the agency as a whole. Data is reported by calendar year, according to the date DAJD received the allegation. Data includes all reported allegations of acts and attempted acts, for both DAJD and non-DAJD facilities. DAJD recently adopted the BJS practice of disaggregating the PREA approved definition of "sexual abuse" into "nonconsensual acts" and "abusive sexual contact" when reporting data. Annual reports from prior years can be retrieved online at:

- <https://www.kingcounty.gov/depts/jails/prison-rape-elimination-act.aspx>

DAJD provides multiple avenues of reporting, records all reported acts and attempted acts, and then tracks DAJD response. The Department retains records of the full incident report and case history to allow SAIRB review for substantiated and unsubstantiated cases, and to enable retrospective review. Such case detail is sufficient to complete, if needed, the DOJ Substantiated Incident Form (Adult) on substantiated incidents of sexual victimization.