

DAJD PREA Annual Report

2023 Reported Incident Data

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2023

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Department of Adult
& Juvenile Detention

PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT

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 to detect, prevent, and respond to sexual abuse and sexual harassment of individuals while in secure custody (residents). The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. King County's Department of Adult and Juvenile Detention (DAJD) has adopted a zero-tolerance policy on issues pertaining to sexual abuse and sexual harassment involving residents and is working continuously to implement new policies, training requirements for staff and residents, 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:

[Reports and audits - Adult and Juvenile Detention - King County, Washington](#)

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

CCFJC: Judge Patricia H. Clark Children and Family Justice Center (a juvenile detention facility, and a Division of DAJD)

DOJ: Department of Justice

KCCF: King County Correctional Facility (an adult jail, and a Division of DAJD)

KPD: Kent Police Department

MRJC: Maleng Regional Justice Center (an adult jail, and a Division of DAJD)

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). Each PREA case is 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.

Resident: inmate, detainee, or person in custody

Resident 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]

Resident Nonconsensual Sexual Act/Abuse: Any of the following acts between residents, 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]

Resident 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 resident, 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]

SAIRC: Sexual Abuse Incident Review Committee

SPD: Seattle Police Department

Staff Sexual Harassment: *Repeated and unwelcome verbal comments or gestures of a sexual nature to a 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. [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 resident 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 resident 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., the investigation is 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].*

Population Information

Table 1. 2013 – 2023 Average Daily Population (ADP), by Facility

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
KCCF	1,138	1,129	1,139	1,189	1,177	1,159	755	746	1146	935
MRJC	771	795	776	882	785	817	716	570	351	470
CCFJC	57	60	50	50	53	43	27	22	34	43

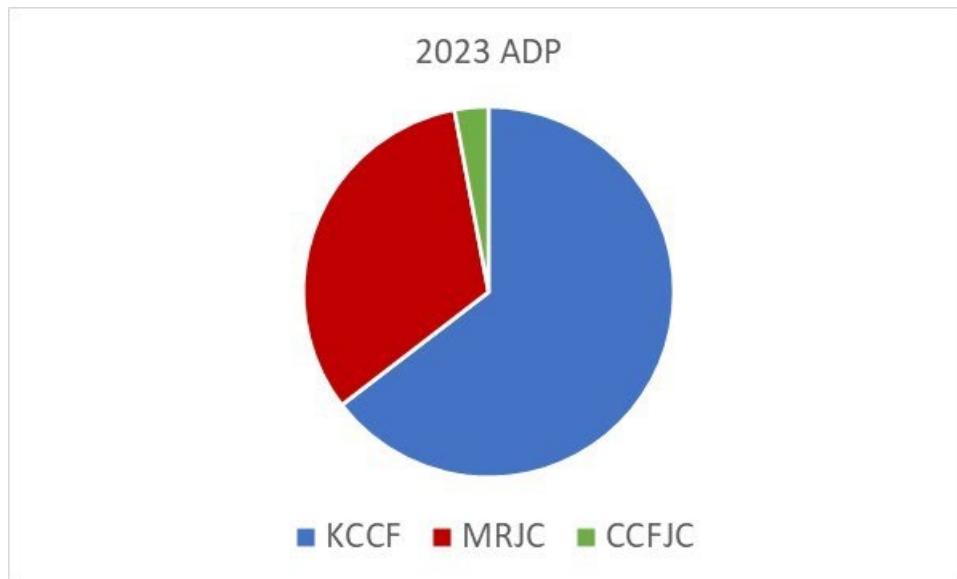


Figure 1. ADP by Facility

Additional information regarding DAJD’s ADP data such as gender, age, race/ethnicity can be found on the DAJD statistic website here:

[Population information - Adult and Juvenile Detention - King County, Washington](#)

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 (including attempted acts) reported as potential sexual abuse and sexual harassment.

DAJD provides multiple methods to encourage reporting. The most common and preferred method used over the years is by reporting to a staff member who relays the report to initiate an investigation. Other forums include: paper forms (grievances and “kites”), staff who reported observed or suspected acts, reports made through a direct line to the King County Ombuds Office, or through third parties on behalf of the victim either in person or online via DAJD’s public reporting webpage.

Important Information:

The number of PREA allegations is counted according to Department of Justice (DOJ) BJS, counting one allegation 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. 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, there is a finding for each type of alleged act.

DAJD may receive an allegation that a resident was sexually abused while confined at another facility. In these cases, DAJD ensures that the head of the facility or appropriate office of the agency where the alleged abuse occurred is notified to take appropriate action. The DAJD annual PREA report’s detailed findings will include only allegations of events that occurred in DAJD facilities.

Data is current as of May 1, 2024. Findings data from prior years may be updated, as open cases with “undetermined” findings close with a finding. The data set for this year has been updated with cases from past years that closed.

There is one (1) 2022 case and one (1) 2023 case open (or undetermined) as of the date of this report. The cases are being investigated by the SPD/KPD and DAJD is awaiting closure and notification of the finding.

PREA Allegations by Facility

In 2023, there were 72 allegations investigated in DAJD correctional facilities. Allegations by facility for 2023 are shown in Table 2. The youth population in 2023 was higher than in 2022 for the Juvenile facility. The adult population in 2023 was lower than in 2022 for MRJC and KCCF.

Figure 2 shows the location by facility of the unsubstantiated and substantiated findings. KCCF is a larger facility that tends to have more substantiated and unsubstantiated findings most years.

Every year DAJD takes corrective actions to respond to trends or changes in allegations and findings as described in the Summary of Corrective Actions.

Findings of Allegation Investigations

DAJD ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Figures 2 and 3 show the relative frequency of findings across years. Table 3 indicates the substantiated and unsubstantiated findings of investigations over time at a greater level of detail, to include who the alleged perpetrator was, and the type of sexual abuse alleged.

An investigation may close with a finding that the allegation is substantiated, unsubstantiated, or unfounded. It may be undetermined (open) at the time of this report. An investigator may also determine that the allegation submitted does not allege an act that meets the PREA definition of sexual abuse or sexual harassment.

An investigation may close that determines the alleged act does not meet the PREA definition of a sexual abuse or sexual harassment acts. Since 2020, the PREA auditor recommended that DAJD does not report alleged acts incorrectly submitted as sexual abuse or sexual harassment acts. An initial investigation by a specially trained investigator is always conducted to make this determination. It is then handled as appropriate, for example, as a grievance of verbal harassment or occurring while not in custody.

An investigation may not be closed at the time of the annual report. An undetermined finding indicates that the allegation is still under investigation or open at the time of this report. One (1) allegation is still under open investigation (undetermined) at the time of this report.

An investigation finding of unfounded means an allegation was investigated and determined not to have occurred. The alleged act does meet the PREA definition of sexual abuse or sexual harassment, but evidence is present that indicates it did not occur. Forty-nine (49) allegations closed as unfounded at the time of this report.

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 lack of evidence, given age of the event or an inability to provide names, dates, and/or locations to support gathering evidence. Nationwide, it is more common to have unsubstantiated findings than to have substantiated findings. Ten (10) allegations were closed as unsubstantiated at the time of this report.

Allegations closed as substantiated meet the definition of sexual abuse or harassment and are determined to have occurred based on a preponderance of evidence. Seventeen (17) allegations closed as substantiated at the time of this report.

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

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 resident (IM) or staff to further clarify who was involved. See the definitions section for a description of the allegation types.

Table 2. 2023 PREA Allegation Findings of Investigations, by Facility

	<i>All Allegations</i>	Unfounded Allegations	Undetermined Allegations	Unsubstantiated Allegations	Substantiated Allegations
All DAJD Facilities	77	49	1	10	17
KCCF	47	35	0	2	15
MRJC	21	13	1	6	1
CCFJC	4	1	0	2	1
Unknown	--	--	--	--	--

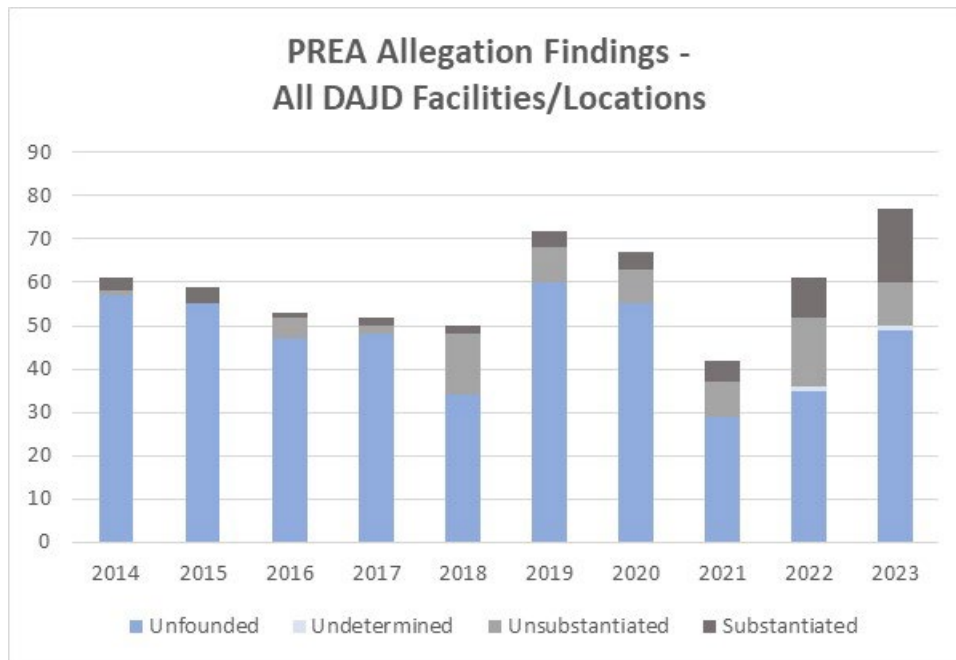


Figure 2. PREA Allegations, by Findings of Investigations, all DAJD Facilities

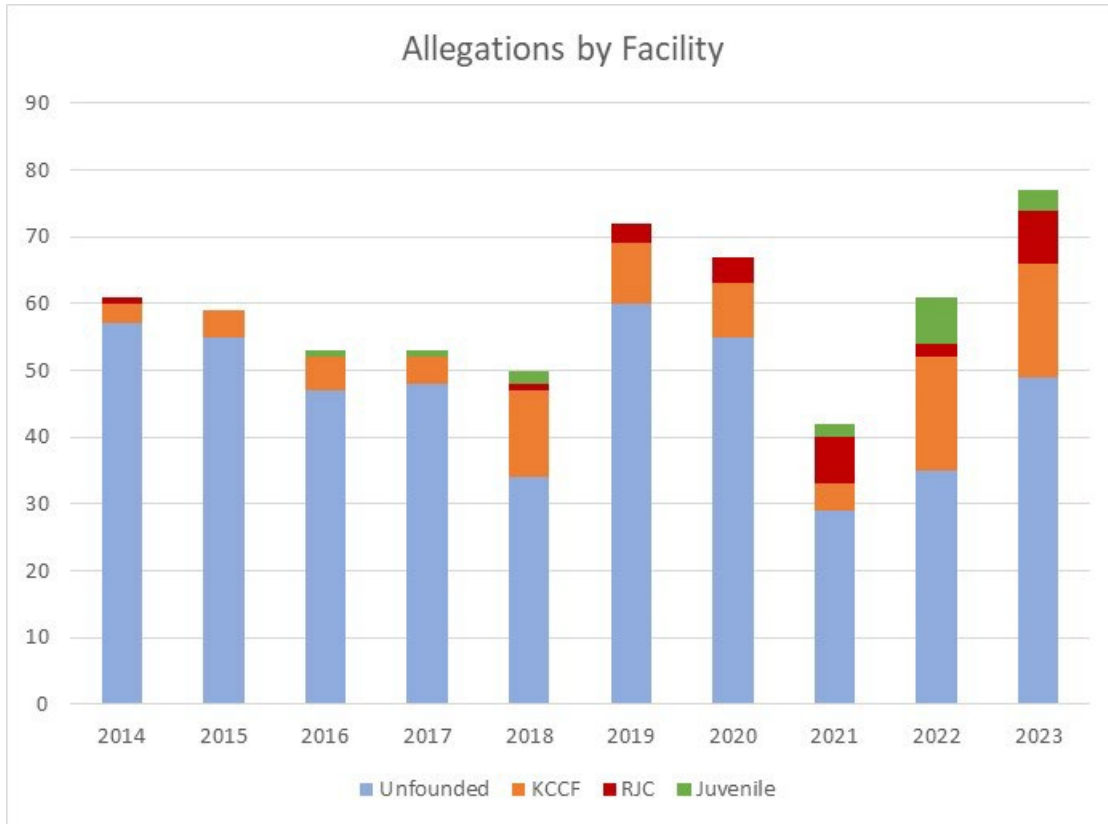


Figure 3. PREA Allegations, by Location of Investigations, by DAJD Facility

Table 3. PREA Allegations in DAJD facilities, by investigation determination.

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Total Allegations	61	59	53	52	50	72	67	42	61	77
Unfounded Allegations	57	55	47	48	34	60	55	29	35	49
PREA Allegations: Unsubstantiated, Substantiated	4	4	6	4	16	12	12	13	25	27
PREA Allegations: Undetermined	0	0	0	0	0	0	0	0	1	1
Resident and Resident										
Resident Nonconsensual Sexual Act										
Substantiated	0	0	0	0	0	1	0	0	0	0
Unsubstantiated	0	0	2	1	6	5	4	0	2	0
Undetermined (open)	0	0	0	0	0	0	0	0	0	1
Resident Abusive Contact										
Substantiated	0	4	0	0	0	0	0	0	1	2
Unsubstantiated	0	0	2	1	2	2	1	2	1	1
Undetermined (open)	0	0	0	0	0	0	0	0	0	0
Resident Sexual Harassment										
Substantiated	3	0	1	2	2	1	4	5	8	15
Unsubstantiated	1	0	1	0	2	1	1	5	11	9
Undetermined (open)	0	0	0	0	0	0	0	0	0	0
Staff and Resident										
Staff Sexual Misconduct										
Substantiated	0	0	0	0	0	1	0	0	0	0
Unsubstantiated	0	0	2	1	2	0	2	0	1	0
Undetermined (open)	0	0	0	0	0	0	0	0	1	0
Staff Sexual Harassment										
Substantiated	0	0	0	0	0	1	0	0	0	0
Unsubstantiated	0	0	0	0	2	0	0	1	1	0
Undetermined (open)	0	0	0	0	0	0	0	0	0	0

Sexual Abuse Incident Review Committee

DAJD 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), and 115.386 (Juvenile). 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. A status flag of “keep separate” is entered into the Jail Management System (JMS) 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 2023, DAJD initiated several changes to improve practices to prevent, detect, and respond to incidents. Some efforts launched in 2023 are summarized below. The SAIRC review of each substantiated and unsubstantiated case looked for opportunities to ensure proper process was followed and that any lessons learned were implemented. Other ongoing work is to find opportunities to better meet the intent of the PREA standards, conduct regular internal checks, or conduct audit preparations.

Instances of sexual harassment increased in 2023 in the MRJC and KCCF facilities. Instances of sexual harassment decreased from 2022 to 2023 in the CCFJC facility.

DAJD department and division directors conducted a deep dive review with the PREA Coordinator to better understand any potential drivers or similarities between cases in 2022 and 2023. DAJD will consider further corrective actions.

KCCF and MRJC Adult Detention Facilities

- Updated the investigations policy and renewed an MOU with the Kent Police Department (KPD) and the Seattle Police Department (SPD) to conduct investigations.

- JMS team is reviewing aggregation of classification data to improve ease of review.
- Summer of 2024 - Provide mental health and sexual abuse victim resource brochures from local organizations to increase access by all persons through the newly acquired computer tablets.
- Summer of 2024 - Translate PREA tools to include handbooks, posters, and forms into the top six languages to increase access by all persons.

CCFJC Juvenile Detention Facility

- In 2024 launched PREA education in partnership with King County Public Health to educate youth on preventive practices such as understanding consent, unsafe behaviors or red flags, and reporting all forms of inappropriate behavior.
- Updated the investigations policy and renewed an MOU with KPD and SPD to conduct investigations.
- Summer of 2024 - Provide mental health and sexual abuse victim resource brochures from local organizations to increase access by all persons through the newly acquired computer tablets.
- Summer of 2024 - Translated PREA tools to include handbooks, posters, and forms into the top six languages to increase access by all persons.

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 resident-on-resident 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 resident population is already shared with the public. Additional information regarding ADP data such as gender, age, race/ethnicity, and new admissions is on the DAJD statistic website here:

- [Population information - Adult and Juvenile Detention - King County, Washington](#)

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:

- [Reports and audits - Adult and Juvenile Detention - King County, Washington](#)

DAJD provides multiple avenues of reporting, documents all reported acts and attempted acts, and then tracks DAJD response. DAJD 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.