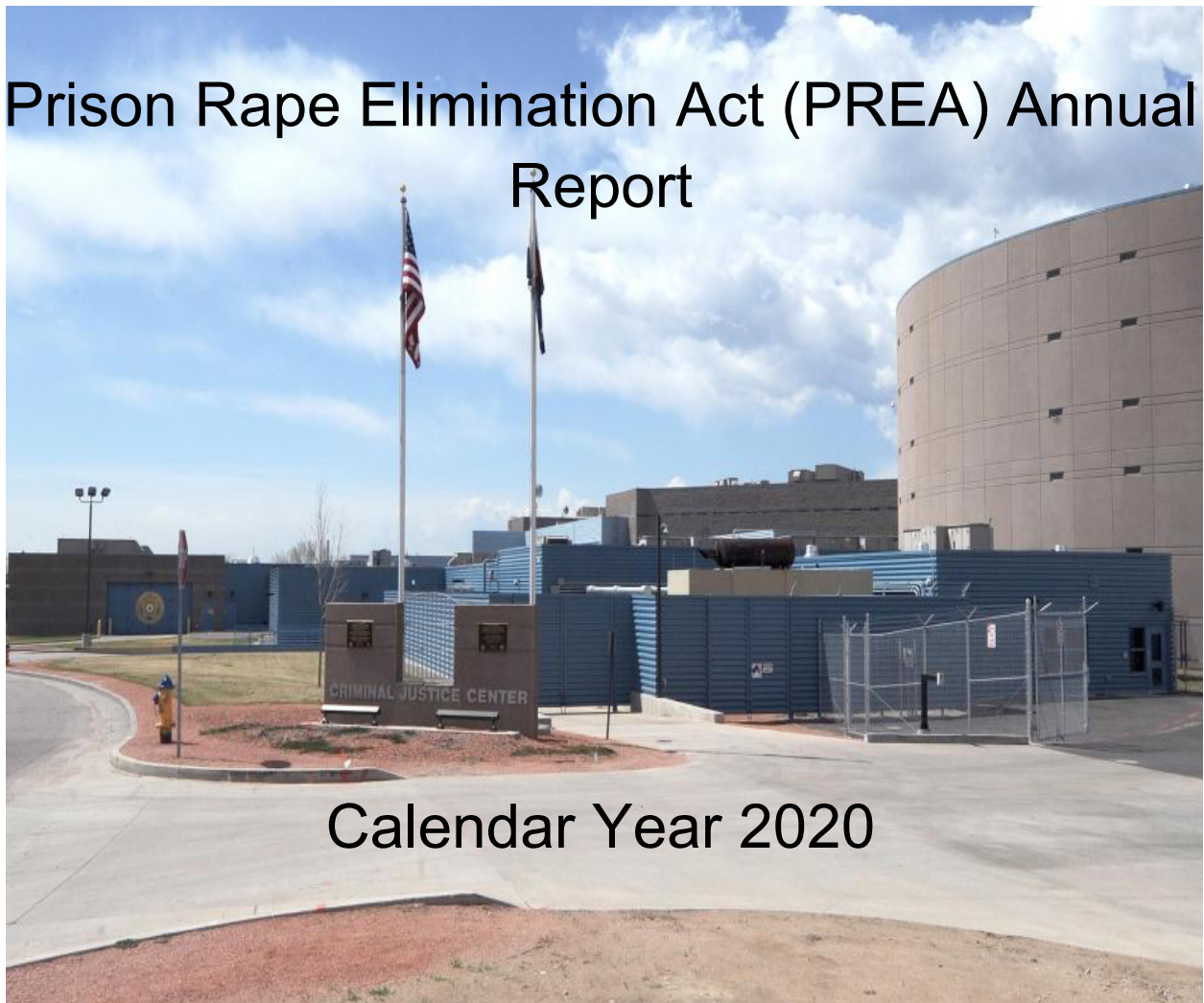




## ***EL PASO COUNTY SHERIFF'S OFFICE***

# Prison Rape Elimination Act (PREA) Annual Report



Calendar Year 2020

The mission of the El Paso County Sheriff's Office is to provide the citizens of El Paso County effective and efficient public safety services. We deliver them consistently with character, competence, and transparency.

## Purpose

The Prison Rape Elimination Act (PREA) requires agencies to collect and review data in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training. The intention of this report is to identify potential deficiencies in our processes, assess the agency's progress in addressing sexual abuse, and compare the current year's data to the past two years.

## Background

In 2003, the United States Department of Justice (DOJ) passed the Prison Rape Elimination Act (PREA), in an effort to eliminate sexual abuse in correctional (confinement) settings. The passing of this Act resulted in the establishment of the National Prison Rape Elimination Committee (NPREC). This committee developed national standards designed to prevent, detect, and respond to prison rape, which were finalized in 2012.

Four sets of standards were developed for the following types of confinement settings: (1) adult prisons and jails, (2) juvenile facilities, (3) community corrections facilities, and (4) temporary holding facilities. The El Paso County Criminal Justice Center follows the standards applicable to adult prisons and jails and has been working toward compliance since 2013.

## Definitions

**Sexual Abuse.** Active or passive contact or fondling between his/her genitals, hand(s), mouth, buttocks, anus, breast and the genitals, hands, mouth, buttocks, anus or breast of another person who expressed or implied consent to the accused offender's conduct. Contact can be with or without clothing being worn by one or both parties. Or, displays his/her anus/genitals or breasts (female) to another person, regardless of the other party's expressed or implied consent to the accused offender's conduct. Or, masturbates in the presence or direct vision of another person regardless of the other party's expressed or implied consent to the offender's conduct.

**Sexual Misconduct:** Any behavior or act of a sexual nature, directed toward anyone by another person. Sexual misconduct includes, but is not limited to, acts, threats, request for sexual acts or attempts to commit acts such as sexual harassment, sexual contact, obscenity, behavior of a sexual nature or implication of the same, inappropriate sexual comments, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, sexually harassing comments or language, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent. Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

## Types of Sexual Acts or Misconduct

**Staff/Volunteers/Contract Personnel-on-Inmate:** Acts of oral sodomy, rape, sexual abuse, sexual assault with an object, sexual harassment, sexual fondling, or sexual misconduct against an inmate is a crime. Further, retaliation against inmates who refuse to submit to sexual activity, or intimidation of a witness, is a crime. All cases will be referred, as appropriate, by the Detention Bureau Chief to the El Paso County Sheriff's Office Detention Bureau Investigation Team, or the Law Enforcement Bureau Investigation Division, and the El Paso County Sheriff's Office, Support Services Bureau, Professional Standards Division, Internal Affairs Section.

**Inmate-on-Inmate:** When one or more inmates are considered to be engaging in or attempting to engage in a sexual act with another inmate, it is sexual misconduct. When an inmate, or group of inmates, through the use of threats, intimidation, force, or other actions and/or communications reasonably calculated to cause submission of another inmate to engage in a sexual act against that inmate's will, it is a crime. Any sexual fondling or act not at the level of a crime is still prohibited by the El Paso County Sheriff's Office Detention Bureau under the

zero-tolerance policy. All cases will be initially investigated by witnessing Deputy or a Deputy appointed to investigate the incident and, as appropriate, referred by the Detention Bureau Chief to the El Paso County Sheriff's Office Detention Bureau Detention Investigation Team or to the Law Enforcement Bureau Investigation Division.

### **Substantiated Allegation**

An allegation that was investigated and determined to have occurred.

### **Unfounded Allegation**

An allegation that was investigated and determined not to have occurred.

### **Unsubstantiated Allegation**

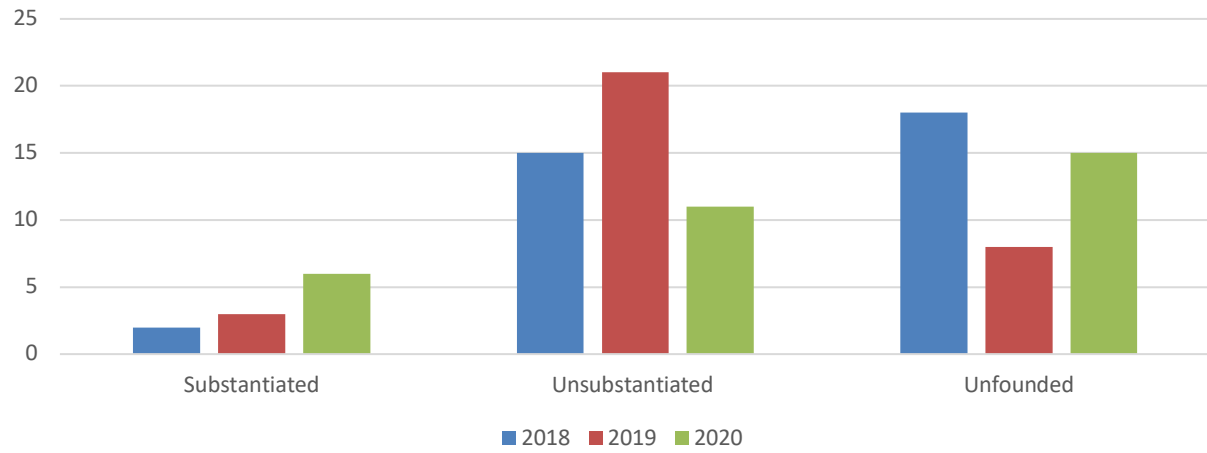
An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

## **El Paso County Sheriff's Office Sexual Abuse Data**

### **Complaints of Inmate-on-Inmate and Staff-on-Inmate Sexual Abuse**

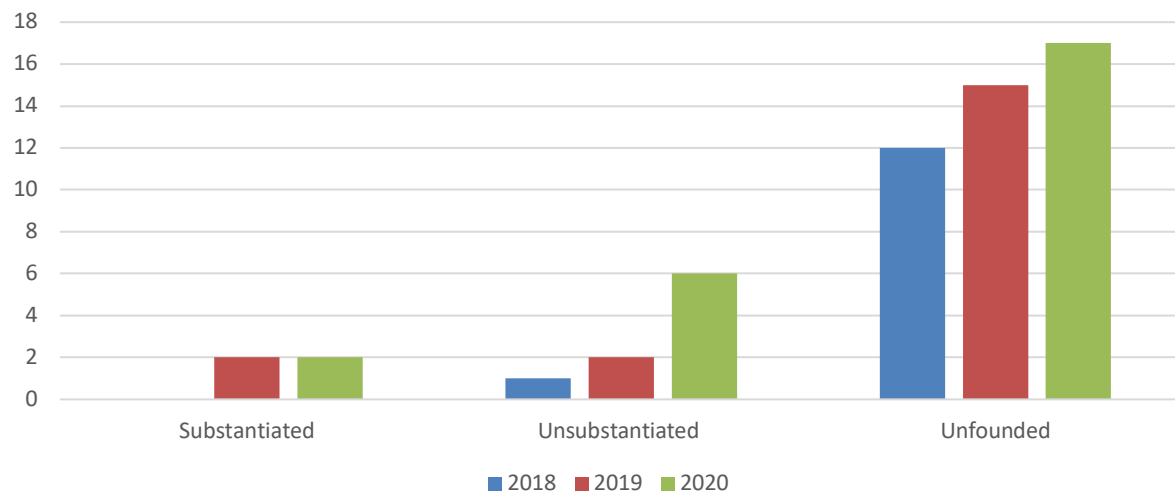
<b>Inmate on Inmate Complaints</b>			
	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>
<b>2018</b>	2	15	18
<b>2019</b>	3	21	8
<b>2020</b>	6	11	15

## Inmate / Inmate PREA Complaints



Inmate on Staff Complaints			
	Substantiated	Unsubstantiated	Unfounded
2018	0	1	12
2019	2	2	15
2020	2	6	17

## Inmate / Staff Complaints



## Agency Achievements in 2020

To show compliance, the El Paso County Sheriff's Office took the following steps:

- Standard Operating Procedures (SOP's) are reviewed and updated annually to ensure compliance with PREA standards.
- PREA Roll Call Training presentations are done quarterly for staff briefings.
- The Inmate Handbook was reviewed and updated to ensure inmates were aware of PREA reporting mechanisms.
- In the last three years, our statistical data has been relatively consistent. This demonstrates knowledge of PREA and the fact that our inmate population is aware of, and comfortable with, using the reporting mechanisms to bring forth concerns to staff.

## Zero Tolerance Policy

The El Paso County Sheriff's Office Detention Bureau has a zero-tolerance policy relating to sexually abusive behavior and sexual assault. Sexual conduct between staff and inmates, volunteers or contract personnel and inmates, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.



---

Sheriff William Elder