

ENUMCLAW CITY JAIL

2021 PREA Report

ENUMCLAW CORRECTIONS



What is PREA?

The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to address the elimination and prevention of sexual assault, sexual misconduct, and harassment for those who are incarcerated. Sexual misconduct under this law includes:

- Inmate-on-Inmate sexual assault and abuse
- Staff-on-inmate sexual misconduct (sexual/inappropriate relationships with inmates)
- Inmate-on-inmate and staff-on-inmate sexual harassment

PREA Response at the Enumclaw City Jail

The Enumclaw City Jail is committed to providing a safe and healthy environment for staff and inmates. Prevention of sexual assault, abuse or misconduct, and harassment in the Enumclaw City Jail is paramount. The Enumclaw City Jail has zero tolerance policy toward sexual assault, sexual abuse, or misconduct, and/or sexual harassment of inmates by either other inmates or staff. It also recognizes offenders who are sexually abused or harassed as victims of a serious crime.

The facility immediately responds to allegations, thoroughly investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution, when warranted. Perpetrators will be held accountable and every victim will be offered services. The Enumclaw City Jail's policies regarding sexual misconduct apply to all inmates. They also apply to employees, contractors, and volunteers.

Every allegation will be thoroughly investigated and sanctions up to and including prosecution will be imposed, when warranted. Perpetrators will be held accountable and every victim will be offered services. In addition, retaliatory actions against employees or inmates who report incidents of sexual assault, abuse, or harassment will not be tolerated and will result in disciplinary action and/or criminal prosecution.

General Information

During calendar year 2021, there were a total of 438 new admissions into the Enumclaw City Jail (a decrease of 131 from 2021). The decrease was due to the continuation of booking restrictions caused by the COVID-19 pandemic. These admissions include repeat inmates booked on new charges and persons booked into and housed in our jail by formal legal document and by the authority of the courts or some other official agency. Of the new admissions, 350 were male, and 88 were female. The average days served per male was 10.4 days and for females 4.3 days (an increase of approximately three days for males and a day and a half for females from 2020). This increase was likely due to more inmates serving their sentences at our facility instead of the Yakima County Jail. Due to the COVID-19 pandemic, the Yakima County Jail was not accepting inmates from other contracted agencies. The average daily population of the Enumclaw City Jail was only 14 inmates, again due to the continuation of booking restrictions caused by the COVID-19 pandemic.

The Enumclaw City Jail uses the Survey of Sexual Victimization, provided by the U.S. Department of Justice, to categorize and collect its data. That survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of data collection, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

Nonconsensual Sexual Acts:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

OR

- Contact between the mouth and the penis, vulva, or anus;

OR

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.

Abusive Sexual Contacts:

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 (excluding incidents in which the contact was incidental to a physical altercation).

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 directed toward another.

We also use the definition of “sexual abuse” by a staff member, contractor, or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For the purpose of data collection, sexual abuse is disaggregated into two categories of staff-on-inmate sexual victimization. These categories are:

Staff Sexual Misconduct:

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors.)

Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment:

Repeated verbal statements, comments, or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors). To include;

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

OR

- Repeated profane or obscene language or gestures.

Note: The two aforementioned categories, Staff Sexual Misconduct and Staff Sexual Harassment are also utilized, in a reverse role, for the purpose of data collection of inmate-on-staff sexual victimization.

PREA 2021 Incidents

The chart below depicts the number of complaints/incidents of Inmate-on-Inmate, Staff-on-Inmate, and Inmate-on-Staff that occurred during 2021.

	Type of Allegation	Reported	Substantiated	Unsubstantiated	Unfounded	Referred	Investigation Ongoing
	Inmate on Inmate						
1	Nonconsensual Sexual Act	1	0	0	1	0	0
2	Attempted Nonconsensual Sexual Act	0	0	0	0	0	0
3	Abusive Sexual Contact	0	0	0	0	0	0
4	Sexual Harassment	0	0	0	0	0	0
	Staff on Inmate						
1	Sexual Misconduct	1	0	0	0	1	0
2	Sexual Harassment	0	0	0	0	0	0
	Inmate on Staff						
1	Sexual Misconduct	0	0	0	0	0	0
2	Sexual Harassment	0	0	0	0	0	0

PREA 2021 Report Findings

For 2021, there were two reports of PREA incidents. Both allegations occurred in another confinement facility. One, Staff on Inmate Sexual Misconduct, was referred to that agency for investigation, resulting in a finding of “Referred”. The other, Inmate on Inmate Nonconsensual Sexual Act, resulted in a finding of “Unfounded” due to the fact the inmate could not recall when it happened or the facility he was in at the time of the alleged incident.

Complaints/incidents are classified with one of the following dispositions:

Unfounded – When the investigation discloses that the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated – When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not Sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Undetermined – When the investigation discloses that the complainant withdraws the complaint, cannot be located, and/or is uncooperative OR the accused member separates from employment before the conclusion of the investigation.

Referred – When the investigation discloses that the alleged act occurred at another confinement facility.

The following are a few actions to be taken by the Enumclaw City Jail again in 2021 to be proactive in preventing and/or addressing sexual abuse and sexual harassment.

1. Continued review of all Department policies to ensure compliance with PREA standards and related expectations.
2. Continued PREA training to all staff who have contact with inmates.
3. Continued partnering with the King County Sexual Assault Resource Center for support services to inmate sexual assault victims.
4. Continued PREA education to our inmate population to include showing a video at least twice a month.
5. Installation of four new cameras to decrease the amount of “dead space” not covered by the current camera systems.

In conclusion, the Enumclaw City Jail is committed to providing a safe and healthy environment for staff and inmates. Prevention of sexual assault, abuse or misconduct, and harassment in the Enumclaw City Jail is paramount.