



Prison Rape Elimination Act PREA Annual Report: 2017

Multnomah County Sheriff's Office

April 30, 2020



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Summary

This is the Multnomah County Sheriff's Office (MCSO) annual report of data collected and aggregated pursuant to Prison Rape Elimination Act (PREA) Standard 115.88 – PREA Annual Report. The purpose of this report is to assess and improve the effectiveness of the agency's sexual abuse prevention, detection, and response policies, practices, and training. This report presents data collection findings and corrective actions for the two adult jail facilities, the Multnomah County Detention Center (MCDC) and the Multnomah County Inverness Jail (MCIJ), as well as the agency as a whole. This report includes data from prior years to track progress made in addressing sexual abuse.

This report has been approved by the Multnomah County Sheriff and is available on our website, <https://www.mcso.us/site/prea.php>

Background

The Prison Rape Elimination Act was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies.

Pursuant to PREA policy requirements, each agency shall report their data annually. This report focuses on 2017 incidents and compares this data with four prior years, 2013, 2014, 2015, and 2016.

MCSO adopted a zero tolerance policy on issues pertaining to inmate sexual abuse and sexual harassment and has

2017 Data Summary ...

In 2017, the Multnomah County Sheriff's Office documented 24 allegations of sexual abuse. Of these incidents, 22 were unfounded and two were unsubstantiated.

In addition, there were 10 allegations of sexual harassment. A single incident, involving unwanted letters from one inmate to another, was substantiated. Five of the remaining incidents were unsubstantiated and four were unfounded.



implemented policies, training requirements, and standards for the detection, prevention, reduction and punishment of prison rape. Reporting on data collected provides important information to assist in improving processes. The goal of this report is to identify problem areas, find solutions to these issues, and explain findings in a comprehensive manner.

General Jail Information

MCSO serves the 803,000 residents of Multnomah County, Oregon¹. Portland, the largest city in Oregon, and Gresham, the state's fourth largest city, are both located in Multnomah County. MCSO manages the County's adult jail population with two facilities, MCDC and MCIJ.

Over the past five years, MCSO booked an annual average of 34,881 arrestees and had an average daily population of 1,164 inmates (Table 1). The total *budgeted*² capacity is 1,192 beds.

Table 1. Annual Bookings and Average Daily Population

	2013	2014	2015	2016	2017
Standard Bookings	37,346	34,974	32,403	30,321	28,336
Turn-Self In Bookings ³	1,833	1,569	1,417	1,625	1,373
In-Transit Bookings ⁴	1,037	1,033	1,059	1,004	925
Bookings Total	40,216	37,576	34,879	32,950	30,634
MCDC: Average Daily Population	419	398	392	399	402
MCIJ: Average Daily Population	817	787	776	756	673
Average Daily Population Total	1,236	1,185	1,168	1,155	1,075

MCSO Reported PREA Incident Data

MCSO attempts to collect data on all PREA incidents experienced by arrestees and/or inmates. This includes incidents that may have taken place in another jurisdiction or before their current custody. Each incident is reviewed and, if necessary, investigated.

For example, as part of MCSO's classification process, arrestees are asked if they have ever been sexually assaulted in custody. An arrestee may respond that an incident occurred at the Eastern Oregon Correctional Institution (EOCI) in 1992. Information on this incident would be documented and Oregon Department of Corrections (DOC) would be contacted.

¹ <https://www.pdx.edu/prc/population-reports-estimates>, estimate as of 4/1/2018

² FY18 budget (July 2017 to June 2018).

³ Turn-Self In bookings are where an offender has been sentenced and ordered to return to jail at a later date.

⁴ In-Transit bookings are individuals being held for other jurisdictions while being transported.



Inmates are provided education on PREA at all stages of their custody, from booking to housing, and are asked about their experiences during intake and transfers through the jail system.

PREA incidents may be reported by a number of sources including arrestees, inmates, jail staff, medical personnel, outside family/contacts, and other jurisdictions. The MCSO Jail Detective reviews each case and investigates accordingly. The PREA Coordinator collects the case files, examines the information, and makes a final determination on the case disposition. If necessary, a case may be reviewed through the chain of command and/or sent for further investigation to Internal Affairs.

MCSO 2017 PREA Incidents

In 2017, a total of 200 PREA-related incidents were reported. Of these, 34 (17%) qualified for Federal reporting, as these allegations occurred within an MCSO facility, were stated to have occurred between January 1, 2017 and December 31, 2017, and were identified as a PREA incident per Federal definitions.

Multnomah County Detention Center (MCDC)

All bookings are processed at MCDC and PREA allegations may, and often do, take place while an arrestee is being searched and booked. Of the 34 alleged incidents, 25 were reported at MCDC. The one substantiated PREA incident from 2017 was an inmate-on-inmate sexual harassment which occurred in MCDC housing. The remaining 24 incidents were determined to be unfounded or unsubstantiated.

Multnomah County Inverness Jail (MCIJ)

Eight alleged incidents were reported at MCIJ. None of these incidents were substantiated – all were unfounded or unsubstantiated.

Unknown (Non-specified Location)

An outside agency received a report of an incident alleged to have occurred in Multnomah County custody in 2017. The facility was not identified in the statement. This incident was reviewed and determined to be unfounded.

Data Summary

Table 2 shows 2017 incidents by location, type, and disposition. (See the glossary for definitions of types and dispositions.)

The most frequent alleged incident type was Staff Sexual Misconduct. In 2017, 18 of the 34 (53%) reported incidents were of Staff Sexual Misconduct. Of these incidents, 17 were unfounded and one was unsubstantiated.



There were two reports of Staff Sexual Harassment, determined to be unsubstantiated and unfounded, respectively.

Of inmate-on-inmate incidents, the most frequent reported allegation was of sexual harassment. In 2017, there were eight alleged incidents of inmate-on-inmate sexual harassment - four were unsubstantiated, three were unfounded, and one was substantiated.

There were three reports of inmate-on-inmate abusive contact - two unfounded and one unsubstantiated; and three reports of inmate-on-inmate nonconsensual sexual acts - all unfounded.

Table 2: Number of Alleged Incidents by Facility, Type of Incident, and Disposition

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
MCDC				
Nonconsensual Sexual Act		1		1
Abusive Sexual Contact		1	1	2
Sexual Harassment	1	2	2	5
Staff Sexual Misconduct		15	1	16
Staff Sexual Harassment			1	1
MCDC Total	1	19	5	25
MCIJ				
Nonconsensual Sexual Act		1		1
Abusive Sexual Contact		1		1
Sexual Harassment		1	2	3
Staff Sexual Misconduct		2		2
Staff Sexual Harassment		1		1
MCIJ Total		6	2	8
Unknown				
Nonconsensual Sexual Act		1		1
Unknown Total		1		1
Agency Total	1	26	7	34

Demographics

Two female inmates were involved in the single substantiated incident in 2017. During this incident, one inmate sexually harassed another inmate. The victim in this incident was Black and 25 years old, and the perpetrator was White and 32 years old.



2013-2017 Comparisons of Reported Incident Data

Annual reporting requirements include a comparison of current data to prior years (Table 3). The number of PREA allegations increased from 32 to 34 (6%) between 2016 and 2017.

Table 3. PREA Cases by Type, Disposition: 2013, 2014, 2015, 2016, 2017

Type of Incident	Substantiated	Unfounded	Unsubstantiated	Total
2013				
Nonconsensual Sexual Acts				
Abusive Sexual Contact	3		2	5
Sexual Harassment	1	1	1	3
Staff Sexual Misconduct		8	1	9
Staff Sexual Harassment				
2013 Total	4	9	4	17
2014				
Nonconsensual Sexual Acts		1		1
Abusive Sexual Contact	3			3
Sexual Harassment	5	1	3	9
Staff Sexual Misconduct		4		4
Staff Sexual Harassment		3	1	4
2014 Total	8	9	4	21
2015				
Nonconsensual Sexual Acts		2		2
Abusive Sexual Contact		3		3
Sexual Harassment	3	2	5	10
Staff Sexual Misconduct		19	1	20
Staff Sexual Harassment		4		4
2015 Total	3	30	6	39
2016				
Nonconsensual Sexual Acts				
Abusive Sexual Contact		1		1
Sexual Harassment	1	4	4	9
Staff Sexual Misconduct		18		18
Staff Sexual Harassment		4		4
2016 Total	1	27	4	32
2017				
Nonconsensual Sexual Acts		3		3
Abusive Sexual Contact		2	1	3
Sexual Harassment	1	3	4	8
Staff Sexual Misconduct		17	1	18
Staff Sexual Harassment		1	1	2
2017 Total	1	26	7	34



PREA Review Committee

The MCSO PREA Review Committee reviews cases of sexual abuse that are substantiated or unsubstantiated. Reviews are typically completed within 30 days from the conclusion of the investigation. The Committee is comprised of the Facility Commander where the incident occurred, the PREA Coordinator, Medical Staff and/or Mental Health Staff, the investigator, and a line supervisor. The Committee reviews the police reports and internal reports and evaluates the following areas for corrective action:

- Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification status, or perceived status; gang affiliation; or other group dynamics at the facility;
- The area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Adequacy of staffing levels in that area during different shifts;
- Whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The PREA Review Committee creates a report with their findings and any recommended improvements. The report is submitted to the PREA Compliance Manager and Facility Commander. The facility may implement the recommendations and document their completion, or the Facility Commander may document the reasons for not implementing the recommendations.

In 2017, there were no substantiated sexual abuse incidents. The PREA Review Committee reviewed one of the unsubstantiated incidents of sexual abuse. In the findings, the Committee recommended having video monitoring available to supplement staff supervision. MCSO Internal Affairs reviewed the second unsubstantiated incident of sexual abuse, as other policy violations were alleged. As a result, the facility commander met with the involved staff member to reinforce policies and procedures.

Summary of General Corrective Actions and Agency Updates

Below are corrective actions and information by facility and agency-wide:

MCDC

- PREA posters put up in inmate areas
- PREA screening process established for returns to MCDC
- PREA audit conducted and determined MCDC meets all applicable PREA standards



MCIJ

- PREA posters put up in inmate areas
- PREA screening process established for transfers to MCIJ from MCDC
- Digital signage providing PREA education implemented
- PREA audit conducted and determined MCIJ meets all applicable PREA standards

Agency Updates

- MCSO PREA training made available online
- 2017 MCSO Staffing Plan completed
- MCSO PREA policy updated and published
- Law Enforcement PREA investigative policy updated
- Classification staff provided updated training on 30 day reviews
- 30 Day inmate classification process started
- Counselors established 30 day education processes
- MCSO website updated to include PREA information
- Methodology created to capture monthly PREA statistics across the agency
- New PREA Coordinator started November 2017
- Agency staff members selected and trained in PREA Advocacy response
- New Advocacy Response Plan implemented and policy updated
- Updated PREA Expectations Form for contractors and volunteers entering the facility
- PREA Audit posted on Agency website



Glossary: Definitions for Federal Reporting

PREA Incident Types

Inmate-on-inmate Nonconsensual Sexual Act:

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, object, or other instrument.

Inmate-on-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.

EXCLUDES incidents in which the contact was incidental to a physical altercation.

Inmate-on-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 directed toward another.

Staff-on-inmate Sexual Misconduct

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

Sexual relationships of a romantic nature between staff and inmates are included in this definition.

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-on-inmate Sexual Harassment

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, or other agency representative (exclude family, friends, or other visitors).



INCLUDES demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

OR

Repeated profane or obscene language or gestures.

PREA Disposition Types

Substantiated: An allegation that was investigated and determined to have occurred.

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

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

Investigation ongoing: Investigation has not been completed.