

Delano Modified Community Correctional Facility (MCCF) Prison Rape Elimination Act (PREA) Annual Report – Calendar Year 2016

The Federal Prison Rape Elimination Act (PREA) of 2003, was established to address the sexual abuse and sexual harassment of offenders in confinement settings. On August 20th, 2012, the PREA Standards Final Rule, to help prevent, detect, and respond to sexual violence, staff sexual misconduct, and sexual harassment behind bars was released.

The Delano MCCF's policy establishes zero tolerance for sexual abuse, staff sexual misconduct and sexual harassment and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations against CDCR offenders. A further purpose of this policy is to provide guidelines for the successful community re-entry of offenders.

Delano MCCF continues to remain diligent in investigating **all allegations** of sexual abuse, staff sexual misconduct, and sexual harassment against offenders. Staff and offenders are educated on the department's zero tolerance policy and provided information on the multiple ways to report an allegation, to include third-party reporting. Incidents involving DMCCF Staff will be thoroughly investigated by DMCCF. Incidents involving CDCR Staff will be investigated by the CDCR Office of Internal Affairs. All substantiated allegations will be referred to the Kern County District Attorneys Office for prosecution.

Third Party Assistance

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

If inmate declines to have the request processed on his or her behalf, the facility shall document the inmate's decision.

Delano MCCF, PREA Manager
P. O. Box 1060

Delano CA 93216
 Phone: (661) 720-2849

Provide as much detail as possible, such as:

- Inmate victim’s name and CDCR number
- Perpetrator’s name and ID number (if available)
- When/Where the incident occurred (date, time, location – i.e. dorm, shower, etc.)
- Incident description
- Your name, contact information and relationship to the inmate/victim

DEFINITIONS:

Substantiated allegations – an allegation that was investigated and determined to have occurred.

Unsubstantiated allegation – an allegation that was investigated and insufficient evidence was obtained to determine if the allegation did or did not occur.

Unfounded allegation – an allegation that was investigated and proven not to have occurred.

On-going Investigation – the investigation was initiated and is on-going.

STATISTICS:

The following are statistics of reported allegations within Delano MCCF, by category:

➤ Inmate on Inmate Nonconsensual Sexual Acts

	2015	2016
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Nonconsensual sex acts is defined as contact of any person without his/her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

➤ Inmate on Inmate Abusive Sexual Contact

	2015	2016
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0

On-going Investigation	0	0
Total:	0	0

Abusive sexual contact is defined as contact of any person without his/her consent, or by coercion, or contact of a person who is unable to consent or refuse ANS intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, of any person.

➤ Inmate on Inmate Sexual Harassment

	2015	2016
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

Inmate on inmate sexual harassment is defined as repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

➤ Staff Sexual Misconduct

	2015	2016
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	1
On-going Investigation	0	0
Total:	0	1

Staff is inclusive of employees, volunteers, and independent contractors. Delano MCCF's zero tolerance policy holds all staff accountable when it is proven that they have violated the policy. Please remember, the legal concept of "consent" does not exist between staff and offenders; any sexual behavior between them constitutes sexual misconduct and subjects the staff member to disciplinary actions and/or to prosecution under the law.

➤ Staff Sexual Harassment

	2015	2016
Substantiated	0	0
Unsubstantiated	0	0
Unfounded	0	0
On-going Investigation	0	0
Total:	0	0

SUMMARY

In 2016, the Delano MCCF received one report of sexual misconduct. This is the first and only reported PREA incident at Delano MCCF since 2013. This is attributed to revision and reissuance of the DMCCF policy of PREA. It is believed, that the increased information being shared and discussed in the facility has allowed inmates to feel more confident in reporting allegation.

DMCCF continues to train our staff in addressing sexual abuse by continually monitoring all allegations of sexual abuse, staff sexual misconduct, and sexual harassment. If such conduct were to occur, each allegation will be investigated by trained investigators and reviewed by the facility hiring authority. If we identify issues or trends they will be addressed immediately. This may include modifications to existing policy, procedures, education or training. This also could take into consideration physical plant limitations.

Some of the activities the Delano MCCF has been involved in during the previous calendar year included:

- Revision to the PREA Policy, Delano Policies and Procedures #1019
- Revision to PREA Training materials
- Modification of the inmate education materials on sexual abuse
- Installation of Video Surveillance and Recording System
- PREA Compliance Audit - on going through April 2017
- Additional staff training
- Improved Inmate Screening process

Approved for posting

X

G. Marshall

G. Marshall
Chief of Corrections

Shine the light on Sexual Abuse

If you, a friend, or someone you know has been the victim of sexual assault, has been threatened with sexual assault, has been sexually harassed, or has experienced retaliation for reporting an incident of sexual assault or harassment, there are 3 ways to report it.

- 1) Tell any staff member;
- 2) Use the confidential telephone numbers or addresses listed below; or
- 3) Have a family member or friend contact the institution and report it

All victims of alleged sexual abuse will be treated with sensitivity and all such allegations will be promptly investigated.

Office of the Inspector General PREA Ombudsperson Reporting Information

Telephone Number (916) 555-0001

Mailing Address
OIG PREA Ombudsperson
Office of the Inspector General
10111 Old Placerville Road, Suite 110
Sacramento, CA 95827

Calls are confidential and can not and will not be monitored. All Calls are free.

WOMEN'S CENTER HIGH DESERT
134 South China Lake Boulevard
Ridgecrest CA 93556
24-hr. Crisis Hotline at (760) 375-0745
womenscenterhighdesert.org

The facility shall enable reasonable communication between inmates and WCHD, in a confidential a manner as possible. Calls are free. When written correspondence between the Women's Center Personnel and an inmate is in an envelope marked "Evidence Code 1035.4 Privileged Communication" correspondence will be treated as confidential mail.

CDCR has a Zero Tolerance policy which can be found in DOM 54040.1.

The Department strives for a safe, humane, secure environment, free from sexual abuse.

"No Means No, and Yes is not Allowed"

Sexual abuse of any kind is strictly prohibited.



Elevemos la conciencia sobre el abuso sexual

Si usted, un amigo o alguien que conoce ha sido víctima de agravio sexual, ha sido amenazada con agravio sexual, ha sido acosada sexualmente, o fue sometida a represalias por reportar un incidente de agravio o acoso sexual, hay 3 maneras de reportarlo.

- 1) Cuénteles a un miembro del personal;
- 2) Use los números de teléfono confidenciales o direcciones indicadas a continuación; o
- 3) Pídale a un familiar o amigo que se comuniquen con la institución y lo reporte

Todas las víctimas de abuso sexual alegado serán tratadas con sensibilidad, y todos sus alegatos serán investigados con rapidez.

Oficina del Inspector General Información para efectuar una denuncia al Defensor del Pueblo (Ombudsperson) de PREA

Número de teléfono (916) 555-0001

Dirección postal
OIG PREA Ombudsperson
Office of the Inspector General
10111 Old Placerville Road, Suite 110
Sacramento, CA 95827

CENTRO DE LA MUJER ALTO DESIERTO
134 Sur China Lake Boulevard
Ridgecrest CA 93556
Línea de Crisis las 24 horas (760) 375-0745
womenscenterhighdesert.org

La instalación permitirá comunicación razonable entre los reclusos y WCHD, en un confidencial una manera como sea posible. Las llamadas son gratuitas. Esté en un sobre marcado "pruebas código 1035.4 privilegiada comunicación" correspondencia escrita entre el personal del centro de Crisis y un recluso se tratará como confidencial por correo.

El CDCR tiene una política de tolerancia cero, que se puede encontrar en DOM 54040.1.

El Departamento se esmera por brindar un ambiente seguro y humano, libre de abuso sexual.

“No quiere decir no, y no se permite el Sí”

Se prohíbe el abuso sexual de cualquier tipo.



Spanish