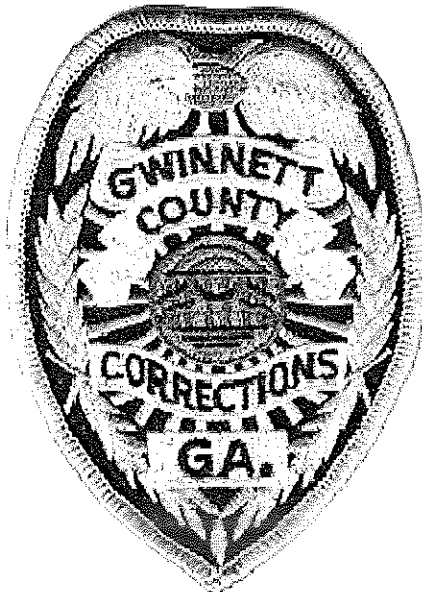


GWINNETT COUNTY

DEPARTMENT OF CORRECTIONS

Prison Rape Elimination Act (PREA)
Annual Report 2016



The Gwinnett County Department of Corrections has a zero tolerance policy regarding the sexual assault, abuse, or harassment of any offender in our custody or control. Whenever anyone is alleged to have committed any form of sexual assault, abuse or harassment a criminal and/or administrative investigation will be thoroughly conducted. Criminal investigations will be conducted by the Gwinnett County Police Department. Any person determined to have committed a criminal offense will be referred to the Gwinnett County District Attorney for criminal prosecution. Administrative investigations will be conducted internally by specially trained investigators. Any person that has committed a violation of a county policy or procedure will be referred for administrative disciplinary action up to and including termination of employment.

PREA History

Prison Rape Elimination Act (PREA) is a federal law that was passed by both houses of the U.S. Congress and subsequently signed by President George W. Bush on September 4, 2003. This law aims to curb prison rape through a "zero-tolerance" policy. The act also provides for research and information gathering. This law called for developing national standards to prevent incidents of sexual violence in prison. This law applies to all offenders in the United States starting from the moment they are taken into custody and ending when the person is no longer under any supervision of the criminal justice system.

The Department of Justice issued a final rule, effective August 20, 2012, adopting national standards to prevent, detect, and respond to prison rape, as required by the Prison Rape Elimination Act of 2003 (PREA).

This was not a new concept and Georgia already had a law to prevent such abuse that was enacted on March 16, 1983 which stated:

- "16-6-5.1. (a) As used in this Code section, the term:
 - (1) 'Actor' means a person accused of sexual assault.
 - (2) 'Intimate parts' means the genital area, groin, inner thighs, buttocks, or breasts of a person.
 - (3) 'Sexual contact' means any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.
- (b) A person commits sexual assault when he engages in sexual contact with another person who is in the custody of law enforcement or who is detained

in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person...”

2016 Issues / Corrective Actions

1. Effective June 1, 2015, this facility became fully compliant with the Federal PREA Standards. Prior to this date there were laws, policies, and procedures in place to protect offenders from sexual abuse and sexual harassment.

Lieutenant Keith Phinney of the Support Services Division is designated as the PREA Compliance Manager and leads the efforts of the department to be fully compliant with all of the standards established in the federal statutes.

2. Lieutenant Phinney completed the analysis of the standards and oversaw the implementation of the policy and procedure changes to ensure the department is fully compliant with all standards. On June 2, 2016 Kathrine Brown completed the facility visit and On June 4, 2016 submitted the final report of the 2016 federal audit of the PREA Standards for the facility.

There are 43 Standards for Adult Prisons that are required for the Gwinnett County Comprehensive Correctional Complex. Of the 43 Standards for Adult Prisons the finding of the 2016 audit were: 33 of the standards were met, 6 of the standards were exceeded and 4 of the standards were not applicable.

3. During a review of some facility video monitoring, we self-identified a problem with cross-gender viewing of recordings. No allegation has been made.

Best practice is to avoid any cross-gender viewing; however, each investigation must be completed using all of the recording available. The facility has posted signs in the facility to inform all offenders of the presence of recording cameras and explaining the step required for privacy while dressing or using restroom/shower facilities.

4. We have added separate specifically identified mailboxes in every living area for PREA so inmates and staff can submit written allegations.

These mailboxes are checked at a minimum of three times daily (Once during each shift by a designated supervisor) to ensure any written allegations are processed timely.

5. We discussed cross gender viewing in the shower and bathroom areas.

Shower tracks and commode partitions have been installed. All staff have been trained regarding the best practices for avoiding cross gender viewing in shower and restrooms.

6. We discussed the facility response to a sexual assault and have completed an emergency plan for such a response.

Training is being completed with the Gwinnett County Police Department's Special Victim's Unit. All of the investigating detective's in the Special Victim's Unit have completed the online training provided by the National Institute of Corrections (NIC) for specialized training for investigating sexual assault in confinement settings.

7. We discussed PREA phone numbers for inmates, staff, and others.

With the change to Securus for telephone service we had to change the calling procedures for offenders using inmate phones. Inmate using the prompts for a collect call and then entering 077 as a phone number, the system will dial into the Georgia Department of Corrections PREA Hotline without having to input any personally identifying information. The Residents of the facility can dial 1-888-992-7849 from any phone with outside facility access to make reports to the Georgia Department of Corrections PREA Hotline. Both of these access forms will be tested by the compliance manager.

Definitions:

Sexual Abuse of an offender, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the offender, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with 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;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident.
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties.

Sexual Harassment or Sexual Misconduct includes:

1. Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an offender, detainee, or 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.

Substantiated Allegation means an allegation that was investigated and determined to have occurred.

Unsubstantiated Allegation means 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 Allegation means an allegation that was investigated and determined not to have occurred.

Referral to Outside Agency means that an allegation was investigated by another agency with sufficient legal authority to complete the investigation and take the appropriate action.

2016 Statistics

Total Allegations Reported in 2016: 34

Substantiated	Unsubstantiated	Unfounded	Referral to Outside Agency
8	4	22	1

Inmate on Inmate Harassment: 7

Substantiated	Unsubstantiated	Unfounded	Referral to Outside Agency
3	1	3	0

Inmate on Inmate Abuse: 1

Substantiated	Unsubstantiated	Unfounded	Referral to Outside Agency
0	0	1	0

Staff on Inmate Harassment: 17

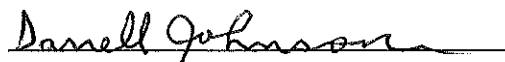
Substantiated	Unsubstantiated	Unfounded	Referral to Outside Agency
4	1	12	0

Staff on Inmate Abuse: 9

Substantiated	Unsubstantiated	Unfounded	Referral to Outside Agency
1	2	6	1

 #340

Lieutenant Keith Phinney, CCM
PREA Compliance Manager



Warden Darrell Johnson