

GWINNETT CORRECTIONS

# Prison Rape Elimination Act Annual Report 2020

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 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. The PREA 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.

Georgia already had a law to prevent such abuse that was enacted on March 16, 1983 which stated:

1. “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.
2. (b) A person commits sexual assault when he engages in sexual contact with another person who is in the custody of law 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...”

# 2020 ISSUES AND CORRECTIVE ACTIONS

1. This facility remains fully compliant with the Federal PREA Standards. Prior to the implementation of the federal standards there were laws, policies, and procedures in place to protect offenders from sexual abuse and sexual harassment.

*Lieutenant Sheree White of the Support Services Division is designated as the PREA Compliance Manager and leads the efforts of the department to remain compliant with all the standards established in the federal statutes.*

2. Lieutenant White reviews the policies and procedures of the Gwinnett County Department of Corrections to ensure the department is fully compliant with all standards.

*Lieutenant White represents the Department of Corrections on the County's Multi-Disciplinary Taskforce to remain in contact with the other responsible for investigating and prosecuting crimes of sexual assault and abuse.*

3. The implementation of our new video monitoring system is complete. This system has been very useful in investigating PREA allegations. We continue to monitor the surveillance system for possible issues such as cross-gender viewing and possible blind spots.

*The best practice is to avoid any cross-gender viewing. The facility has posted signs in the facility to inform all offenders of the presence of recording cameras and explaining the steps required for privacy while dressing or undressing. Additional steps were implemented to inform all offenders about the video monitoring system.*

4. We discussed cross gender viewing in the shower and bathroom areas as this has been an area of significant allegations. In 2020, there was only one cross-gender viewing allegation which is still under investigation. There have been an increase in allegations regarding the same gender viewing in the shower and bathroom. All same gender viewing allegations during 2020 have been unfounded due to staff members conducting their official duties.

*Additional information and training are being provided to offenders regarding viewing and recording in the restroom and shower areas. All staff have been trained regarding the best practices to avoid allegations in showers and restrooms.*

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

*A mock sexual assault event was conducted here at the facility on April 3, 2019 with all agencies that would be involved in an actual event. Investigators of the Gwinnett County Police Department's Special Victim's Unit were present. All investigating detectives in the Special Victim's Unit have completed specialized training provided by the National Institute of Corrections designed for investigating sexual assault in confinement settings prior to the mock sexual assault drill. A qualified Sexual Assault Nurse Examiner from Mosaic Georgia also participated in this event. During the facility debriefing of the mock event, the participants discussed areas that were handled appropriately and areas that needed improvement were discussed. PREA training is conducted annually and quarterly during shift briefings. A potential mock event is being considered for late 2021 through early 2022. Due to the current pandemic restrictions, all activities inside the facility have been limited.*

#### **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:

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

- 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:**

- Repeated and unwelcome 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
- 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.

## 2020 STATISTICS

During the calendar year of 2020, we had a total of (13) allegations reported. Of those 13 allegations, (4) were not PREA; (7) were unfounded; (2) were unsubstantiated; (0) were substantiated and we currently do not have any pending investigations for 2020.

	Description	S/I Harassment	S/I Abuse	I/I Harassment	I/I Abuse	Total
Total Allegations	Substantiated	0	0	0	0	0
	Unsubstantiated	0	1	0	2	3
	Unfounded	0	5	0	0	5
	Not PREA	4	1	0	0	5
	Invest. Pending	0	0	0	0	0
	Total Allegations	4	7	0	2	13

During the 2020 calendar year, we received (1) allegation that was referred from another facility that may have occurred in 2019; (1) allegation that was referred to an outside agency. Both were included in the total number of allegations for the 2020.

	Description	S/I Harassment	S/I Abuse	I/I Harassment	I/I Abuse	Total
Total Allegations Continued	Referral to outside Agency	0	1	0	0	1
	Referral from outside Agency	0	0	0	1	1
Total Allegations	Total Allegations	0	1	0	1	2



Lieutenant Sheree White  
PREA Compliance Manager



Warden Darrell Johnson