

# PRISON RAPE ELIMINATION ACT:

## 2016 ANNUAL REPORT

**O'Connell Youth Ranch is committed to meeting the requirements of the Prison Rape Elimination Act, of 2003 and enhancing the safety and security for OYR Residents. PREA standard 115.87/115.287 requires the collection and publication of aggregated data related to incidents of sexual abuse, in order to improve the effectiveness of our sexual abuse prevention, detection, response, policies, & training. The standard requires the publication of incident based data derived from the definitions set forth in the BJS annual Survey of Sexual Victimization (SSV).**

### **Background**

The Prison Rape Elimination Act of 2003 (PREA) was enacted to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape” (PREA Resource Center). The goal of the act is to prevent, detect, and respond to sexual abuse and harassment. The act was unanimously passed by Congress and signed into law by President George W. Bush.

The final rule became effective on August 20, 2012 after three years of review by the Department of Justice (DOJ). The final rule encompasses and defines four types of facilities which fall under the purview of the act: Adult Prisons and Jails, Lockup, Community Confinement, and Juvenile Facilities. In order to maintain compliance with the ruling, agencies are required to have 1/3 of each facility type audited by DOJ certified auditors per year beginning August 20, 2013. If unable to complete an audit within this timeframe, PREA allows for a “Governor’s Assurance” during the initial audit cycle. This assurance requires an allocation of Federal Grant funding to projects working on PREA compliance. A very successful PREA Audit was conducted in January of 2015 for O'Connell Youth Ranch.

This report has been promulgated pursuant to the requirements set forth in the Prison Rape Elimination Act of 2003.

O'Connell Youth Ranch's next PREA Audit will be in 2018.

### **Report Timeframe**

This report utilizes the data gathered from calendar year 2016.

### **Resident on Resident Incident Data**

Data was collected from January 1, 2016 - December 31, 2016. During this time period there were 0 allegations of resident on resident sexual victimization.

### **Definitions Related to Resident on Resident Sexual Victimization**

**Nonconsensual Sexual Act:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; 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; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or another instrument.

**Abusive Sexual Contact:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Exclude 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 resident directed toward another.

### **Staff on Resident Incident Data**

Data was collected from January 1, 2016 - December 31, 2016. During this time period there were 0 allegations of staff sexual misconduct.

### **Definitions Related to Staff on Resident Sexual Victimization**

**Sexual Misconduct:** Any behavior or act of a sexual nature directed toward a resident by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors). Sexual relationships of a romantic nature between staff and residents 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; completed, attempted, threatened, or requested sexual acts; occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**Sexual Harassment:** Repeated verbal statements, comments or gestures of a sexual nature to a resident by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include— Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; repeated profane or obscene language or gestures.

### **Data Analysis**

For calendar year 2016 there were 0 unsubstantiated and 0 substantiated incidents of resident on resident sexual abuse and 0 unsubstantiated and 0 substantiated incidents of resident on resident sexual harassment.

### **Corrective Action**

O'Connell Youth Ranch will continue to be proactive in its PREA trainings, signage and education of staff and residents in the "zero tolerance" policy. OYR will strive as a whole to protect and ensure the safety and well-being of all residents entrusted to our custody.

### **Conclusion:**

O'Connell Youth Ranch has implemented comprehensive policy and training since the passing of the Prison Rape Elimination Act in August of 2012. O'Connell Youth Ranch was audited by Jerome K. Williams, PREA Compliance for TJJD. OYR's auditor noted that all standards were met, 1 exceeding standard and 1 standard was not applicable. O'Connell Youth Ranch will continue to check for any blind spots not directly visible by staff and, when available, invest in monitoring technology with video and audio capabilities. O'Connell Youth Ranch will continue to train all staff and residents about PREA, OYR's Zero Tolerance Policy, the rules and regulations, and how to report any incidents that may occur.