

Annual PREA Review



Chief Patrick Labat

Introduction

The Atlanta City Detention Center (ACDC) is a municipal jail that houses inmates who have been charged with City ordinance or traffic offenses as well as detainees who are boarded on behalf of federal agencies, such as the United States Marshals Service (USMS) and the Immigration and Customs Enforcement (ICE). ACDC is committed to complying with the Prison Rape Elimination Act (PREA) by establishing and maintaining a zero-tolerance stance regarding inmate sexual abuse. In support of this commitment, ACDC convened a multi-disciplinary team to review all reports of inmate sexual abuse from 2017. The collected data was analyzed to assist the agency with identifying areas for improvement and developing corrective action plans.

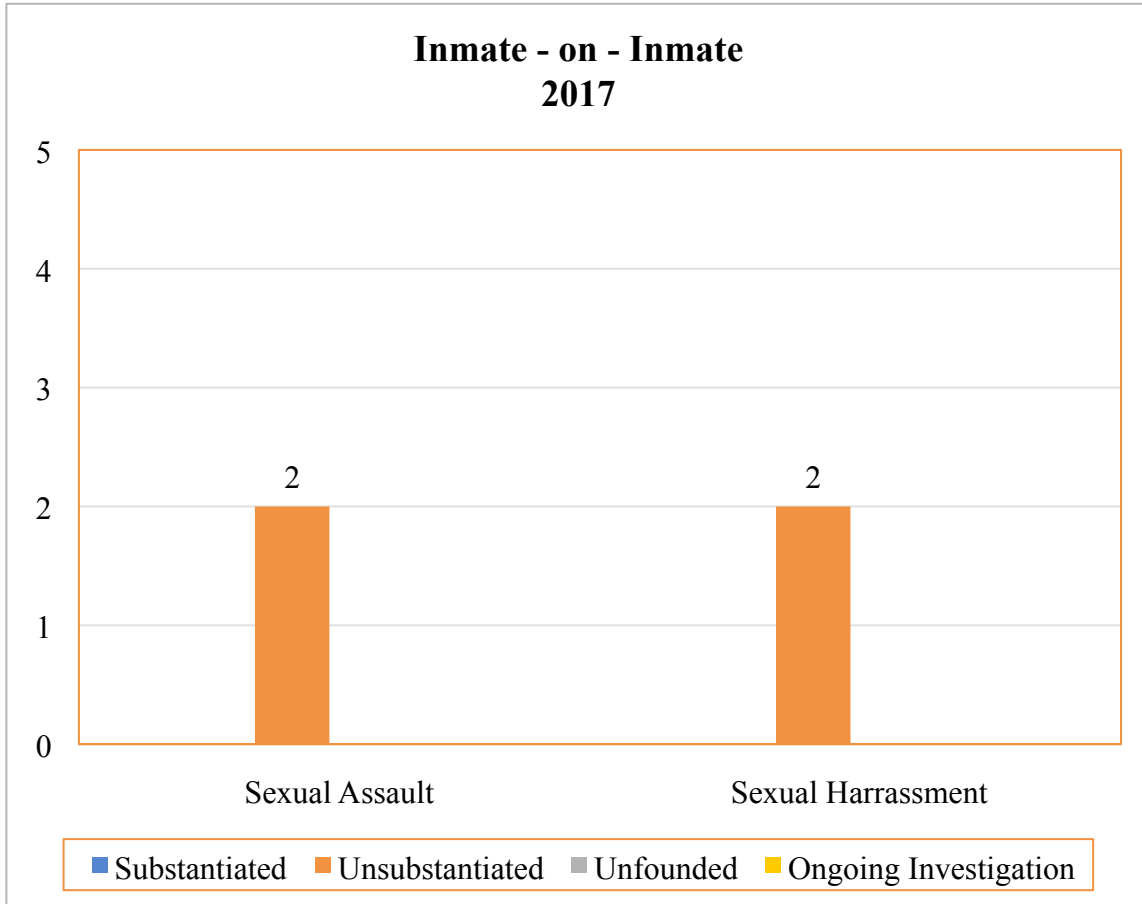
ACDC Reported PREA Allegation Data

This report summarizes all allegations of inmate sexual abuse data from 2017 and compares it with the data gathered and analyzed from sexual abuse reports from 2016. During 2017, nine (9) reports of inmate sexual abuse were received. Of these reports, four (4) of the allegations of sexual abuse were allegations of inmate to inmate sexual harassment or assault and the remaining allegations were allegations of staff to inmate sexual harassment or sexual assault. Four of the nine reports involved ICE detainees as alleged victims. Three (3) of the inmate to inmate sexual abuse complaints from 2017 involved ICE detainees as the reported victims. As a comparison, there were eleven reports of inmate sexual abuse in 2016.

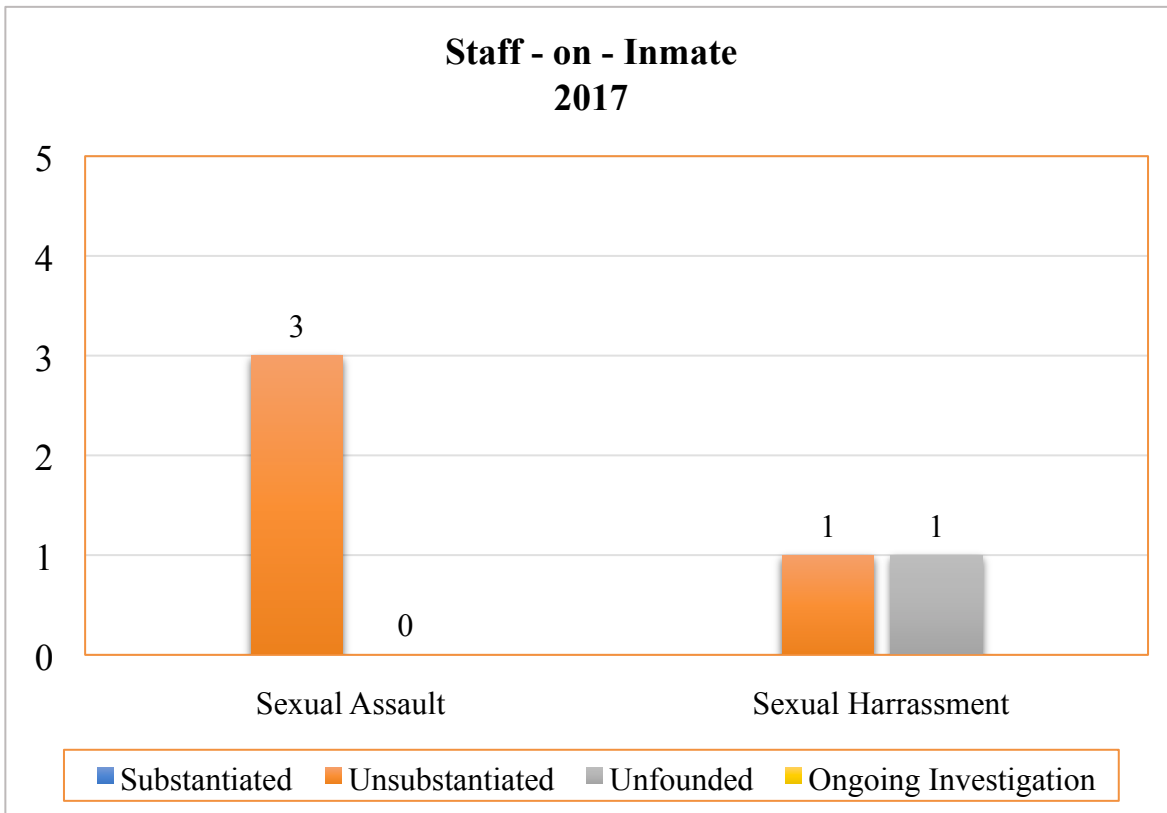
The allegations that were investigated fall into two categories of inmate sexual abuse: sexual assault and sexual harassment. Additionally, one of three final determinations can be made regarding each allegation: substantiated, unsubstantiated, or unfounded. The definitions for these terms are provided below and reflect the PREA and ACDC definitions for these terms.

Comparative Data Analysis

2017 Survey of Sexual Violence & Sexual Victimization



2017 Survey of Sexual Violence & Sexual Victimization



Definitions of Terms

Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or 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;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;

- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any other following acts, with or without consent of the inmate or detainee.

- 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 preceding paragraphs of this section.

Sexual assault of an inmate is defined as sexual physical contact **without** the other person's expressed (i.e. implied or legal) **consent** or when the other person is unconscious or otherwise physically incapable of resisting or when verbal or written sexual proposals threaten or harass another person.

Sexual harassment is the 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 toward another. It also includes repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contactor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about one's body or clothing, or obscene language or gestures.

Substantiated is defined as the finding of an allegation that has been investigated and determined to have occurred.

Unfounded is defined as the finding of an allegation that has been investigated and determined not to have occurred.

Unsubstantiated: the finding of an allegation that has been investigated, but not enough evidence exists to determine whether or not the incident occurred

Areas for Improvement/Corrective Action Items

<i>Areas for Improvement</i>	<i>Corrective Action Items</i>
Staff physical contact with inmates	<ul style="list-style-type: none">• After safety concerns have been addressed, consider using male officers to conduct frisk searches with male ICE detainees when the option is available• Utilize formal and informal training to instruct staff on how to effectively communicate with inmates during activities that require physical touching (searching, assisting with fingerprinting, etc.).
Unannounced supervisor rounds for PREA	<ul style="list-style-type: none">• Provide more clarity about the purpose of unannounced rounds and provide guidance on how supervisors can conduct unannounced rounds that align with PREA standards.

Conclusion

ACDC is a PREA-compliant facility that has a zero-tolerance policy toward inmate sexual abuse. In our ongoing efforts to ensure that our practices match this policy, ACDC engages in an annual review of the previous year’s data related to reports of inmate sexual abuse. The multi-disciplinary review team’s analysis of the data generated is committed to remaining compliant with the PREA standards and providing an exceptional level of protection for all individuals confined at this facility. This annual review and the transparency it provides reinforce our commitment to our efforts to support a Corrections environment with zero tolerance for inmate sexual abuse.