

CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION
DIVISION OF JUVENILE JUSTICE
Prison Rape Elimination Act (PREA)
Annual Report – Calendar Year 2022

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 20, 2012, the PREA Standards Final Rule, to help prevent, detect, and respond to sexual abuse, staff sexual misconduct, and sexual harassment behind bars, was released, prompting the revision of the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) PREA policy. DJJ's PREA policy establishes zero tolerance for sexual abuse, staff sexual misconduct, sexual harassment, and provides guidelines for the prevention, detection, response, investigation, and tracking of allegations against DJJ youth offenders.

This report lays out the allegations of sexual abuse, staff sexual misconduct, and sexual harassment against youth received by the division. DJJ investigates each allegation it receives from youth, staff, or via third-party reports.

DEFINITIONS:

- Substantiated allegation – 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.
- Ongoing investigation – the investigation was initiated and is ongoing.

STATISTICS:

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

► **Youth on Youth Nonconsensual Sexual Acts**

	2017	2018	2019	2020	2021	2022
Substantiated	0	0	0	0	0	0
Unsubstantiated	2	0	1	3	0	0
Unfounded	1	0	1	0	0	0
Ongoing investigation	0	0	0	0	0	0
Total:	3	0	2	3	0	0

Youth on Youth Nonconsensual Sexual Acts are defined as contact of any person without his or 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 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.

In 2022 for the second year in a row, there were no allegations in this category for Youth on Youth Nonconsensual Sex Acts.

Pursuant to PREA Federal Standards 115.87 AND 115.88

► **Youth on Youth Abusive Sexual Contact**

	2017	2018	2019	2020	2021	2022
Substantiated	2	0	0	0	0	1
Unsubstantiated	4	5	5	4	3	4
Unfounded	0	0	2	0	0	0
Ongoing investigation	0	0	0	0	0	0
Total:	6	5	7	4	3	5

Youth on Youth Abusive Sexual Contact is defined as “contact of any person without his or her consent, or by coercion; or contact of a person who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person”.

In 2020, there were four total allegations, all of which were unsubstantiated. In 2021, there were three allegations, none of which were substantiated. For calendar year 2022, there were five allegations, four of which were unsubstantiated. Notably, the one substantiated allegation did not occur at DJJ, but at Patton State Hospital, where a DJJ youth was the alleged victim.

► **Youth on Youth Sexual Harassment**

	2017	2018	2019	2020	2021	2022
Substantiated	3	1	1	1	0	3
Unsubstantiated	7	3	2	2	2	1
Unfounded	0	0	0	0	2	3
On-going investigation	0	0	0	0	0	0
Total:	10	4	3	3	4	7

Youth on Youth Sexual Harassment is defined as repeated and unwelcome sexual advances; requests for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by a youth toward another youth.

In 2020, there were two unsubstantiated and one substantiated allegations with appropriate action pursued. In 2021, there were four total allegations, two were found to be unsubstantiated, and two unfounded. For 2022, there were seven allegations, three of which were substantiated.

► **Staff on Youth Sexual Misconduct**

	2017	2018	2019	2020	2021	2022
Substantiated	1	0	2	0	0	0
Unsubstantiated	5	3	4	4	0	5
Unfounded	0	1	2	0	3	3
Ongoing investigation	0	0	2	1	2	0
Total:	6	4	10	5	5	8

Staff on Youth Sexual Misconduct is defined as any threatened, coerced, attempted, or completed sexual contact, assault or battery between staff and youth. The legal concept of “consent” does not exist between

Pursuant to PREA Federal Standards 115.87 AND 115.88

staff and offenders; any sexual behavior between them constitutes sexual misconduct and staff shall be subject to disciplinary action and/or to prosecution under the law.

The term “staff” is inclusive of employees, volunteers, and independent contractors assigned to a facility, youth conservation camp, or headquarters. DJJ’s zero tolerance policy holds all staff accountable when it is proven that they have violated the policy.

In 2020 there were four allegations, three of which were unsubstantiated. In 2021 there were five allegations. Two continue to be under investigation, whereas three were determined to be unfounded. In 2022, there were eight total allegations, none of which were substantiated, and three determined to be unfounded allegations.

► **Staff on Youth Sexual Harassment**

	2017	2018	2019	2020	2021	2022
Substantiated	0	0	0	0	0	0
Unsubstantiated	0	1	0	1	0	0
Unfounded	0	0	0	0	0	1
Ongoing investigation	0	0	0	0	0	0
Total:	0	1	0	1	0	1

Staff on Youth Sexual Harassment (towards youth) is defined as repeated verbal comments or gestures of a sexual nature to a youth 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.

In 2020, there was one unsubstantiated allegation. For 2021, there were no allegations made of Staff on Youth sexual harassment. In 2022, there was one unfounded allegation made.

Total Number of PREA Allegations by Year:

	2017	2018	2019	2020	2021	2022
Substantiated	6	1	2	1	0	4
Unsubstantiated	18	12	11	14	5	10
Unfounded	1	1	5	0	5	7
Ongoing Investigation			2	1	2	0
Total:	25	14	20	16	12	21

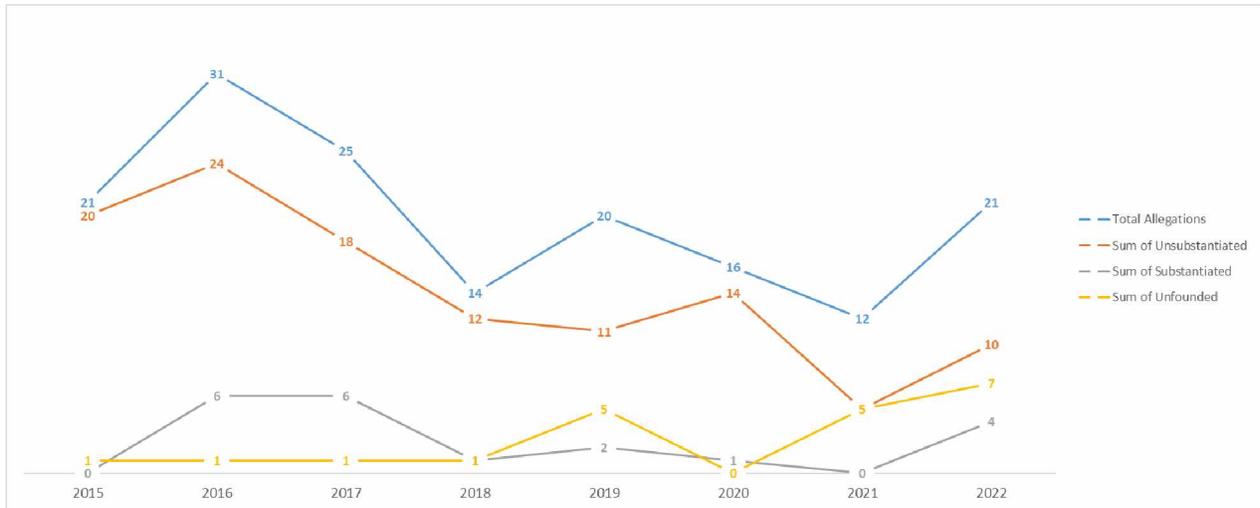
SUMMARY:

Overall, the number of PREA allegations reported in calendar year 2022 increased substantially from 2021, though remained within the average of the past six years. There were four substantiated claims this year, three of which related to youth on youth sexual harassment, and one allegation of abusive sexual contact that occurred outside a DJJ facility. Staff misconduct allegations represented 40 percent of all allegations, whereas Youth on Youth allegations comprised 60 percent, which remains in line with previous years.

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Allegations rose this year over the previous two years to return to the level observed in 2019. The main contributing factor to this change appears to be a subset of youth on the girl's unit at VYCF that were involved in 11 separate PREA allegations. Although there were some substantiated harassment issues on that unit, several youth weaponized the PREA system by alleging and counter alleging against one another and staff. Were one to remove these misleading allegations, the totals would align with the overall downward trend seen in recent years.

Most critically, however, is the result that in external PREA audits conducted this year, the auditors reported that youth overall feel safe from sexual abuse, and did not report any fear or additional allegations that they did not previously report.



In previous reports, it was noted that historical PREA allegations (e.g., allegations of misconduct that occurred years to decades previous) had been a driver in an increase in total allegations. In 2022, there were only two such historical allegations, continuing to trend down slightly from previous years. One of these allegations was previously reported and investigated, while the other did not provide sufficient detail to substantiate the allegation.

OTHER PREA RELATED ACTIVITIES:

DJJ also engaged in the following efforts to ensure compliance with PREA Standards during 2022:

- PREA Coordinator's participation in monthly Transgender Prison Management/Litigation Calls.
- PREA Analyst meetings with facilities in preparation for PREA Audits.
- PREA Analyst participation in monthly CJA PREA meetings.
- Continued relationships with local Rape Crisis Centers and CALCASA to provide services to youth as needed.
- PREA Analyst met with CDCR DAI PREA Coordinator on updated SSV-IJ process in DJJ moving forward.
- Ongoing PREA related reproduction and dissemination in efforts towards continued compliance.
- Ongoing PREA Audit and Online Audit System (OAS) meetings with DJJ sites in preparing for PREA Audits.

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- Purchased additional PREA Juvenile Standards pocket guides in efforts towards continued compliance.
- Updates to CDCR DJJ PREA Website in ensuring accessibility compliance regarding PREA audits and reports.
- DJJ Medical and Mental Health staff participated and received certification in the National Institute of Corrections (NIC) PREA training specific to their roles.
- PREA Analyst communicated with departmental research regarding needed data for PREA audits.
- In April 2022, DJJ Information Technology Programmer assisted with instructions of the Sexual Orientation Gender Identity Expression (SOGIE) panel in the DJJ Ward Information Network (WIN) system for ease of staff retrieving needed information and view.
- In April and November 2022, PREA Coordinator delivered PREA training to Local Rape Crisis Center staff.
- PREA Analyst assisted with clearances for new local rape crisis center staff into DJJ facilities.
- In May 2022, PREA Analyst on-boarded and trained the new PREA Compliance Manager at the VYCF.
- PREA Analyst scheduled all DJJ PREA Audit interviews with specified staff and worked with PREA Auditors on their lists of scheduling random staff and youth resident interviews.
- Held ongoing Division PREA Review Committee meetings
- Completed an audit of the Ventura Youth Correctional Facility.
- Completed an audit of the Northern California Youth Correctional Center that included both O.H. Close and N.A. Chaderjian Youth Correctional Facilities.
- Revised and distributed DJJ PREA policy in May of 2022 to include:
 - Clarifying sections that align with the Federal Juvenile Standards for PREA;
 - Added new investigation guidelines and flowchart attachment;
 - Reference to court order/law/injunction governing deadlines for implementation; and
 - Current vs. Proposed process – perceived impact to employees, including workload, safety, and logistics in regards to investigations and reporting, pre-employment screening, additional training, and transgender, non-binary and intersex youth.
- Revised PREA policy training delivered.
- Training and memorandum delivered specifically on Child Abuse and PREA reporting requirements in March 2022.
- Training delivered to newly identified and existing Locally Designated Investigators (LDI) on the added investigation process to the PREA policy and ongoing PREA Block and Locally Designated Investigator (LDI) training for staff as needed.
- October 2022, PREA Analyst submitted DJJ's final BSCC Semi-Annual Report.
- October 2022, PREA Analyst worked closely with DJJ budgets to ensure PREA grant related funding were all completed and paid in full in submitting final report to the BSCC.
- October 2022, DJJ submitted their 2021 Survey of Sexual Victimization to the DOJ Census.

The Division of Juvenile Justice continued to progress in achieving PREA compliance by monitoring all allegations of sexual abuse, staff sexual misconduct, and sexual harassment. Each allegation is investigated by a trained investigator and reviewed by the facility's hiring authority and an additional layer of review at Headquarters. Issues or trends are addressed immediately, but thoughtfully. As you can see above, this has included modifications to existing policy, procedures, education, and/or training.

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Even though DJJ will close on June 30, 2023, the division continues to be committed to providing a safe, humane, secure environment, free from sexual abuse and harassment. As part of that commitment, DJJ completed their last round of audits in 2022. The final report from the audit of Pine Grove Youth Conservation Camp was released in January 2022, and found 11 standards exceeded, 27 standards met, and five standards not met. Audits were also conducted for Ventura Youth Correctional Facility and the Northern California Youth Correctional Center (which includes the N.A. Chaderjian Youth Correctional Facility and the recently closed O.H. Close Youth Correctional Facility). VYCF was found to have 42 standards met, and one standard not met. NCYCC was found to exceed six standards, with 37 standards met, and no standards out of compliance. No formal corrective action was required to be completed at either facility, recognizing that the single standard that remained out of compliance could not be resolved with the closure of the Division of Juvenile Justice by July 1, 2023. Complete compliance could not be achieved prior to the closure; however, the audit reflected the intensive efforts undertaken by DJJ to create a safe and supportive environment for youth that is free of sexual abuse and harassment. Although this is the final annual PREA report for DJJ, the Division remains committed to maintaining safety for every youth in its care until closure.

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