

PRISON RAPE ELIMINATION ACT (PREA) Sexual Abuse Annual Report 2021





Introduction

The mission of the Mecklenburg County Sheriff's Office (MCSO) is to serve our community through intentional engagement, access, and transparency. To perform the constitutional and statutory mandates of the Office of Sheriff with the highest degree of competence, skill, and professionalism. To actively enforce the laws of our state and to safely operate our detention facilities through progressive, innovative, and humane practices aimed towards rehabilitating those in custody through non-conventional methods and returning citizens back into our community with hope and a chance for a successful future.

MCSO is committed to a standard of ZERO Tolerance of any undue familiarity or sexual misconduct between staff and residents. We are committed to providing professional and outstanding service to our resident population and supporting staff in accomplishing these responsibilities. Each employee is an asset to our organization in order to prevent, detect and respond to allegations of sexual abuse within our facilities.

MCSO prides itself on being focused on prevention and providing a safe and humane environment for our residents.

Pursuant to PREA National standard §115.88 Data Review for Corrective Action, the agency prepares an annual report of its findings and corrective action for each facility. This report summarizes and compares the agency's accomplishments during the calendar year 2020-2022.

Signature: _____

Garry McFadden, Sheriff



Agency Accomplishments

PROGRAM ADMINISTRATION

- Conducted internal assessments (mock audit) to evaluate prevention program.
- Conducted Department of Justice Federal PREA Re-Accreditation audit.
- Revised and updated policy in preparation of Audit for the year 2020-2022.

PREVENTION

- Revised existing Prison Rape Elimination Act policies.
- Enhanced existing screening protocols to identify individuals that are at high-risk of sexual vulnerability and sexual predatory behaviors.

RESPONSE

- Agency PREA representatives participated in meetings with outside entities, Safe Alliance, Charlotte Mecklenburg Police Department (CMPD)
- Conducted Compliance Management meetings with Compliance Managers and Support Staff to discuss corrective actions.
- Conducted monitoring for staff and resident population who reported sexual violence.

TRAINING

- Conducted Annual Employee Training
- Conducted Employee Refresher training.
- Additional Sheriff's Office Personnel attended PREA Investigator's Training.
- Conducted PREA education for resident population.
- Conducted PREA training for all contractors and volunteers



Definitions Related to Sexual Abuse and Sexual Harassment

SEXUAL ABUSE- For purposes of this report and statistical data, sexual abuse includes:

1. Sexual abuse of an inmate, detainee, or resident; and
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:

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. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. 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, detainee, or resident by a staff member, contractor, or volunteer (Note: previously staff sexual misconduct) includes any of the following acts, with or without consent of the inmate, 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 items (1) – (5) of this section:
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

SEXUAL HARASSMENT includes

1. 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, detainee, or resident directed towards another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, 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.



Comparative Data

2022: The Agency's Year in Review

During the 2022 calendar year, MCSO received a total of 48 resident sexual abuse and sexual harassment allegations. The following outlines the total number of incidents reported and the outcomes of investigations in the year 2022.

2022					
Incident Type	Sustained	Unsubstantiated	Unfounded	Ongoing	Total
Inmate on Inmate Abusive Sexual Contact	0	2	1	0	3
Inmate on Inmate Nonconsensual Sexual Acts	3	0	1	0	4
Inmate on Inmate Sexual Harassment.	2	4	1	0	7
Staff on Inmate Sexual Abuse (Sexual Misconduct)	2	12	17	0	31
Staff on Inmate Sexual Harassment.	0	1	2	0	3
Total Allegations Received.					48



2021: The Agency's Year in Review

During the 2021 calendar year, MCSO received a total of 72 resident sexual abuse and sexual harassment allegation. The following outlines the total number of incidents reported and the outcome of investigations in 2021.

2021					
Incident Type	Substantiated	Unsubstantiated	Unfounded	Ongoing	Total
Inmate on Inmate Abusive Sexual Contact	0	0	2	0	2
Inmate on Inmate Nonconsensual Sexual Acts	0	1	0	0	1
Inmate on Inmate Sexual Harassment	1	9	7	0	17
Staff on Inmate Sexual Abuse (Sexual Misconduct)	4	14	26	0	44
Staff on Inmate Sexual Harassment	1	8	0	0	8
Total Allegations Received					72



2020: The Agency's Year in Review

During the 2020 calendar year, MCSO received a total of 64 resident sexual abuse and sexual harassment allegations. The following outlines the total number of incidents reported and the outcome of investigations in 2020.

2020					
Incident Type	Substantiated	Unsubstantiated	Unfounded	Ongoing	Total
Inmate on Inmate Abusive Sexual Contact	0	2	5	0	7
Inmate on Inmate Nonconsensual Sexual Acts	2	3	1	0	3
Inmate on Inmate Sexual Harassment	1	8	14	0	23
Staff on Inmate Sexual Abuse (Sexual Misconduct)	1	2	28	0	31
Staff on Inmate Sexual Harassment	0	0	0	0	0
Total Allegations Received					64

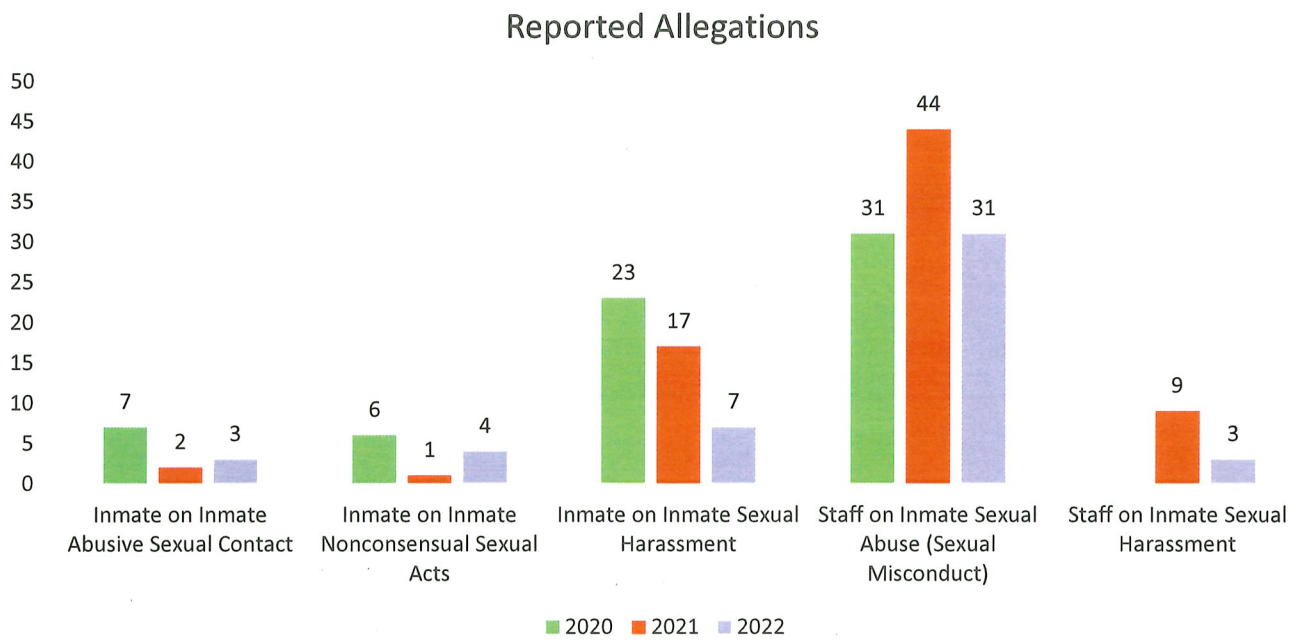


Figure 1: Reported allegations for years 2020-2022

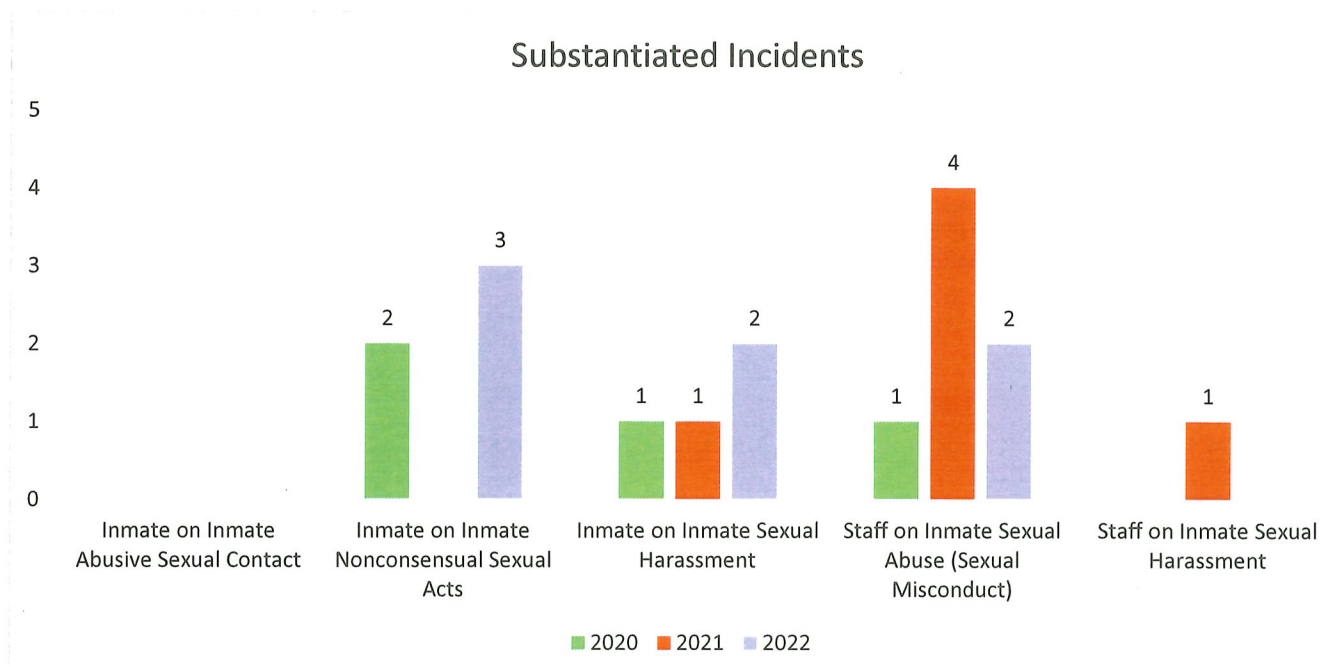


Figure 2: Substantiated incidents for years 2020-2022

Audit Findings

The Mecklenburg County Sheriff's Office conducted a federal compliance audit in 2019. Findings from this audit and previous audits are available on the agency's website.

Conclusion

The 2020-2022 annual report speaks to our culture of reporting and ZERO Tolerance by Mecklenburg County Sheriff's Office. Our agency remains committed to eliminating sexual abuse and sexual harassment within our detention facilities through prevention, detection, response, investigations, and data analysis.

The Mecklenburg County Sheriff's Office will thoroughly and promptly investigate all allegations reported by our residents as well as staff. Our agency will continue to promote resident and staff PREA education on a consistent basis to ensure a safe environment for every arrestee and resident of the Mecklenburg County Sheriff's Office.