Orleans Parish Sheriff’s Office (OPSO)
Prison Rape Elimination Act Annual Report 2018
PREA Background

Beginning in 2003, when President Bush signed the Prison Rape Elimination Act (PREA) into law, the United States Department of Justice (DOJ) worked to develop national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards is to provide comprehensive guidelines for preventing, detecting, and responding to incidents of sexual abuse involving inmates in a confinement facility. The national PREA standards became effective in August of 2012.

In December 2011, the Orleans Parish Sheriff’s Office (OPSO) established a “zero-tolerance” policy for sexual abuse and sexual harassment of inmates. The former “Special Operations Division” (SOD) designated an Assistant PREA Coordinator to assist with the implementation of all activities to integrate the PREA standards into the OPSO daily operations. With the implementation of the PREA standards into the OPSO, the agency established “zero-tolerance” environment for:

- Sexual abuse and sexual harassment of an inmate;
- Prevention, detection, monitoring and eliminating sexual abuse and sexual harassment involving staff-to-inmate and inmate-to-inmate incidents; and
- Continued efforts to develop prevention and detection measures to prevent, detect, monitor, and respond to sexual abuse and sexual harassment involving staff and inmates according to the PREA standards.
Reporting Required by Standard 115.88

In the PREA standard 115.88, it requires each agency to publish an annual report that summarizes and analyzes the statistics of reported incidents and compare to the previous year’s data. Within the agency’s annual report, it’s required to identify the problem areas and any corrective action taken.

OPSO’s Reporting Data

In order to meet the PREA standard 115.88 and report requirement, the agency assigned all PREA related incidents to an investigative entity within its Investigative Services Bureau (ISB). The investigative entity was identified as the Internal Affairs Division (IAD) PREA Unit. Over the years since PREA was adopted into and made part of the OPSO’s culture, sexual abuse and sexual harassment reports have risen continuously due to the agency’s “zero tolerance” mandate. This report contains incident data from the Orleans Justice Center (OJC) covering the calendar years of 2017-2018, along with any corrective action taken moving forward into 2019. These calendar years were based on the 2017 SSV and PREA investigations for 2018 that led into or were closed in 2019.

In preparation for the upcoming Prison Rape Elimination Act (PREA) audit, this inter-office memorandum is for the purpose of highlighting the PREA investigations conducted during 2017. All PREA cases are investigated by the PREA Division which is part of the Investigative Services Bureau (ISB). Every year the Orleans Parish Sheriff’s Office (OPSO) submits our findings to the Bureau of Justice Statistics which is part of the U.S. Department of Justice (DOJ). The data is then analyzed with all the other jail jurisdictions across the United States.
In 2017, the PREA Division investigated one hundred and four (104) complaints. The above chart shows the breakdown. Seventy-one (71) of the complaints were inmate-on-inmate, and thirty-three (33) were related to staff misconduct.
The DOJ separates inmate-on-inmate sexual violence and staff misconduct into separate sections. Under the inmate-on-inmate section, there are three (3) types: nonconsensual sexual acts, abusive sexual contact, and sexual harassment. The above chart explains the breakdown of how many complaints were investigated under each category. Under the DOJ guidelines, a nonconsensual sexual act is defined as sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND contact between the penis and the vulva or the penis and the anus including penetration, however slight; OR 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 other instrument. Abusive sexual contact is defined as sexual contact of any person without his or her consent, or 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. EXCLUDE incidents in which the contact was incidental to a physical altercation. 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 one inmate directed toward another.

The chart shows of the seventy-one (71) inmate complaints; there were five (5) nonconsensual sexual act complaints, ten (10) abusive sexual contact complaints, and fifty-six (56) sexual harassment complaints. These seventy-one (71) complaints were all inmate-on-inmate related investigations.
The chart below shows the results of the seventy-one (71) inmate-on-inmate investigations. No case was substantiated, forty-two (42) were classified as unsubstantiated, twenty-eight (28) were unfounded, and one (1) case was still ongoing.

The DOJ defines **substantiated** as the event was investigated and determined to have occurred, based on a preponderance of the evidence. **Unsubstantiated** is defined as the investigation concluded that evidence was insufficient to determine whether or not the event occurred. **Unfounded** is defined as the investigation determined that the event did NOT occur. **Investigation ongoing** is defined as evidence is still being gathered, processed, or evaluated, and a final determination has not yet been made.
The OPSO also investigates complaints from our inmate population against staff. ISB investigates allegations of staff sexual misconduct and staff sexual harassment. The DOJ defines **staff sexual misconduct** as any behavior or act of a sexual nature directed toward an inmate 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 inmates are included in the 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; OR completed, attempted, threatened, or requested sexual acts; OR occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification. **Staff sexual harassment** is defined as repeated verbal comments or gestures of a sexual nature to an inmate 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; OR repeated profane or obscene language or gestures.

The below chart shows our inmate population made a total of thirty-three (33) complaints on our staff in 2017. There were seven (7) complaints of staff sexual misconduct, and twenty-six (26) complaints of staff sexual harassment.
The below chart illustrates the findings of the thirty-three staff-on-inmate (33) investigations. Three (3) were substantiated, nine (9) were unsubstantiated, twenty (20) were unfounded, and one (1) was still under investigation.

![Results of Staff-on-Inmate Cases](chart)

The three (3) substantiated cases resulted in an arrest, two (2) employees being terminated, and an employee was counseled in the third incident. The OPSO has a zero tolerance for any form of sexual misconduct involving the inmate population or staff. ISB thoroughly investigates each case.

**Disposition and Updates**

Based on the outcomes of the investigations, the OPSO determined that updates were needed for the video surveillance monitoring system. During investigations that were conducted by the PREA investigators, it was discovered that the surveillance system was malfunctioning and missed video needed to capture, sustain, or dispute an allegation. Acquire a new surveillance monitoring system set to go online in July of 2019, prior to the schedule audit date.

**PREA Investigations of 2018**

The PREA Unit investigated a total of (100) PREA related incidents, twenty-two (22) remain open involving inmate-to-inmate incidents and four (4) staff-to-inmate incidents remain open which will be closed by the start of 2019.
The below chart illustrates the findings of the inmate-on-inmate (49) investigations. Two (2) were substantiated, twenty-nine (29) were unsubstantiated, eighteen (18) were unfounded, and twenty-two (22) are still under investigation.

![Results of Inmate-on-Inmate Cases]

The below chart illustrates the findings of the staff-on-inmate (29) investigations. One (1) was substantiated, five (5) were unsubstantiated, nineteen (19) were unfounded, and four (4) are still under investigation.

![Results of Staff-on-Inmate Cases]
The Future of the OPSO

It is the OPSO’s goal and intent to have its facility, the Orleans Justice Center (OJC) to meet or exceed the PREA standards in its entirety. Since the development and finalization of the PREA standards, significant strides have been made at the OPSO in moving forward to PREA compliance. As part of the Federal Consent Judgment Section IV. A.12 Sexual Abuse, the OPSO is required to meet compliance by passing a PREA Audit with a Department of Justice Certified PREA Auditor. The OPSO plans to meet the following goals in 2019;

- The scheduled audit is projected to be conducted in mid to late August of 2019;
- Acquire a new surveillance monitoring system set to go online in July of 2019, prior to the schedule audit date;
- Change inmate education and reporting mechanisms; and
- Create a notification between investigations and medical/mental health care personnel.

Respectfully Submitted by:

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Approved by:

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