



# Kendall County Jail

Prison Rape Elimination Act

2020 PREA Coordinator's Annual Report



This report has been prepared in accordance with 115.87 and 115.88 of the PREA standards in order to address and improve the effectiveness of the Kendall County Jail in sexual abuse prevention, detection, and response policies, practices and training. In subsequent years, the information collected for this report will be used to identify problems areas and to take corrective action on an ongoing basis.

## **Prison Rape Elimination Act (PREA)**

The Prison Rape Elimination Act (PREA) is a federal law that prohibits sexual misconduct in correctional settings such as prisons, jails, lockups, and juvenile facilities.

The Kendall County Sheriff's Office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment. An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment in a manner that avoids unnecessary embarrassment or indignity to the inmate. Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed training on investigating sexual abuse and sexual harassment in a confinement setting shall be assigned to investigate these cases. It is the policy of the Kendall County Sheriff's Office to pursue administrative, disciplinary and/or criminal sanctions against any inmate, staff member, contractor, or volunteer found to have committed sexual abuse or assault against an inmate.

Sexual Abuse defined in section 115.6 of the PREA standards as:

- (1.) Sexual abuse of inmate, detainee, or resident by another 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 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 another 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 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 paragraphs (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 defined in section 115.6 of the PREA standards as:

- (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 toward 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.*

## **General Information**

During 2014, there were 3007 new admissions into the Kendall County Jail. Of the new admissions, 2290 were male and 717 were female. The average daily population was 129 (111 males and 18 females).

During 2015, there were 2619 new admissions into the Kendall County Jail. Of the new admissions, 2004 were male and 615 were female. The average daily population was 128 (114 males and 14 females).

During 2016, there were 2224 new admissions into the Kendall County Jail. Of the new admissions, 1742 were male and 482 were female. The average daily population was 120 (109 males and 11 females).

During 2017, there were 2404 new admissions into the Kendall County Jail. Of the new admissions, 1921 were male and 483 were female. The average daily population was 148 (137 males and 11 females).

During 2018, there were 2,195 new admissions into the Kendall County Jail. Of the new admissions, 1,716 were male and 479 were female. The average daily population was 139 (127 males and 12 females).

During 2019, there were 2,482 new admissions into the Kendall County Jail. Of the admissions, 1,862 were male and 620 were female. The average daily population was 159 (149 males and 10 females).

During 2020, there were 1,755 new admissions into the Kendall County Jail. Of the admissions, 1,361 were male and 394 were females. The average daily population was 137 (130 males and 7 females).

## **Definitions of Findings**

**Substantiated:** An allegation was investigated and determined to have occurred.

**Unsubstantiated:** Allegation was investigated the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Unfounded:** Allegation was investigated and determined not to have occurred.

**Non-PREA:** Allegation investigated and investigation indicated that the reported actions did not fit the definitions given in the PREA standards of sexual abuse or harassment.

**Ongoing:** Investigation is currently in progress.

**Other Facility:** Incident occurred in a facility other than Kendall County.

## **PREA Incident Reviews**

The Kendall County Jail has implemented a Sexual Abuse Incident Review team as per PREA Standard 115.86. Under this standard, the Corrections Division must conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded. This review should normally occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors, investigators, and qualified health care and/or mental health professionals, as appropriate. The review team will implement recommendations for improvement or document the reasons for not doing so.

### **Review Criteria:**

- a. Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect or respond to sexual abuse.
- b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.
- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.
- d. Assess the adequacy of staffing levels in the area during different shifts.
- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- f. Prepare a written report of the team's findings, including, but not limited to, determinations made pursuant to paragraphs (a)-(e) of this section and any recommendations for improvement. The report should be submitted to the Sheriff and the PREA coordinator.

### **Analysis/Corrective Action**

The data review identified a problem with contracted employees maintaining appropriate boundaries with inmates, as well as a non-operational surveillance camera. As a result, the Kendall County Jail has implemented more frequent training of contracted staff in areas that will assist them with maintaining appropriate boundaries. Efforts are also being made to build ongoing professional relationships between contracted staff and jail staff. The non-operational surveillance camera has been replaced.

### **PREA Activity**

The Tables on pages 6-7 indicate the number of "Inmate Against Inmate" and "Staff Against Inmate" reports that occurred each year.

## PREA Report Findings

Table A on page 6 indicates the total number of complaints received.

Table B on page 6 indicates the finds of the investigations in “Inmate against Inmate” PREA allegations listed in the preceding PREA Report Activity Table.

Table C on page 7 indicates the findings of the investigations into “Staff against Inmate” PREA allegations listed in the preceding PREA Report Activity table.

January-December	Inmate against Inmate Reports	Staff against Inmate Reports
2014	5	3
2015	4	0
2016	2	2
2017	7	6
2018	9	6
2019	4	1
2020	3	4

January - December	Substantiated	Unsubstantiated	Unfounded	Non-PREA	Ongoing	Other Facility
2014	2	1	2	0	0	0
2015	0	2	2	0	0	0
2016	3	2	1	0	0	0
2017	0	1	5	1	0	0
2018	2	1	2	4	0	0
2019	0	2	2	0	0	0
2020	0	1	1	1	0	0

