

GWINNETT CORRECTIONS

# Prison Rape Elimination Act Annual Report 2022

The Gwinnett County Department of Corrections has a zero-tolerance policy regarding the sexual assault, abuse, or harassment of any offender in our custody or control. Whenever anyone is alleged to have committed any form of sexual assault, abuse, or harassment a criminal and/or administrative investigation will be thoroughly conducted. Criminal investigations will be conducted by the Gwinnett County Police Department. Any person determined to have committed a criminal offense will be referred to the Gwinnett County District Attorney for criminal prosecution. Administrative investigations will be conducted internally by specially trained investigators. Any person that has committed a violation of a county policy or procedure will be referred for administrative disciplinary action up to and including termination of employment.

## PREA HISTORY

Prison Rape Elimination Act is a federal law that was passed by both houses of the U.S. Congress and subsequently signed by President George W. Bush on September 4, 2003. This law aims to curb prison rape through a “zero-tolerance” policy. The act also provides for research and information gathering. This law called for developing national standards to prevent incidents of sexual violence in prison. The PREA law applies to all offenders in the United States starting from the moment they are taken into custody and ending when the person is no longer under any supervision of the criminal justice system.

The Department of Justice issued a final rule, effective August 20, 2012, adopting national standards to prevent, detect, and respond to prison rape, as required by the Prison Rape Elimination Act of 2003.

Georgia already had a law to prevent such abuse that was enacted on March 16, 1983 which stated:

1. “16-6-5.1. (a) As used in this Code section, the term:
  - (1) “Actor” means a person accused of sexual assault.
  - (2) “Intimate parts” means the genital area, groin, inner thighs, buttocks, or breasts of a person.
  - (3) “Sexual contact” means any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.
2. (b) A person commits sexual assault when he engages in sexual contact with another person who is in the custody of law or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person...”

# 2022 ISSUES AND CORRECTIVE ACTIONS

This facility strives to be fully compliant with the Federal PREA Standards. Prior to the implementation of the federal standards there were no laws, policies, and procedures in place to protect offenders from sexual abuse and sexual harassment.

Lieutenant Sheree White of the Support Services Division is currently designated as the PREA Compliance Manager and leads the efforts of the department to remain compliant with all the standards established in the federal statutes.

Lieutenant White reviews the policies and procedures of the Gwinnett County Department of Corrections to ensure the department is fully compliant with all standards. Gwinnett County Department of Corrections are in the process of revising the Prison Rape Elimination Act Policy to reflect the most up to date practices and procedures.

Lieutenant White represents the Department of Corrections on the County's Multi-Disciplinary Taskforce to remain in contact with the others responsible for investigating and prosecuting crimes of sexual assault and abuse as needed.

The facility has posted signs in the facility to inform all offenders of the presence of recording cameras and explaining the steps required for privacy while dressing or undressing. Additional steps were implemented to inform all offenders about the video monitoring system. We also have curtains to cover the cameras in areas where offenders are being striped searched. These safeguards were implemented to decrease the likelihood of cross-gender viewing.

On December 13, 2022, the facility had a homicide take place in the facility staff parking area. The video surveillance system is in the process of being upgraded again to enhance our visibility and decrease potential blind spots.

PREA training is conducted for staff, contractors and volunteers annually and quarterly during shift briefings.

## Definitions:

***Sexual Abuse*** of an offender, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the offender, detainee, or resident:

- 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 paragraphs (1) through (5) of this definition;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident.
- Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties.

**Sexual Harassment or Sexual Misconduct includes:**

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender, detainee, or resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to an offender, 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.

***Substantiated Allegation*** means an allegation that was investigated and determined to have occurred.

***Unsubstantiated Allegation*** means an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

***Unfounded Allegation*** means an allegation that was investigated and determined not to have occurred.

***Referral to Outside Agency*** means that an allegation was investigated by another agency with sufficient legal authority to complete the investigation and take the appropriate action.

## 2022 STATISTICS

During the calendar year of 2022, we had a total of (7) allegations reported. Of those 7 allegations, (1) were not PREA; (6) were unfounded; (1) were unsubstantiated; (0) were substantiated and we currently do not have any pending investigations for 2022.

	Description	S/I Harassment	S/I Abuse	I/I Harassment	I/I Abuse	Total
Total Allegations	Substantiated	0	0	0	0	0
	Unsubstantiated	0	1	0	0	1
	Unfounded	3	2	1	0	6
	Invest. Pending	0	0	0	0	0
	<b>Total Allegations</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>7</b>
	Allegations that were Not PREA	1	0	0	0	1

During the 2022 calendar year, we received (0) allegations that were referred from another facility. (0) allegations were referred to an outside agency.

	Description	S/I Harassment	S/I Abuse	I/I Harassment	I/I Abuse	Total
Total Allegations Continued	Referral to outside Agency	0	0	0	0	0
	Referral from outside Agency	0	0	0	0	0
Total Allegations	Total Allegations	0	0	0	0	0



Lieutenant Sheree White  
PREA Compliance Manager



Warden Darrell Johnson