

BEXAR COUNTY JUVENILE PROBATION DEPARTMENT



PREA 2019 Annual Report

Background

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse and sexual harassment that occurs in confinement settings. As mandated by PREA, the National Prison Rape Elimination Commission developed national standards that apply to adult prisons and jails, juvenile facilities, lockups and community confinement facilities.

BJCPD Zero-Tolerance Policy

The BCJPD has zero tolerance towards all forms of sexual abuse and sexual harassment within its facilities and will prevent, detect, and respond to such activity. The BCJPD will immediately respond to allegations, fully investigate reported alleged incidents, pursue disciplinary action based upon the outcome of investigations and PREA standards' requirements, and refer those who perpetrate prohibited conduct for prosecution.

In accordance with PREA 28 C.F.R. Part 115, §115.311, and in support of efforts to comply with PREA standards, the BCJPD has designated an agency-wide PREA Coordinator and two PREA Compliance Managers for institutional facilities – a PREA Compliance Manager for the Juvenile Detention Center and Mission Road Center, and a PREA Compliance Manager for the Cyndi Taylor Krier Juvenile Correctional Treatment Center. The BCJPD also maintains existing policies in compliance with current PREA standards. Other continuing efforts to comply with the PREA standards include, but are not limited to:

- Providing a coordinated response to sexual abuse and harassment which involves first responders, medical and mental health practitioners, investigators and facility leadership.
- Screening of staff, volunteers and contractors in accordance with standards requirements;
- Providing required training for staff, volunteers and contractors;
- Implementation of a staffing plan at each facility, which meets the required staff-to-resident ratios;
- Implementation of an internal confidential reporting hotline;
- Collaboration with the Rape Crisis Center for victim advocacy services;
- Implementation of an external confidential support services hotline to the Rape Crisis Center;
- Providing resident education on the zero-tolerance policy and reporting procedures for allegations;
- Protection against retaliation for reporting allegations;
- Assessment for risk of victimization and abusiveness during the initial intake to determine medical and mental health needs and housing and programming assignments;
- Deployment of video monitoring to enhance protection against sexual abuse and harassment; and
- Providing specialized investigative training to internal investigators. Conducting unannounced rounds on each shift, by institutions' supervisory level staff, to assist in identifying and deterring sexual abuse and sexual harassment.

PREA Statistics

The Bexar County Juvenile Probation Department (BCJPD) collects data from its public facilities and from private residential placement facilities under contract in accordance with PREA 28 C.F.R. Part 115, §115.387, in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. The information collected will be used to identify problem areas and to take any necessary corrective action.

Bexar County Juvenile Probation Department Facilities Admissions/Average Daily Population

| 2018 Admissions | Female | Male | Total |
|------------------------|---------------|--------------|--------------|
| Detention | 503 | 1,214 | 1,717 |
| Krier | 26 | 68 | 94 |
| MRC | 14 | 74 | 88 |
| Total | 543 | 1,356 | 1,899 |

| 2018 Avg Daily Population | Female | Male | Total |
|----------------------------------|---------------|-------------|--------------|
| Detention | 27 | 85 | 112 |
| Krier | 17 | 44 | 61 |
| MRC | 2 | 6 | 8 |
| Total | 46 | 135 | 181 |

Definitions

2018 Survey of Sexual Victimization: Locally or Privately –Operated Juvenile Facilities

U.S. Department of Justice Bureau of Justice Statistics

January 1, 2018 to December 31, 2018

Allegation Type

Youth-on-Youth Nonconsensual Sexual Acts - 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.

Youth-on-Youth Abusive Sexual Contact - 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.)

Youth-on-Youth Sexual Harassment - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

Staff Sexual Misconduct - Any behavior or act of a sexual nature directed toward a youth 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 youths are included in this 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 - Repeated verbal comments or gestures of a sexual nature to a youth 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.

Dispositions

Substantiated - The event was investigated and determined to have occurred, based on a preponderance of the evidence.

Unsubstantiated - The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Unfounded - The investigation determined that the event did not occur.

Investigation Ongoing - Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

Bexar County Juvenile Probation Department
Survey of Sexual Violence Aggregate Incident-Based Data

| Allegation Type | Juvenile Detention Center | | | Cyndi Taylor Krier JCTC | | | Mission Road Center | | | BCJPD Facilities Total | | |
|---|---------------------------|------|------|-------------------------|------|------|---------------------|------|------|------------------------|------|------|
| | 2016 | 2017 | 2018 | 2016 | 2017 | 2018 | 2016 | 2017 | 2018 | 2016 | 2017 | 2018 |
| Youth-on-Youth Nonconsensual Sexual Acts | | | | | | | | | | | | |
| Allegations | 14 | 1 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 42 | 1 | 0 |
| Substantiated | 4 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 |
| Unsubstantiated | 2 | 1 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 10 | 1 | 0 |
| Unfounded | 8 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 |
| Investigation ongoing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | |
|--|---|---|---|---|----|----|---|---|---|---|----|----|
| Youth-on-Youth Abusive Sexual Contact | | | | | | | | | | | | |
| Allegations | 0 | 7 | 3 | 0 | 21 | 34 | 0 | 0 | 0 | 0 | 28 | 37 |
| Substantiated | 0 | 2 | 3 | 0 | 10 | 2 | 0 | 0 | 0 | 0 | 12 | 5 |
| Unsubstantiated | 0 | 3 | 0 | 0 | 4 | 6 | 0 | 0 | 0 | 0 | 7 | 6 |
| Unfounded | 0 | 2 | 0 | 0 | 7 | 26 | 0 | 0 | 0 | 0 | 9 | 26 |
| Investigation ongoing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | |
|---|----|----|---|---|----|---|---|---|---|----|----|---|
| Youth-on-Youth Sexual Harassment | | | | | | | | | | | | |
| Allegations | 10 | 11 | 5 | 0 | 18 | 3 | 0 | 0 | 0 | 10 | 29 | 8 |
| Substantiated | 1 | 3 | 1 | 0 | 3 | 1 | 0 | 0 | 0 | 1 | 6 | 2 |
| Unsubstantiated | 3 | 6 | 4 | 0 | 9 | 0 | 0 | 0 | 0 | 3 | 15 | 4 |
| Unfounded | 6 | 2 | 0 | 0 | 6 | 2 | 0 | 0 | 0 | 6 | 8 | 2 |
| Investigation ongoing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | |
|---|----|---|---|---|---|---|---|---|---|----|---|---|
| Staff* Sexual Misconduct Directed Toward a Child | | | | | | | | | | | | |
| Allegations | 16 | 0 | 1 | 9 | 6 | 3 | 0 | 0 | 0 | 25 | 6 | 4 |
| Substantiated | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 0 |
| Unsubstantiated | 1 | 0 | 0 | 5 | 1 | 0 | 0 | 0 | 0 | 6 | 1 | 0 |
| Unfounded | 15 | 0 | 1 | 4 | 3 | 3 | 0 | 0 | 0 | 19 | 3 | 4 |
| Investigation ongoing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

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|--|---|---|---|---|----|---|---|---|---|---|----|---|
| Staff* Sexual Harassment of a Child | | | | | | | | | | | | |
| Allegations | 1 | 0 | 0 | 0 | 14 | 5 | 0 | 0 | 0 | 1 | 14 | 5 |
| Substantiated | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Unsubstantiated | 0 | 0 | 0 | 0 | 4 | 1 | 0 | 0 | 0 | 0 | 4 | 1 |
| Unfounded | 1 | 0 | 0 | 0 | 10 | 3 | 0 | 0 | 0 | 1 | 10 | 3 |
| Investigation ongoing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Staff means an employee, volunteer, contractor, other agency representative or official visitor (excluding the child's family, friends or other visitors).

Bexar County Juvenile Probation Department
Survey of Sexual Violence Aggregate Incident-Based Data*
Private Contract Facilities

| Allegation Type | 2016 | 2017 | 2018 |
|---|------|------|------|
| Youth-on-Youth Nonconsensual Sexual Acts | | | |
| Allegations | 49 | 11 | 19 |
| Substantiated | 13 | 1 | 2 |
| Unsubstantiated | 15 | 8 | 12 |
| Unfounded | 21 | 0 | 4 |
| Investigation ongoing | 0 | 2 | 2 |

| | | | |
|--|----|----|----|
| Youth-on-Youth Abusive Sexual Contact | | | |
| Allegations | 15 | 35 | 34 |
| Substantiated | 1 | 3 | 5 |
| Unsubstantiated | 8 | 21 | 27 |
| Unfounded | 6 | 11 | 1 |
| Investigation ongoing | 0 | 0 | 1 |

| | | | |
|---|----|----|----|
| Youth-on-Youth Sexual Harassment | | | |
| Allegations | 46 | 12 | 20 |
| Substantiated | 10 | 3 | 6 |
| Unsubstantiated | 19 | 8 | 2 |
| Unfounded | 17 | 1 | 12 |
| Investigation ongoing | 0 | 0 | 0 |

| | | | |
|--|----|----|----|
| Staff Sexual Misconduct Directed Toward a Child | | | |
| Allegations | 30 | 16 | 28 |
| Substantiated | 1 | 1 | 2 |
| Unsubstantiated | 9 | 2 | 8 |
| Unfounded | 19 | 9 | 16 |
| Investigation ongoing | 1 | 4 | 2 |

| | | | |
|---|---|---|---|
| Staff Sexual Harassment of a Child | | | |
| Allegations | 3 | 9 | 6 |
| Substantiated | 0 | 1 | 2 |
| Unsubstantiated | 2 | 4 | 2 |
| Unfounded | 1 | 2 | 2 |
| Investigation ongoing | 0 | 2 | 0 |

*Statistical data for private contract facilities is as reported by each respective facility on the DOJ 2018 Survey of Sexual Violence. Note that each facility also provides residential placement for non-Bexar County residents.




BEXAR COUNTY JUVENILE PROBATION DEPARTMENT
ANDY MIRELES JUVENILE PROBATION CENTER
301 E. Mitchell Street
San Antonio, Texas 78210-3845
(210) 335-7500 ❖ Fax (210) 335-7770

LYNNE WILKERSON
CHIEF PROBATION OFFICER

2019 PREA Annual Report

The Bexar County Juvenile Probation Department 2019 PREA Annual Report was prepared, reviewed and approved in accordance with PREA 28 C.F.R. Part 115, §115.388.



Lynne Wilkerson
Chief Juvenile Probation Officer

1/13/20

Date