



## ANNUAL PREA REPORT

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, including RRCs and jail systems.

The act also created the National Prison Rape Elimination Commission and charged the commission with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

As a contractor with the Federal Bureau of Prisons, all Residential Reentry Centers were required to be PREA audited and maintain all PREA standards beginning 2014. BSS’s first PREA audit of each facility occurred in 2014 and has been audited in 2017 and 2019 and 2021.

BSS is committed to the health, safety and welfare of all offenders residing in our Residential Reentry Centers and to the Prison Rape Elimination Act (PREA) standards. BSS strives to maintain compliance with PREA standards for Community Confinement Standards and make improvements to existing policies, practices, education and training, as needed.

BSS has a zero tolerance policy for all forms of sexual abuse and sexual harassment of our offenders. We are committed to the prevention, detection of such conduct. We immediately respond to all allegations of sexual abuse and sexual harassment, pursue appropriate disciplinary action and refer for investigation and prosecution for those who perpetrate criminal conduct.

This report has been approved by Chris Lindholm, BSS President/COO and is available on our website, [www.behavioralsystemssouthwest.com](http://www.behavioralsystemssouthwest.com).

This report covers the reporting period of January 1, 2021 through December 31, 2022. The PREA, Prison Rape Elimination Act requires all agencies which are responsible for the operation of facilities that confine offenders, detainees, or residents, such as Behavioral Systems Southwest, Inc. (BSS) to prepare an annual report of findings from a review of aggregated sexual abuse data, as well as our assessment of our progress in addressing sexual abuse. (115.287 and 115.288)

This annual report can essentially determine trends or areas of concern in our efforts to improve our agency’s goal: Sexual assault/harassment prevention, detection, response policies and training, including: (a) identifying problem areas; (b) taking corrective action on an ongoing basis. By doing so, BSS can offer our residents a safe and secure environment; one free from sexual abuse/harassment. (115.288 (a))

Behavioral Systems Southwest, Inc. Orion RRC went through their PREA audit in the year 2020. Vinewood RRC and Rubidoux had their PREA audits in the summer of 2021. Further, BSS has remained in compliance with all PREA standards during the reporting year.

This report shows data from 2014 through 2021 as required, data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice (115.287c-1).

Based on the data collection form, SSV, there are several PREA incident categories. Sexual abuse is disaggregated into three categories of offender-on-offender sexual victimization. The categories are:

- **Nonconsensual Sexual Acts**

- Sexual contact of any person without their consent, or of a person who is unable to consent or refuse where there is:
  - 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
  - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

- **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.
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- **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.

Allegations are identified in four categories:

- **Substantiated**

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

- **Unsubstantiated**

- 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**

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

- **Investigation ongoing**

- Ongoing investigation simply means that the police are continuing to investigate to figure out what happened and who if anybody to charge. They want to gather as much evidence as they can before they charge anyone.

For the year 2020 there was one allegation of offender-on-offender sexual victimization which was referred to law enforcement at the Phoenix RRC.

Further, sexual abuse is also disaggregated into two categories of staff-on-offender abuse. Again, the categories are:

- **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:
  - Completed, attempted, threatened, or requested sexual acts.
  - Occurrences of indecent exposure, invasion of privacy.
  - Staff voyeurism for reasons unrelated to official duties or for sexual gratification.
  - 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.

- **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). Which includes:
  - · Repeated profane or obscene language or gestures.
  - · Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing.

For the year 2020, there were no reported allegations of:

- Offender on offender nonconsensual sexual acts;
- Offender on offender abusive sexual contact;
- Staff sexual harassment;
- Staff sexual misconduct.

For the year 2021, there was:

- One allegation of sexual harassment, offender to staff, which was substantiated.
- One allegation of sexual harassment, staff to offender, which was unsubstantiated.
- One allegation of staff sexual misconduct which was unsubstantiated.







Sub = substantiated Unf  
 Unsub = unsubstantiated I-O  
 Unf = unfounded  
 I-O = Investigation Ongoing

0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0

**Phoenix RRC**

Sub = substantiated  
 Unsub = unsubstantiated  
 Unf = unfounded  
 I-O = Investigation Ongoing

**Non Consensual Sexual Act**

**2014 2015 2016 2017 2018 2019 2021 2022**

Sub	0	0	0	0	0	0	0	0
Unsub	0	0	0	0	0	0	0	0
Unf	0	0	0	0	0	0	0	0
I-O	0	0	0	0	0	0	0	0

**Abusive Sexual Contact**

**2014 2015 2016 2017 2018 2019 2021 2022**

Sub	0	0	0	0	0	0	0	0
Unsub	0	0	0	0	0	0	0	0
Unf	0	0	0	0	0	0	0	0
I-O	0	0	0	0	0	0	0	0

**Sexual Harassment**

**2014 2015 2016 2017 2018 2019 2021 2022**

Sub	0	0	0	0	0	0	1	0
Unsub	0	0	0	0	0	0	0	0
Unf	0	0	0	0	0	0	0	0
I-O	0	0	0	0	0	0	0	0

**Staff Sexual Misconduct**

**2014 2015 2016 2017 2018 2019 2021 2022**

Sub	0	0	0	0	0	0	0	0
Unsub	0	0	0	0	0	0	0	1
Unf	0	0	0	0	0	0	0	0
I-O	0	0	0	0	0	0	0	0

**Staff Sexual Harassment**

**2014 2015 2016 2017 2018 2019 2021 2022**

Sub	0	0	0	0	0	0	0	0
Unsub	0	1	0	0	0	0	0	0
Unf	0	0	0	0	0	0	0	0
I-O	0	0	0	0	0	0	0	0



In 2022, there were three allegations of sexual harassment, offender to offender at Orion, and the allegations were substantiated. The perpetrator was removed from the facility and the victims were offered counseling and declined. There was one allegation of sexual harassment, staff to offender that was unsubstantiated as determined by surveillance video there. There was one allegation of staff sexual misconduct which was unsubstantiated.

All Staff received quarterly refresher PREA training to ensure that all staff understand all the tenets of PREA as they apply to BSS RRC facilities.

BSS attributes the low incidents of PREA issues to the following factors:

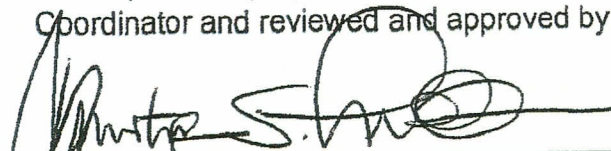
1. BSS conducts PREA training no less than four times per year, which maintains PREA requirements and standards in the forefront for staff.
2. Although our incidents of allegations are typically low given the residential reentry center environment in general, discussing PREA with all residents upon intake, during orientation and group allows the residents to understand that PREA is a priority, taken seriously by BSS staff and management team.

As required by PREA standard 115.288(b), "the annual report includes a comparison of the current year's data and corrective actions with those from prior years.

- There was no corrective action from 2015, at the Florence RRC as the issue was unsubstantiated. However, staff did receive additional retraining to further bolster their understanding of Standards of Conduct.
- The corrective action from 2017 staff sexual harassment, disciplinary action occurred, along with comprehensive retraining of the staff involved.
- There was corrective action from 2021, at the Vinewood RRC, as the staff who was accused failed to announce himself in the female room, although the harassment allegation was unsubstantiated based on video surveillance footage. Staff was retrained on announcing himself in female housing.
- There was no corrective action to be taken in 2022. The three sexual harassment issues that occurred back to back, at Orion, were between offender to offender and the perpetrator was removed from the facility.

In conclusion, BSS is committed to providing environments that are free from sexual abuse/harassment, of any kind. BSS proudly has a zero tolerance policy for all forms of sexual abuse and sexual harassment of staff and residents in our programs. BSS will ensure that the prevention of any sexual abuse or sexual harassment is a priority.

This report was prepared by Bari Caine-Lomberto, Executive Vice President and agency-wide PREA Coordinator and reviewed and approved by Christopher Lindholm, President/COO.

  
Chris Lindholm, President/COO

2/9/23  
Date