

# COBB COUNTY SHERIFF'S OFFICE

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## Cobb County Sheriff's Office: 2023 PREA Annual Report

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### **BACKGROUND:**

The **Prison Rape Elimination Act (PREA)** was unanimously passed by Congress and signed into law by President George H.W. Bush in 2003, becoming the first federal legislation to address the issue of sexual assault in correctional settings. On June 20, 2012, the Department of Justice (DOJ) published national standards developed by the National Prison Rape Elimination Commission to enforce the detection, prevention, reduction, and punishment of prison/jail sexual assault and misconduct. The Act applies to adult prisons and jails, juvenile facilities, police lock-ups, and community residential facilities.

The Cobb County Sheriff's Office has a Zero Tolerance policy on all issues pertaining to sexual abuse and sexual harassment involving inmates and/or staff. The Cobb County Adult Detention Center complies with all applicable components of the Prison Rape Elimination Act of 2003.

### **OUR APPROACH:**

The Cobb County Adult Detention Center has supported the principles associated with PREA. Mandatory annual training has been conducted for staff to reinforce the proper handling of any/all sexual misconduct or sexual harassment allegations made by an inmate against another inmate or staff member. The Cobb County Sheriff's Office has been following all PREA standards and maintained its certification since 2013.

Our PREA Coordinator maintains a substantial responsibility to ensure compliance with PREA standards by continuing to develop policies that remain up to date with any change(s) in national PREA standards. A Sexual Abuse Reporting Hotline was implemented to allow inmates the ability to call an independent entity to report any behavior believed to be sexual abuse or harassment. The Hotline ensures anonymity if the caller so chooses. Cobb ADC also has a Memorandum of Understanding (MOU) in place with LiveSafe Resources Inc. to provide incarcerated victims of sexual abuse with victim advocate support, rape crisis counseling, and forensic exams. A Sexual Predator and Possible Victimization Screenings are conducted during the Classification process by trained deputies to ensure proper assessments, housing, and Classification status' are met. Video monitoring systems are consistently used during investigations of any PREA allegation.

### **2023 YEARLY TRACKING COMPARISON REPORT:**

Pursuant to PREA standard 118.87, data is collected, aggregated, and reviewed regarding all reports of sexual abuse incidents in order to assess and improve the effectiveness of our sexual abuse prevention, detection, and responses. This information is made public annually on the Cobb County Sheriff's Office website as directed by PREA standard 115.88.

In compliance with the standard, the statistics below detail the incidents of sexual abuse from January 1, 2023 to December 31, 2023, and include the following: (1) Cobb County Sheriff's Office Definitions; (2) Findings of report incidents of sexual abuse; and (3) Effectiveness of PREA efforts.



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## **DEFINITIONS:**

Once notification is made of an alleged PREA incident, a supervisor is dispatched to the area to conduct an interview with the alleged victim. Based on the findings of the interview the Criminal Investigations Division (CID) may be contacted to conduct an investigation. All notifications of an alleged PREA incident are documented in the Jail's Offender Management System (OMS) and given an OMS incident number. The incident will be classified using one of the following findings:

- 1) Sustained/Substantiated – allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- 2) Not Sustained/Unsubstantiated – insufficient evidence to either prove or disprove the allegation.
- 3) Unfounded – allegation is false or the action after investigation was found to not have occurred.

PREA Standard 115.6 defines sexual abuse in terms of inmate-on-inmate, staff-on-inmate, inmate-on-staff, along with sexual harassment and voyeurism. The Cobb County Sheriff's Office uses the following PREA definitions:

1) **Sexual Abuse of an Inmate by Another Inmate** – Any behavior or act of a sexual nature between an inmate and another inmate 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 which may include one or more of: (1) Contact between the penis and vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however, slight, by a hand, object, or other instrument; (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.

2) **Sexual Abuse of an Inmate by Staff, Service Provider or Volunteer** – Any behavior or act of a sexual nature (consensual or nonconsensual), or any attempt, threat or request for same, directed toward an inmate by staff member, service provider, or volunteer which may include one or more of: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however, slight; (2) Contact between the mouth and penis, vulva or anus; (3) Contact between the mouth and any body part where the staff member, service provider, 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, object, or other instrument, that is unrelated to official duties 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 clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (6) Any occurrence of indecent exposure by a staff member, contractor, or volunteer to an inmate; (7) Voyeurism by a staff member, contractor, or volunteer for reasons unrelated to official duties (i.e. cell checks) or for sexual gratification; (8) Sexual relationships of a romantic nature between staff and inmate(s).

3) **Sexual Abuse of Staff, Service Provider, or Volunteer by an Inmate** – Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward a staff member, service provider, or volunteer by an inmate which may include one or more of: (1) Contact between the penis and vulva or penis and the anus, including penetration, however slight; (2) Contact between the mouth and penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however slight, by hand, object or other instrument; (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, excluding contact incidental to a physical altercation; (5) Any occurrence of indecent exposure by an

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inmate to a staff member, service provider, or volunteer, outside of the staff member's official duties (i.e. searches), with the inmate's intent to harass staff or for sexual gratification.

4) **Sexual Harassment of an Inmate by Another Inmate** – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another inmate; (2) Demeaning references to gender; (3) Sexually suggestive or derogatory comments about body or clothing; (4) Repeated profane or obscene language or gestures.

5) **Sexual Harassment of an Inmate by Staff, Service Provider, or Volunteer** – (1) Repeated and unwelcome sexual advances, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an employee, volunteer, or service provider toward an inmate; (2) Demeaning references to gender; (3) Sexually suggestive or derogatory comments about body or clothing; (4) Repeated profane or obscene language or gestures.

6) **Sexual Harassment of Staff, Service Provider, or volunteer by an Inmate** – (1) Repeated and unwelcome sexual advances, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward a staff member, service provider, or volunteer; (2) Demeaning references to gender; (3) Sexually suggestive or derogatory comments about body or clothing; (4) Repeated profane or obscene language or gestures.

7) **Voyeurism** – An invasion of privacy of an inmate by a staff member, service provider, or volunteer for reasons unrelated to official duties such as peering at an inmate who is using the toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttock, genitals, or breasts; or taking images of all or part of an inmate's naked body or any inmate performing bodily functions.

## SEXUAL ABUSE REPORT ACTIVITY:

Inmates may confidentially disclose incidents of sexual abuse and sexual harassment to any Sheriff's Office employee either verbally, by calling the PREA Hotline, or by 3<sup>rd</sup> party reporting. This process allows for confidential reporting 24 hours a day, 7 days a week. The administrative investigation shall be completed no later than 90 days of the initial filing of the complaint or grievance; or within 5 days of filing an emergency grievance.

Inmate-on-Inmate Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2022	2023
Substantiated Allegations	3	2
Unsubstantiated Allegations	16	12
Unfounded Allegations	8	6
<b>TOTAL</b>	<b>27</b>	<b>20</b>

Inmate-on-Staff Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2022	2023
Substantiated Allegations	0	0
Unsubstantiated Allegations	0	0
Unfounded Allegations	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

Staff-on-Inmate Allegations of Sexual Abuse/Sexual Harassment	Prior Year 2022	2023
Substantiated Allegations	2	0
Unsubstantiated Allegations	1	1
Unfounded Allegations	2	4
<b>TOTAL</b>	<b>5</b>	<b>5</b>

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## **EFFECTIVENESS OF PREA EFFORTS:**

### **RESPONSIVE MEASURES**

Thorough and systematic investigations of sexual victimization are conducted by the Cobb County Sheriff's Office. All investigations incorporate current incident review criteria as described in PREA standard 115.86.

In comparison to previous years, the numbers have decreased in inmate on inmate and staff on inmate incidents. We have found due to a complete and thorough investigation by our Criminal Investigations Division (CID) has cut down on the number of reports. Persons involved have seen many people charged criminally either for their legitimate unacceptable and unlawful actions or for their false statements against others. In short, appropriate steps have been taken to hold people accountable for their actions.

### **PREA AUDIT AND CERTIFICATION**

The 2023 PREA Audit for the Cobb County Sheriff's Office was completed the first week of March 2023. Predetermined numbers of both inmates and staff were spoken to throughout the week by the auditors. Topics discussed were reference Classification/housing concerns, access to PREA information (materials, training and ability to ask questions about their PREA concerns). The Cobb County Sheriff's Office received a 100% score for compliance with all PREA standards. The efforts of all involved – ADC staff, contracted employees such as medical and mental health, CID, and Internal Affairs should all be thanked and commended for their diligence in responding to and handling of the PREA cases and findings.

### **INMATE EDUCATION**

The Cobb County Sheriff's Office provides inmate education on PREA at multiple points throughout their first 1-5 days of their incarceration. The education starts at the pre-book window when they are provided a brochure with information and phone numbers for reporting. The brochures are in English and Spanish. The Intake medical screening also provides PREA education in which the inmate signs an acknowledgement. Before leaving Intake, while being dressed out into a jail uniform, the inmate is required to sign the dress out card. The deputy goes over all the personal clothing taken as well as another opportunity to sign an acknowledgement that PREA information has been provided to them. Lastly, while inmates are in transition they will have a Classification interview completed within the first 3-5 days of being in custody. Part of the Classification interview process is discussing PREA and providing information. Again the inmate will sign acknowledging they were given PREA information.

### **STAFF EDUCATION**

The Cobb County Sheriff's Office had an administration change in 2021 and had a high rate of attrition as well as high rate of on-boarding new hires prior to our audit in 2023. To ensure all Sheriff's Office personnel were up to date in their PREA training, we held a dozen + training blocks to have ALL staff re-trained on PREA. New hires continue to receive a mandatory 2 hour block of instruction on PREA during their first week of being hired.

All contract employees such as medical, mental health, food service, etc. must go through the 2 hour block of instruction as well before they can enter our facility. All documentation of our PREA training was provided to our PREA auditor and we received 100% in this category.

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## **PREVENTION PLANNING**

The Cobb County Sheriff's Office continues to look for ways to improve our handling of PREA allegations. We continue to insist staff stay vigilant while in the dorms making their rounds. They are advised to look for anything that looks out of place, or behaviors that may have changed.

Supervisors are encouraged to spend time in the areas they supervise and be available to their staff for questions and concerns. They, too, have security rounds to conduct and need to remain observant. We are always on the lookout for blind spots with areas in cell blocks, hallways and offices.

For any case being worked by Cobb Sheriff's Office CID, they can now escort a SANE nurse into the facility and allow them to use a medical exam room in the Infirmary to conduct a SANE exam. We no longer need to take the inmate to the hospital in cases where the incident is to have, allegedly, occurred in the facility.

Having our partnership with LiveSafe Resources and our PREA Hotline, we are able to begin an investigation right away when the call is made. A previous PREA Coordinator set up automatic email alerts to the Jail Commander, the Asst. Jail Commander and the PREA Coordinator for anytime the PREA Hotline is called from a cellblock. This allows us to look into the matter even if the inmate never speaks to anyone at LiveSafe or if they choose not to enter their Jail ID #.

All of these tools allow us to be very proactive in our pursuit of handling PREA incidents as efficiently and as effectively as possible.

## **CONCLUSION**

The Cobb County Sheriff's Office is proud of our commitment to maintain a harassment free environment for all inmates in custody at the Cobb County Jail. The goal is to keep all inmates safe while in our care and that includes serving their time without the fear of sexual abuse and harassment of any kind. The Cobb County Sheriff's Office is also proud of its stance of Zero Tolerance for sexual abuse and harassment. All individuals should feel they are safe in reporting any abuse or harassment without worrying about retaliation and punishment. The Cobb County Sheriff's Office will maintain its integrity and transparency when such cases are reported. The cases will be investigated fully and handled accordingly.

Report Prepared by Major Stacey Bains

ADC Support Services/PREA Coordinator February 9, 2024