

PREA ADMINISTRATIVE CASE MOCK REPORT - UNSUBSTANTATED

1. INTIAL RESPONSE:			
PREA CASE NUMBER: 9.2020 - 2	FACILITY: Azkaban Detention Center	REPORTED BY: Jailer Juan Smith	
DATE OF INCIDENT: 19 September 2020	TIME OF INCIDENT: 0430hrs	SHIFT SUPERVISOR: Sergeant Miguel Bonvoy	
HOW WAS THE INCIDENT REPORTED?	Self	If other, please explain: Not applicable	
2. INITIAL INFORMATION:			
FIRST RESPONDER: Jailer Juan Smith	ALLEGATION TYPE: Sexual Misconduct	WHERE DID THE INCIDENT OCCUR? Victor 3	
ALLEGED VICTIM'S NAME (SO NUMBER): Harry Wales #123456	WAS THE VICTIM IMMEDIATELY PROTECTED?	☒ Yes ☐ No ☐ N/A	
	IS THE VICTIM SUBJECT TO SUBSTANTIAL RISK OF SEXUAL ABUSE?	☐ Yes ☒ No ☐ N/A	
	WERE INTERPRETERS, READERS, OR TYPE OF INMATE ASSISTANTS USED?	☐ Yes ☒ No ☐ N/A	
VICTIM'S COMPLAINTS: Wales #123456 states that he was not wanted in Kilo 3 due to him and another inmate doing "gay stuff".			
WITNESS NAME (SO NUMBER): N/A	WITNESS NAME (SO NUMBER): N/A	WITNESS NAME (SO NUMBER): N/A	WITNESS NAME (SO NUMBER): N/A
ALLEGED PERPETRATOR'S NAME (SO NUMBER): Ulrich Martinez #987654	PERPETRATOR TYPE: Inmate	ORGANIZATION OF CONTRACTOR OR VOLUNTEER: N/A	
WAS THE CRIME SCENE SECURED? ☒ Yes ☐ No ☐ N/A	TIME SECURED: 11:00 pm	CRIME SCENE SECURED BY: Sergeant Miguel Bonvoy	
LIST OF EVIDENCE COLLECTED: 1. Video Downloaded for Victor 3 – 9/18/2020 from 0400hrs to 0830hrs			
Did either inmate shower, brush their teeth, drink, eat, defecate, urinate, or change clothes since the incident occurred?			☐ Yes ☒ No ☐ N/A
Does the alleged victim have any visible injuries?			☐ Yes ☒ No ☐ N/A
Does the alleged perpetrator have any visible injuries?			☐ Yes ☒ No ☐ N/A
Was the alleged victim evaluated by medical staff:			☒ Yes ☐ No ☐ N/A
Was the alleged perpetrator evaluated by medical staff:			☒ Yes ☐ No ☐ N/A
Were pictures taken of the injuries?			☐ Yes ☐ No ☒ N/A
Was the incident referred to Disciplinary?			☒ Yes ☐ No ☐ N/A
Was the Classification Department notified of the incident?			☒ Yes ☐ No ☐ N/A
Were separations filed between the alleged victim and the alleged perpetrator?			☒ Yes ☐ No ☐ N/A

3. PREA INVESTIGATION- VICTIM INTERVIEW

DATE AND TIME OF INTERVIEW: 9/20/2020 – 8:00 am	LOCATION OF INTERVIEW: Supervisor's Office	WAS THE INTERVIEW RECORDED? ☒ Yes ☐ No ☐ N/A	WHAT TYPE OF RECORDING WAS USED? Video
VICTIM'S STATEMENTS: During the interview with Harry Wales #123456 the following was said: Sgt. Bonvoy began the interview and asked him what happened. At this time Wales #123456 stated that he was in Victor 3, he and another guy were talking. At this time I stepped into the room and Sgt. Bonvoy asked him to start again. He stated "Me and this guy were, um, we were at that guy's house." I questioned him what he meant by "that guy's house." Sgt. Bonvoy asked him if this was before he was arrested. He stated "No the house, house. Like Victor 3 they have houses." I asked him if he meant the dorms. He stated they called them houses. I told him that I now understood what he was meaning and asked him to identify the dorm this incident occurred in. He stated "Okay so its Victor you walk in and the stairs. Okay you go the stairs and you go this way and you go straight. I asked him if he went up the stairs. He stated yes. I counted the dorms in 1, 2, 3, 4. He counted from the left 1, 2, 3, 4 and identified the 3rd dorm from the left. He stated "The first bunk that is there. The bottom bunk. And I was sitting on that guy's bed, and the gay guy was sitting on the floor. And I was just sitting down, and he was just rubbing my feet. And that guy had told me, "I will be back I am going to go wash my clothes and shower." I asked him which guy. He stated that he didn't know his name. He stated "The guy's whose dorm it was. It wasn't my dorm or the gay guy's dorm." I asked him if he was talking about the one that he was sitting on the bunk with. He stated yeah. I asked him, "That guy gets up and walks away?" He stated "Yeah, he goes to wash his clothes and shower. I had laid down on his bed, and the gay guy had said let me give you a massage and he was talking about my back. I had already told him that I wasn't gay or none of that a day or two ago. I didn't think nothing of it so I let him. He asked me to turn around and "let me massage your stomach" a couple of minutes we did of him massaging my stomach." I asked him why he would massage his stomach. He shrugged his shoulders and stated, "I don't know." He went on to say, "He just told me "let me massage your stomach". So, I was alright, I didn't think nothing of it. After a while he pulled my pants down tried to" and motioned with his hand as if grabbing something in his groin area. I asked him, "grabbed your penis?" He stated "Tried to put my penis in his mouth. 'Hey watch the fuck out, I don't rock with that shit. I am not gay' and I pushed him off me. And then I was like 'Nah, I'm good I am out of here'. I stood up and I was putting on my chancas, and then he tried to grab my arm 'No I am sorry, come let's talk, let's talk.'. 'Nah I don't rock with that shit.' Then I went to go tell that guy that went to go shower. He had already got out he was just there sitting down. Yeah, in the dayroom, I went to go tell him. He's was like 'what are you trying to do, you trying to make him catch door.' I was like 'I'm down for whatever. I don't rock with that'. Then I went to go tell them, well not the main guy, one of the other ones, I went to go tell him. And he had told me to 'Just stay away, stay away from him we are going to try something we are going to go tell him' I had gone to tell one of the other guys that was in my dorm. I had told him about it and they told someone else. He was trying to say that he was stroking my penis. I was 'nah, that is not how it went' and that is how they wanted both of us to leave. They didn't know they wanted to figure something out. He didn't want to leave" At this time I asked, "And you didn't want to leave?" He stated "I told them if I have to leave I would leave. I didn't want to, not that I didn't want to, but I wouldn't mind staying there. And the other guy he just kept going back and forth, so they just made both of us leave." I asked him when this happened. He asked for the time and then stated that it was 30 minutes before 7. I asked him if it was about 6:30. He stated that he thought so. I asked him if it was before plates or after plates. He stated that it was before plates. I asked him if this had happened today. He stated that it did happen today. I asked him who was the gay guy. He stated he did not know but that it was the other guy that they had kicked out. I paraphrased his statement so that I understood what he was reporting. I told him that before breakfast trays he, another gentleman and a gay gentleman were all in the 3 dorm from left to right were talking, one gentleman leaves to do his business and the gay gentleman asks if he could give him massage. I continue and say that Wales #123456 had already told him 2 days ago he was not gay, but he gives his consent to get a massage, and during the massage the gay guy asks him to massage his stomach and at that time he pulls down his boxers or pants and grabs his penis and attempts to give him a blow jobs. I continued by saying, there was no stroking there was nothing more than that it was just 'a lo bravo' he tries to give you a blow job, you push him off and tell him 'I'm not down for that' and you go tell the other inmates. I then ask him if I was correct. He stated yes by nodding his head. I then ask him if he wants to go back into that cell. He stated that he was okay to go to that cell. I explained to him that I did not want him going back because of the possibility that they would assault him. I explained that I would not stop the transfer if he were to go back, but that would be up the classification jailer. He stated that most of the inmates did not want him to leave but that they wanted the other inmate to leave but he was refusing. I then asked him if he was good to be in general population with other inmates. He again stated that they did not want him to leave but they wanted the other inmate to leave but he wouldn't and that they decided both of them would leave. I again explained to him that I would talk to the classification jailer about the recommendations. I asked him if he wanted medical attention. He stated not. I asked him if he wanted mental health attention. He asked what it was. I explained that it was someone that he could talk to about the incident. He stated yes. I explained that we would see about getting him on the list. Sgt. Bonvoy asked if he could identify the inmate that he was identifying as "gay guy". I asked him if they kicked the other inmate out with him. He stated yes. At this time Wales #123456 was given a general population waiver that was			

signed. Wales #123456 stated that he did not know the other inmate's name. I then explained to him we were going to show him a picture of the inmate that we believed was the one he was describing. At this time, I showed him a picture of Ulrich Martinez #987654. He identified the alleged perpetrator as Ulrich Martinez #987654. I then asked him if that was the inmate that did what he stated. He said "Yes ma'am". I explained to him that I would be reviewing video and I would make contact with him at a later time. He then asked if he could go to back to Victor 3. I had him write that in the notes of the waiver and that I would tell the classification jailer what he wanted and what my recommendations were. He then asked if he would be rehoused today. I told him that I would try my best to get him new housing today but that he might have to stay in transport a couple of days. He then asked about his commissary. I explained to him that I would advise the commissary staff about the issues that had happened that day

4. PREA INVESTIGATION- ALLEGED PERPETRATOR INTERVIEW

DATE AND TIME OF INTERVIEW: 9/20/2020 –11:00 am	LOCATION OF INTERVIEW: Supervisor's Office	WAS THE INTERVIEW RECORDED? ☒ Yes ☐ No ☐ N/A	WHAT TYPE OF RECORDING WAS USED? Video
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Was the alleged perpetrator informed of? N/A	Did the alleged perpetrator request legal representation? No
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PERPETRATOR'S STATEMENTS: During the interview with Ulrich Martinez #987654 the following was said: I began the interview with having him identify himself. He stated that his name was Ulrich Martinez #987654. I then asked him he would go by the name "Estella". He nodded his head. I asked him if he already knew who I was correct. He stated, "Yes ma'am, I already know what you are here for". I then asked him what happened. He stated "Nothing happened. I am sad because I keep on going through this in this facility that they keep on putting me places". I asked him "What happened? Nothing happened?" He stated, "Nothing happened". I asked him why they had this allegation against him. He stated "Because there is a group of guys in Victor 3, they just put me back, and they started putting things in this new guy's head. That they didn't like me. That I was drama. That I am always on gay stuff. And the whole dorm is gay" I then asked him to take me through his day. He asked "Today?". I responded yes. He then asked last night or this morning. I told him what had happened last night that I needed to know about. He then asked, "This morning?" I told him that I didn't know I would ask him again to start taking me through his day. I then asked him what time he went to sleep. He stated that he went to sleep this morning. I asked him if he was awake all night. He nodded his head. I asked him where he normally would sleep. He stated "Downstairs." I asked him what happened when the lights came on. He stated "I took a shower. I went to my bunk, read my bible." I asked him if he went downstairs and asked him as soon as the lights came on the went to the shower and went back to his bunk to read his bible. He stated, "I sleep on the floor, in the cell straight". I asked him if he never went upstairs. He stated "Afterwards." I asked after lights on he went to the shower and went directly back to his bunk to read his bible, then after how many minutes does he go upstairs. He stated that he did not know because he started falling asleep. I asked for about 10-20 minutes. He started for about 10 minutes. I then asked him what happened upstairs. He stated, "I was approached by this guy, before I went upstairs." I asked him what his name. He stated that he did not know his name. I asked him what he looked like. He stated that they just took them both out today. I then told him "The other gentleman that was taken out with you today. He approached you. Where were you standing?" He stated that he was still at his bunk, downstairs. I told him Wales #123456 approached him downstairs and he had not gone upstairs yet. He agreed with my understanding of what had happened so far. I then asked him if he had gone upstairs 10 minutes later. He began shaking his head then stated, "Oh yeah." I then told him that I did not want him lying to me. He stated "Yeah, he came up to me first. I was asleep, I had been up all night. So, I was going to sleep. I read my word, then I was there sitting down and I was falling asleep. I am reading, I was falling asleep. Then I see him come down he approached me. He said, cause he had said he was going to hang out with me and a friend of mine." I asked him the friend's name. He stated "Panfilo Castro. He goes upstairs. So, he goes and tells me that he was going to go wash his clothes and then he would be up there." At this time Sgt. Bonvoy asked who told him that. Martinez #987654 stated "The one that they took out today." I asked him if Wales #123456 had approached him and told him that he was going to wash his clothes and then he would be upstairs to hand out. Martinez #987654 nodded his head. He stated "I go upstairs. I go tell Panfilo "Hey Panfilo" cause he had been saying all night that he was going to hangout with me and my homies from my hometown Raymondville. He said 'I was going to hang out with them' I go hangout with them. I was going to hang out with Panfilo. I just met this dude. I just got back. So I go upstairs and I am talking to Panfilo I tell him 'hey uh'. Harry that is his name. 'Said he was going to come up here right now and chill with us.' So I am there with Panfilo. Harry comes upstairs and we are there, hanging out. He puts his foot on my lap and, well me and this other white gentleman in that same cell have been doing massages. So like nothing gay nothing sexual, just normal. And so Harry asked me to massage his foot. So I was there massaging his foot and Panfilo got up to go use the shower and so Harry laid down told me to massage his back. I am there massaging his back. Then he gets up and leaves." I asked him if he was lying on his stomach. He stated "Yes. Then he turned around and laid on his back. I am massaging his shoulders, and then it was over. And then he got up and he started acting weird because somebody passed by, one of his cellies. He started acting weird and he went downstairs and he told that

talachero guy Carter, that whatever he told him.” I asked him after he told the other inmates, they approached him and he gets kicked out, that is usually what happens and if this is what happened. Martinez #987654 nodded his head. I asked him if his claim was that nothing happened during the massage. He stated “nothing”. I asked him if his claim was that he was on his stomach and he got up and that there was nothing sexual. He stated that he hated this happening. I explained to him that I was already aware that he was lying and that I had seen the video. I explained to him that I had seen him lying down and no one [Wales #123456] approached him. He stated “He did approach me. How did you see that on the camera. He came to cell and he talked to me.” I explained I did see him [Martinez #987654] on the camera. I told him to let me finish and I continued. I explained to him that I saw him go upstairs to lay down on the bunk of another inmate, and the person returns he moves from the bunk to the floor. I explained to him that it is seen that Wales #123456 approaches and sits on the bunk, after a moment the other inmate leaves and Wales #123456 lays down on his stomach and the massage starts. I explained that there was no one seen passing by. Martinez #987654 stated “He said that. I am not saying I saw anyone. He said, ‘Eh, somebody’. He said, ‘I saw my celly pass by I am going to go to my bunk’. He said that. And I don’t understand how you didn’t see him go to my bunk area, because he did. When I was in my bunk area he went to my cell, ma’am. I wasn’t that asleep when he went to my cell. He stop in front of my cell, and he told me he was going to go wash his clothes.” I turned to Sgt. Bonvoy if he had seen that on the camera. He stated no but that he had a question. Sgt. Bonvoy asked “If there was nothing going on in the middle, why do you stand up and put a blanket on one side of the bunk?” He responded “Cause he said somebody passed by. I said, ‘Well you want me to cover that right there.’ So nobody will be there thinking nothing weird.” I continued and stated that Wales #123456 was on his back because he seen getting up and shoving Martinez #987654 away. I explained to him that he was going to a single cell due to the last time we had spoken that if this did not stop, he would be housed in a single cell for the remainder of his jailing. I explained to him that I would be speaking to the Classifications and letting them know as per PREA he would be housed in a single cell for the remainder of his jailing.

5. PREA INVESTIGATION- WITNESS INTERVIEW

DATE AND TIME OF INTERVIEW: N/A	LOCATION OF INTERVIEW: N/A	WAS THE INTERVIEW RECORDED? ☐ Yes ☐ No ☒ N/A	WHAT TYPE OF RECORDING WAS USED? N/A
VICTIM'S STATEMENTS: N/A			

6. PREA INVESTIGATION- NOTIFICATION AND TREATMENT

Was a victim advocate notified? ☐ Yes ☒ No ☐ N/A	Date notified: N/A	Time notified: N/A	Name of person notified: N/A
Was Criminal Investigations Division Notified? ☐ Yes ☒ No ☐ N/A	Dated notified: N/A	Time notified: N/A	Name of person notified: N/A
Was the alleged victim sent to the hospital? ☐ Yes ☒ No ☐ N/A	Name of hospital: N/A	Did alleged victim receive a forensic exam by SAFE/SANE: N/A	

7. PREA INVESTIGATION- FINDINGS AND FOLLOW UP

Summary of the investigation and credibility assessment: During the reviewing of the video the following was seen; video starts at 04:30; **04:37 jailer enter the cell. **04:39 jailer leaves the cell. **04:45 Martinez #987654 is seen walking away from the shower area and going to the dorm directly in front of the staircase. **04:49 sit down on the floor on his bedding. **05:01 an inmate approaches Martinez #987654 and is seen talking with him then walks away. **05:04 Lights turn on. **05:06 Martinez #987654 gets off the bunk and goes up the steps and lays down on the first bottom bunk. **05:10 Martinez #987654 gets off the bunk and sits on the floor as an inmate arrives [possibly Panfilo] to sit on the bunk. **05:23 Wales #123456 arrives to the area and sits on the bunk to talk with Martinez #987654 and “Panfilo”. **05:25 Martinez #987654 reaches over and pulls Wales #123456 foot into his lap and begins to ‘massage’ it. **05:34 “Panfilo” gets up and walk away as Wales #123456 lays on his stomach and Martinez #987654 starts the massage after getting a bottle from another bunk. **05:40 Martinez #987654 goes downstairs and gets an item from his bunk as Wales #123456 sits up to stretch. Martinez #987654 comes back and Wales #123456 can be see getting on his stomach again and massage resumes. **05:44 Martinez

#987654 is seen getting up to place a blanket in order to obstruct view. **05:49 gets the blanket from the floor and appears to be wiping something. **05:52 Wales #123456 gets off the bunk as he is walking past Martinez #987654 reaches out to grab his forearm. Wales #123456 jerks his hand away and continues on to put his sandals on and is seen walking down the steps and speaks to an inmate on the bottom tier. Martinez #987654 is rubbing his legs in an anxious motion prior to getting the items he was using during the massage together. Martinez #987654 gets up and goes to the rails and leads over to see who Wales #123456 is speaking to and immediately rubs his face as if he was worried. Martinez #987654 returns an item to a nearby bunk and then goes to the rails and leans over in order to see who else Wales #123456 is speaking to. **05:54 Martinez #987654 gets his blanket and walks to his dorm and bunk area then goes to the bathroom as he looks back to see who Wales #123456 is talking to. He then walks out of camera view right by where Wales #123456 is and looks at what Wales #123456 is doing.

It cannot be seen where the Wales #123456 penis is removed from his pants as he stated in the interview. It can be seen where Martinez #987654 is leaning over. Taking into account his body language after the incident it is more than likely that something did occur but is unable visually seen on camera.

In addition, Martinez #987654 will be housed in segregation due to the various reports of his behavior in housing and due to exhausting available housing.

Due to the fact there is no definitive answer that the penis was grabbed it will be considered as an unsubstantiated incident.

Was the victim referred to the Mental Health Counselor?	☐ Yes ☒ No ☐ N/A
Was the perpetrator referred to the Mental Health Counselor?	☒ Yes ☐ No ☐ N/A
If the perpetrator was an employee volunteer or contractor, were their services/employment terminated?	☐ Yes ☐ No ☒ N/A
Did the staff's actions or failures to act contribute to the alleged abuse?	☐ Yes ☐ No ☒ N/A
Was the incident referred for criminal prosecution?	☒ Yes ☐ No ☐ N/A

8. FINAL DISPOSITION

Disposition imposed on the perpetrator?	Inmate was reclassified and rehoused in a single cell		
Other:	N/A		
Final Disposition:	Unsubstantiated		
PREA INVESTIGATOR: (PRINT) Alicia Castaneda	SIGNATURE: <i>Alicia Castaneda</i>	Date: 20 Sept 2020	