

Southwest Multi-County Correction Center Annual Comparative Reports (§115.87 and §115.88) for years 2013, 2014, and 2015.

Southwest Multi-County Correction Center posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

Sexual abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (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.

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;
- (4) 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;
- (5) 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;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

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

Unfounded allegation means an allegation that was investigated and determined not 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.

The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Southwest Multi-County Correction Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2013**.

Dickinson Adult Detention Center (Jail): 2013

There were (3) PREA Investigations in 2013.

Inmate Allegations Made Towards Staff in 2013:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (2) Unfounded involving male staff and female inmate.

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Inmate Allegations Made Towards Inmates in 2013:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (2) Unfounded involving male inmates.

Sexual Harassment: (3) Unsubstantiated involving male inmates (4) Substantiated involving male inmates (0) Unfounded

Southwest Multi-County Correction Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2014**.

Dickinson Adult Detention Center (Jail): 2014

There were (5) PREA Investigations in 2014.

Inmate Allegations Made Towards Staff in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (2) Unfounded; one allegation involving male staff and female inmate, and one allegation involving female staff and male inmate.

Voyeurism: (0) Unsubstantiated (0) Substantiated (1) Unfounded involving female staff and male inmate.

Inmate Allegations Made Towards Inmates in 2014:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated involving male inmates (0) Unfounded

Sexual Harassment: (0) Unsubstantiated involving male inmates (3) Substantiated involving male inmates (2) Unfounded; one allegation involving male to male inmates, and one allegation involving female to female inmates.

Southwest Multi-County Correction Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2015**.

Dickinson Adult Detention Center (Jail): 2015

There were (7) PREA Investigations in 2015.

Inmate Allegations Made Towards Staff in 2015:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (1) Unfounded; one allegation involving male inmate and male staff.

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (3) Unfounded; one allegation involving female staff and male inmate, and two allegations involving male staff and male inmates.

Voyeurism: (0) Unsubstantiated (0) Substantiated (1) Unfounded involving male staff and male inmate.

Inmate Allegations Made Towards Inmates in 2015:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded involving male inmates.

Sexual Harassment: (1) Unsubstantiated involving male inmates (0) Substantiated involving male inmates (1) Unfounded; one allegation involving male to male inmates.

Pursuant to PREA standards for data review (§115.88), the following will serve as an annual review for 2015 in order to assess and improve the effectiveness of SWMCCC/DADC's sexual abuse and sexual harassment prevention, detection, response policies and training.

Southwest Multi-County Correction Center/Dickinson Adult Detention Center completed its first audit regarding the level of compliance with implementation of 44 PREA Standards, which includes compliance of many subsets of each standard on September 27-28, 2015. Melinda Allen, DOJ Certified PREA Auditor of Melinda Allen & Associates LLC contracted with DADC for the completion of the audit.

The interim report was provided October 9, 2015, to the Southwest Multi-County Correction Center/Dickinson Adult Detention Center reporting 04 exceeded standards; 33 met standards; 04 not met standards; and 03 not applicable. On November 25, 2015, all corrective action had been completed. The summary of the **final audit findings** for Southwest Multi-County Correction Center/Dickinson Adult Detention Center is listed below.

Number of standards exceeded: 04

Number of standards met: 37

Number of standards not met: 00

Number of standards not applicable: 03

The following (4) PREA Standards met compliance after corrective action:

115.13 Supervision and monitoring

The facility has a staffing plan that is reviewed annually. The facility makes its best efforts to comply on a regular basis with the staffing plan for adequate levels of staffing and video

monitoring to protect inmates against abuse. The Staffing Plan met ten of the eleven requirements. The Staffing Plan was revised during the Corrective Action Period to include additional detail regarding the number and placement of staff in the facility based on daily activities and shift relief factors. The expectation to develop a more robust staffing plan to include an analysis of daily activities and shift relief factors was fully met.

115.41 Screening for risk of victimization and abusiveness

The auditor reviewed a random sample of inmate files for compliance with this provision and determined that while MOST of the reassessments are completed within 30 days, not all of the inmates were being reassessed.

The following corrective measure(s) are recommended for action during the corrective action period completion of the 30-day reassessments for all inmates. The facility was made aware of this concern prior to the auditor leaving the facility. The PREA Coordinator had been attempting to complete the reassessment every two weeks and was reassessing with a very complicated instrument that required a tremendous amount of time and energy to complete. The auditor and PREA Coordinator discussed streamlining the process, since the majority of the inmates that had been screened and did not show any indicators that would mandate a more thorough reassessment. The PREA Coordinator should focus more of her energy on the reassessment for these individuals that were considered vulnerable and streamline the process for those that did not have any indicators that stood out during the initial assessment.

The PREA Coordinator has completed the 30-day reassessments for all inmates. The PREA Coordinator provided the auditor with a list of the housing unit roster(s) for the inmates and the auditor has reviewed randomly select files for compliance. The auditor randomly selected three files for review. Each of the files was found to be complete.

115.52 Exhaustion of administrative remedies

The inmate handbook, on reporting of PREA procedures stated that an inmate may submit a grievance to someone other than the individual that is the subject of the complaint, but in the Grievance Procedures section of the handbook, it stated that residents with a complaint or problem will first attempt to resolve the matter informally, before filing a formal grievance. The resident shall attempt to discuss the matter with the staff member responsible in the particular area of the problem. This was updated during the corrective action period. The inmate handbook on grievances was clarified that inmates may file an emergency grievance related to PREA without having to submit it to a staff member who is the subject of the complaint.

115.88 Data review for corrective action

The following corrective measure(s) were recommended for action during the corrective action period. The annual reports should be reviewed and approved by the agency head, who is the President of the SWMCCC Board of Directors. The 2013 and 2014 Annual Reports were signed by the Operations Administrator, and the Deputy Operations Administrator.

The agency and auditor collaborated to identify deliverables and a timeline for them so that verification of full and successful implementation of corrective measure(s) could be accomplished by November 30, 2015. Which include the following deliverables.

2013 Annual Report Signed by the Agency Head

2014 Annual Report Signed by the Agency Head

The deliverables were provided to the auditor on November 5, 2015 with the appropriate signatures of the President of the SWMCCC Board of Directors.

The following (4) PREA Standards were found to have exceeded standard compliance:

115.32 Volunteer and contractor training

The auditor, like all contractors and volunteers, was required to read and sign an acknowledgement form each time they enter the facility if they will have contact with inmates. The document reviews highlights of the PREA policy requirements and requires the visitor acknowledge that they have read and understand the requirements of the Prison Rape Elimination Act (“PREA”), and acknowledge SWMCCC’s zero-tolerance towards all forms of sexual abuse and sexual harassment. The form also reminds them that they must immediately report any information or knowledge of sexual abuse or sexual harassment of any resident by another resident, staff member, contractor visitor, or volunteer, to a SWMCCCC staff member in writing or verbally.

The auditor reviewed the facility policy, Accountability: Inmate Rights policy VI, 6, A, 12, training curriculum for volunteers and contractors who have contact with inmates and confirmation of training and understanding, as well as the document that each visitor must sign as detailed in 115.32(a).

The auditor interviewed several contractors and volunteers to determine that the volunteers and contractors received the appropriate training for their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Interviews with contractors and volunteers confirmed that they are familiar with the zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. In addition, the auditor, like all contractors and volunteers, was required to read and sign an acknowledgement form each time they enter the facility if they will have contact with inmates. The document reviews highlights of the PREA policy requirements and requires the visitor acknowledge that they have read and understand the requirements of the Prison Rape Elimination Act (“PREA”), and acknowledge SWMCCC’s zero-tolerance towards all forms of sexual abuse and sexual harassment. The form also reminds them that they must immediately report any information or knowledge of sexual abuse or sexual harassment of any resident by another resident, staff member, contractor visitor, or volunteer, to a SWMCCCC staff member in writing or verbally.

The auditor conducted interviews with volunteers, contractors and the Training Captain to confirm compliance.

115.51 Inmate reporting

The auditor reviewed the facility policy, Accountability: Inmate Rights policy VI, 6, A, 19 addresses this standard. The auditor also reviewed Investigative files in the facility. The auditor also interviewed a random sample of inmates and staff. Both inmates and staff were able to explain to the auditor how they would report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency. The agency that receives the reports is the Dickinson Police Department (DPD). Until recently, the DPD was housed in the same building as the SWMCCCC. When the DPD would receive a call from an inmate, the DPD would respond immediately to initiate a formal report or to notify the SWMCCCC that an incident had been reported. Inmates stated they could report anonymously, but felt it would not do a whole lot of good. Inmates could also call the Domestic Violence Rape Crisis Center: 9-1-888-225-4506 (toll free, confidential; non-recorded line). This number can be accessed from all inmate phones.

Inmates detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security during the intake process.

The auditor interviewed a random sample of staff that all indicated that they are able to privately report in incident of sexual harassment or sexual abuse by telling their supervisor, the PREA Coordinator or any other administrator, if they thought one of their supervisors was involved.

115.73 Reporting to inmates

The auditor reviewed the facility policy, Accountability: Inmate Rights policy VI, 6, A, 32, as well as the investigative files for the past two years. The investigative files contained proof of notification. Interviews with the Warden/Operations Administrator, Investigative Staff and an Inmate that reported sexual abuse all confirm that inmates are informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The facility actually notifies the inmates in writing and a copy of the notification is placed in the investigative file. This level of notification exceeds the requirements of the standard.

115.86 Sexual abuse incident reviews

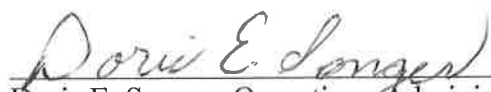
The auditor reviewed the facility policy, Accountability: Inmate Rights policy VI, 6, A, 32, C covers this provision of the standard. The auditor also reviewed copies of minutes from the Incident Review Meetings that were held after the completion of investigations. The Incident Review Team has developed a template for reviewing these incidents so they encompass the

requirements detailed in this provision. Each of these elements is presented as a question to be considered by the team during the meeting. The development and use of this template exceeds the provisions of the standard and exemplifies dedication to doing the job right, every time.



Duane Wolf, President SWMCCC Board of Directors

05-20-2016
Date



Doris E. Songer, Operations Administrator
Southwest Multi-County Correction Center
Dickinson Adult Detention Center

5/20/2016
Date

Authored by Loree Ivanets, SWMCCC/DADC PREA Coordinator on May 11, 2016