



Prison Rape Elimination Act

2019 ANNUAL REPORT

Michigan Department of Corrections

Background

The federal Prison Rape Elimination Act (PREA) of 2003 resulted in the creation of standards with which prisons and jails must adhere in order to be considered compliant with the federal standards. Those standards became effective on August 20, 2012. The goal of the standards is to assist agencies in their efforts to prevent, detect and respond appropriately to sexual abuse and sexual harassment of confined offenders. MDOC Policy Directive 03.03.140 and the MDOC PREA Manual, both published on the MDOC website, outline the Department's coordinated efforts to achieve and maintain compliance with these comprehensive and complex standards. This report includes information required by PREA Standards 28 CFR §15.87, §115.88 and §115.89.

Michigan Department of Corrections (MDOC) staff take allegations of sexual abuse and sexual harassment of prisoners very seriously and actively work toward providing a safe environment, including freedom from sexual abuse, for those under custody. All allegations must be reported and investigated. The Michigan Department of Corrections has institutionalized zero tolerance toward sexual abuse and sexual harassment of all persons. It has staffed a four-member PREA Unit whose sole purpose is to assist and advise staff at all levels of the MDOC regarding matters related to compliance with the PREA standards.

The PREA Unit is comprised of the MDOC PREA Manager who serves as the agency PREA Coordinator and is responsible for enhancement and oversight of all PREA initiatives within the Department, and three professional staff (PREA Analysts) who each assist and advise central office staff and facility administrative staff from one third of the facilities within the state. The department has invested in specialized PREA training for each member of the unit, with the majority of the unit members attending the extensive, approximately 10-month PREA auditor training provided by the Department of Justice through the national PREA Resource Center.

Michigan Department of Corrections operated 32 correctional facilities at the beginning of calendar year 2018 with one closing in March and one closing in December (see Figure 1). To determine compliance with the PREA standards, correctional agencies are required to have one third of their facilities audited each year by independent DOJ-certified auditors to complete each three-year audit cycle. Each audit year begins August 20th and ends the following August 19th. The first audit year of the current audit cycle began August 20, 2016. Eleven facilities were audited each audit year. At the completion of the audit cycle, the Governor was able to certify MDOC's full compliance with the PREA Standards.

Annual Reports

PREA standard 115.87 requires collection and publication of aggregated data related to incidents of sexual abuse as categorized by the definitions set forth in the BJS annual Survey of Sexual Victimization (SSV). This information is compiled each summer for the previous calendar year and provided upon receipt of required forms from the DOJ. Aggregated data from MDOC correctional facilities for each calendar year is included in the annual Survey of Sexual Victimization and reflected in each narrative report. Following submission of the Survey of Sexual Victimization, the MDOC's annual report addressing PREA compliance activities is completed, signed by the MDOC PREA Manager and Director. Both reports are published on the MDOC website, www.michigan.gov/corrections.

MDOC PREA AUDITS – SECOND AUDIT CYCLE

Year 1 (August 20, 2016 – August 19, 2017)

- Detroit Reentry Center – 11/2016
- Lakeland – 11/2016
- West Shoreline – 1/2017
- Earnest C. Brooks – 1/2017
- Ionia – 3/2017
- Michigan Reformatory – 3/2017
- Parnall – 4/2017
- G. Robert Cotton – 4/2017
- Lake County Residential Reentry Program – 5/2017
- Baraga – 6/2017
- Alger – 6/2017

Year 2 (August 20, 2017 - August 19, 2018)

- Bellamy Creek – 10/2017
- Gus Harrison – 10/2017
- Cooper Street – 12/2017
- Special Alternative Incarceration – 12/2017
- Macomb – 3/2018
- Woodland – 3/2018
- Chippewa – 6/2018
- Newberry – 6/2018
- Ojibway – 6/2018
- Marquette Branch Prison – 6/2018
- Detroit Detention Center – 7/2018

Year 3 (August 20, 2018 – August 19, 2019)

- Muskegon - 5/2019
- Egeler Reception/Guidance Ctr - 5/2019
- Carson City – 4/2019
- Oaks – 5/2019
- Kinross – 5/2019
- Thumb – 7/2019
- Saginaw – 7/2019
- Richard A. Handlon – 5/2019
- Women's Huron Valley - 7/2019
- St. Louis – 5/2019
- Central Michigan – 4/2019

MDOC PREA AUDITS – THIRD AUDIT CYCLE

Year 1 (August 20, 2019 – August 19, 2020)

- All audits for this audit year were scheduled for CY 2020.

Michigan Department of Corrections Correctional Facilities Map *As of January 1, 2019*



Correctional Facilities

1. Baraga Correctional Facility
2. Marquette Branch Prison
3. Alger Correctional Facility
4. Newberry Correctional Facility
5. Chippewa Correctional Facility
5. Kinross Correctional Facility
6. Oaks Correctional Facility
7. Muskegon Correctional Facility
7. Earnest C. Brooks Correctional Facility
8. St. Louis Correctional Facility
8. Central Michigan Correctional Facility
9. Saginaw Correctional Facility
10. Carson City Correctional Facility
11. Ionia Correctional Facility
11. Michigan Reformatory
11. Bellamy Creek Correctional Facility
11. Richard A. Handlon Correctional Facility
12. Thumb Correctional Facility
13. Macomb Correctional Facility
14. Woodland Center Correctional Facility
15. Cooper Street Correctional Facility
15. Charles E. Egeler Reception and Guidance Center
15. G. Robert Cotton Correctional Facility
15. Parnall Correctional Facility
16. Special Alternative Incarceration Facility
17. Women's Huron Valley Correctional Facility
18. Lakeland Correctional Facility
19. Gus Harrison Correctional Facility
20. Detroit Detention Center
20. Detroit Reentry Center

* Includes reception centers

Source: Correctional Facilities Administration

Figure 1

2019 Accomplishments

In 2019, the MDOC invested in its PREA initiative by contracting for the PREA Unit staff to participate in a Lean Process Improvement workshop. This workshop provided a roadmap toward prioritizing and accomplishing updates in policy and procedure, training, enhancement of risk assessment automation, streamlining and documenting MDOC and PREA Unit functions, audit preparation processes and prisoner reporting processes.

The department-wide camera upgrade process continued at numerous facilities.

An assessment was made, and physical plant changes made to enhance sight and sound separation between adult inmates and the youthful inmates housed in separate sections of Thumb Correctional Facility.

The MDOC continued to partner with Just Detention International (JDI) to provide confidential outside emotional support services for prisoners who have been victims of sexual abuse. Pursuant to this agreement, the entire inmate population was notified of the services offered and provided with a mailing address and telephone contact information in order to confidentially access those services. Posters were displayed prominently throughout each MDOC facility with contact information for JDI outside confidential support services, in conjunction with other PREA postings reminding prisoners of the department's zero tolerance for sexual abuse and sexual harassment. The posters are convenient resources providing prisoners with contact information for outside emotional support, as well as the multiple departmental and outside agency reporting avenues. Prisoners are able to receive the confidential services and report abuse by telephone without requiring a telephone pin number to complete the call.

Prisoners incarcerated in MDOC facilities have access to multiple reporting methods. They may tell, or write to, any staff member; contact the Legislative Corrections Ombudsman; report through a third party of their choice; and may report anonymously. They may also report by calling the MDOC Sexual Abuse Reporting Hotline. Investigations are initiated no matter how an allegation is received.

MDOC SEXUAL ABUSE HOTLINE

786 calls alleged sexual abuse or sexual harassment
59 calls were spam, hang-up or didn't provide enough information to identify a person/facility involved.
24 requests for employment verification were left on the line.
6 calls were from auditors testing the hotline process.

*Approximately 163 of the total calls were made by or on behalf of the same prisoner, and 50 by two others.

Specialized training was developed and provided by the PREA Unit for facility PREA Coordinators (compliance managers) and other facility administrators and investigators. In 2018, two two-day sessions were prepared and delivered to facility staff. Two additional presentations were prepared and delivered to MDOC Central Office staff that related to the PREA standards for community confinement facilities for MDOC staff who monitor compliance with contracted community residential facilities housing MDOC parolees. PREA Unit staff conducted informal training sessions with staff at multiple facilities on an ongoing basis related to standards compliance, including risk assessments, investigations, and audit preparation. Resources were dedicated to initiate a complete overhaul of the MDOC's Basic Investigator Training program. Work also began to update existing policy and forms related to PREA processes within the MDOC.

The department uses an objective automated instrument to assess risk of sexual abusiveness and sexual victimization for each person incarcerated within the MDOC at reception and upon each transfer to a different facility. In 2018, sexual abusiveness/victimization risk assessment reviews became an annual requirement, to be completed as part of the annual security screening process. A workgroup began research into development of a gender-specific instrument to enhance assessment of these risks for each female prisoner.

PREA AUDITS CONDUCTED IN OTHER STATES BY MDOC STAFF

2017	14
2018	9
2019	8

PREA AUDIT CYCLE

The PREA Audit Cycle is comprised of three sections; Pre-Audit, Audit (on-site), and Post Audit periods. During the months preceding the on-site portion, hundreds of documents are gathered and provided to auditors to be reviewed. The on-site portion includes interviews of specified and random staff and inmates, and an in-depth facility

assessment to observe processes as well as examine all areas of the facility, including staff and camera coverage.

The post-audit portions are comprised of review, clarification and analysis of documentation, practices and observations, resulting in an audit report that addresses agency and facility compliance with every element of the standards. Following any corrective action (or none, if applicable), a comprehensive final audit report is provided by the auditor to the facility.

PREA Audits Conducted

During the 2nd three-year PREA audit cycle, August 20, 2016 through August 19, 2019, MDOC audits were conducted through a Memorandum of Understanding (MOU) with Maryland, Pennsylvania, and Wisconsin correctional departments, through which DOJ-certified PREA auditors were provided.

Through this consortium, audits were conducted of eleven MDOC facilities in calendar year 2019 (see figure 2). Several facilities were found compliant but were issued interim reports while the agency addressed an element of corrective action. All were found fully compliant following the corrective action. Six of the eleven were determined to exceed requirements of at least one standard.

By the end of the CAPs assessed in 2016 – 2019, all audited facilities were found fully compliant, and 16 exceeded at least one standard. Detroit Detention Center is considered a “lock-up” facility and was audited under the PREA standards for Lock-ups; the others were audited under the standards for Prisons and Jails (Figures 2 and 3).

The auditing consortium with these states was not renewed for the third audit cycle, and a request for proposals was initiated in order to contract with auditors for the first year of the third audit cycle (August 20, 2019 through August 19, 2020) with the contract award process initiated in December.

2019 Certified PREA Audit Results

National Standards Compliance – Final Audit Report					
Correctional Facility	Audit Date	Standards Exceeded	Standards Met	Standards Not Met	Standards Not Applicable
Carson City Correctional Facility	4/2019	1	44	0	0
Central Michigan Correctional Facility	4/2019	2	43	0	0
Muskegon Correctional Facility	5/2019	0	45	0	0
Charles Egeler Reception and Guidance Ctr	5/2019	0	45	0	0
Oaks Correctional Facility	5/2019	1	44	0	0
Kinross Correctional Facility	5/2019	0	45	0	0
Richard A Handlon Correctional Facility	5/2019	4	41	0	1
St. Louis Correctional Facility	5/2019	0	45	0	0
Thumb Correctional Facility	7/2019	0	45	0	0
Saginaw Correctional Facility	7/2019	2	45	0	0
Women’s Huron Valley Complex	7/2019	9	36	0	0

2018 Certified PREA Audit Results

National Standards Compliance – Final Audit Report					
Correctional Facility	Audit Date	Standards Exceeded	Standards Met	Standards Not Met	Standards Not Applicable
Macomb Correctional Facility	3/2018	1	44	0	0
Woodland Center Correctional Facility	3/2018	0	45	0	0

Chippewa Correctional Facility	6/2018	1	44	0	0
Marquette Branch Prison	6/2018	0	43	0	0
Newberry Correctional Facility	6/2018	0	44	0	0
Ojibway Correctional Facility (Closed 12/2018)	6/2018	9	34	0	0
Detroit Detention Center	7/2018	1	34	0	0

Figure 2

2017 Certified PREA Audit Results

National Standards Compliance – Final Audit Report					
Correctional Facility	Audit Date	Standards Exceeded	Standards Met	Standards Not Met	Standards Not Applicable
West Shoreline Correctional Facility (closed 2018)	1/2017	3	38	0	4
Earnest C. Brooks Correctional Facility	2/2017	1	42	0	0
Ionia Correctional Facility	3/2017	0	41	0	4
Michigan Reformatory	3/2017	0	42	0	1
G. Robert Cotton Correctional Facility	4/2017	1	44	0	0
Parnall Correctional Facility	4/2017	0	43	0	0
Lake Co Residential Reentry (contract ended 2019)	5/2017	0	41	0	4
Alger Correctional Facility	6/2017	0	41	0	2
Baraga Correctional Facility	6/2017	0	41	0	2
Gus Harrison Correctional Facility	10/2017	1	39	0	5
Bellamy Creek Correctional Facility	10/2017	1	44	0	0
Cooper Street Correctional Facility	12/2017	0	45	0	0
Special Alternative Incarceration	12/2017	6	37	0	0

Figure 3

Investigations

Figures 4 and 5 reflect 2018 data for the number of allegations of sexual abuse and sexual harassment and investigative findings, by type. See appendix for definitions.

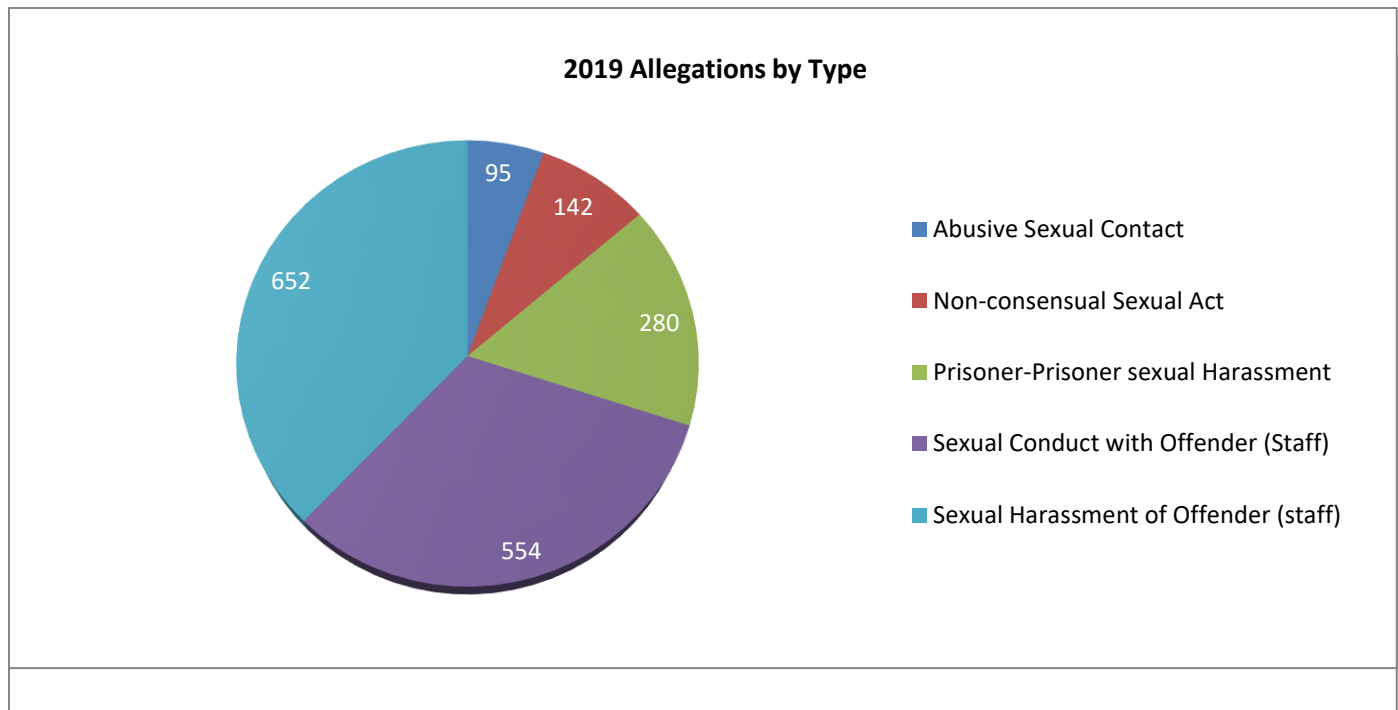
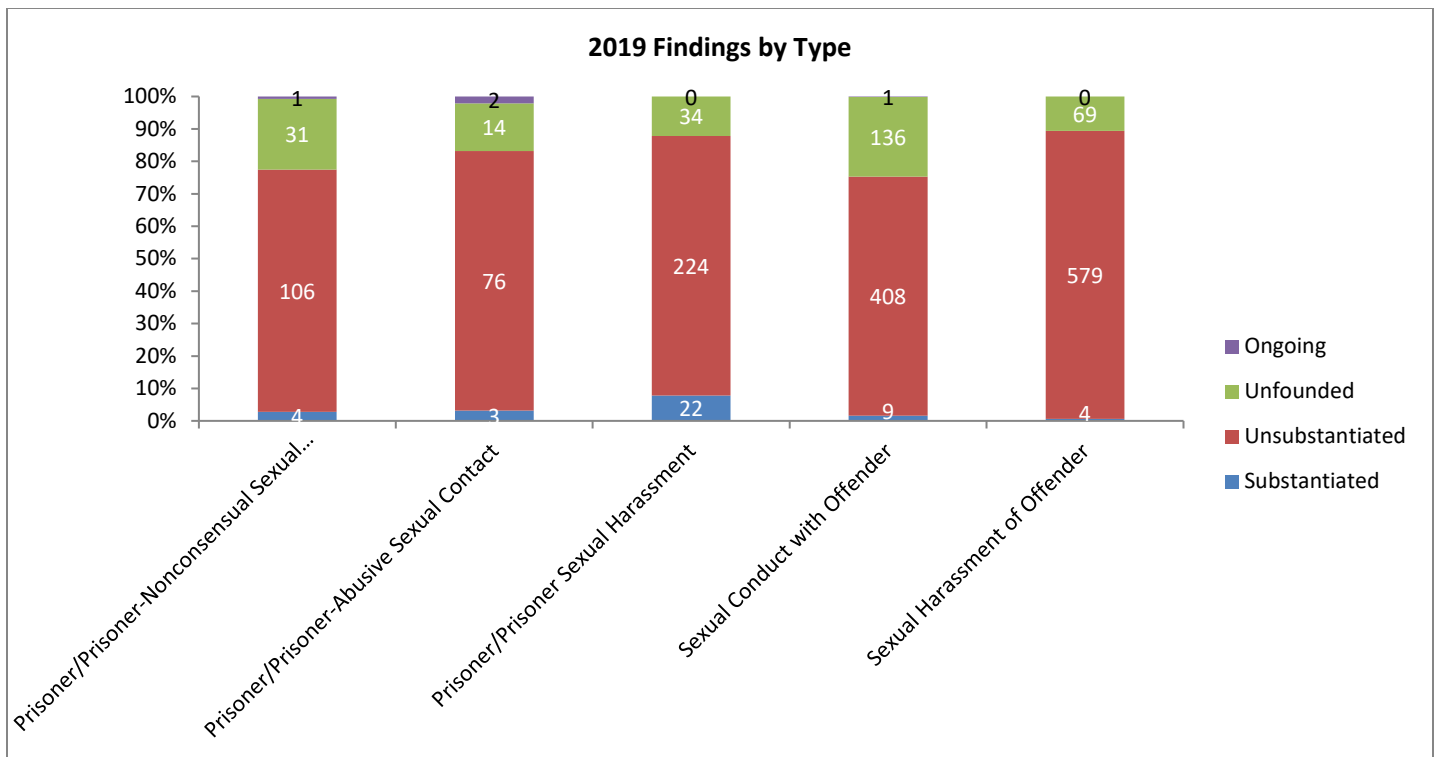


Figure 4

Figure 5

Each PREA - related allegation is investigated and concluded with findings of Sufficient Evidence to support the allegation, Insufficient Evidence to support the allegation, or No Evidence to support the investigation. These findings translate for PREA investigations into Substantiated, Unsubstantiated and Unfounded, respectively, to be recorded on the annual Department of Justice Survey of Sexual Victimization. This report contains statistical information on reported cases of the various types of sexual misconduct in MDOC facilities. The MDOC utilizes various methods of reporting to identify and prevent sexual incidents.

Figures 6 and 7 represent data for the allegations and findings by type.



Three Prisoner of Prisoner sexual abuse and one Staff sexual misconduct allegations were ongoing at the time the 2019 SSV was completed.

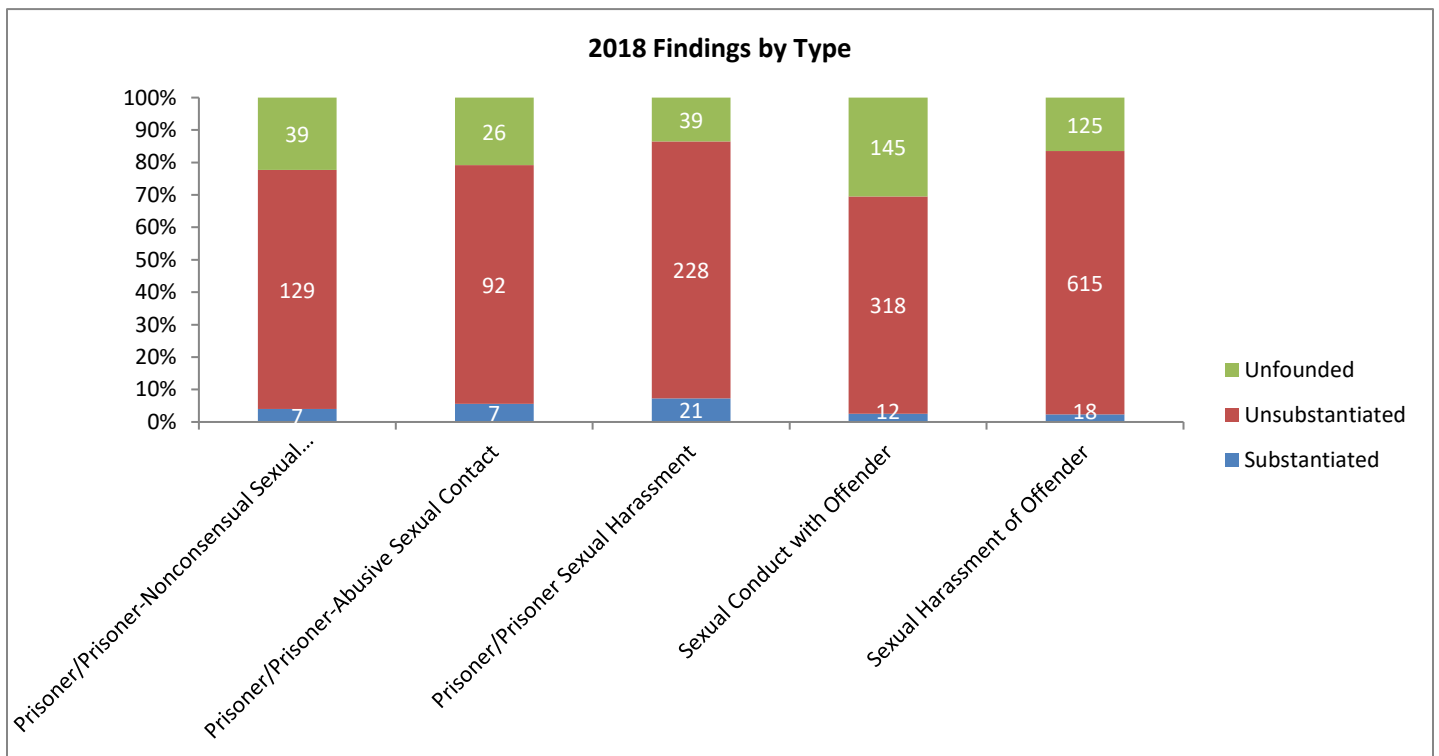


Figure 6

Two Staff Sexual Harassment and one Prisoner/Prisoner Sexual Harassment investigations were ongoing at the time the 2018 SSV was completed.

PREA-Related Aggregated Statistics

The following are detailed statistics of reported allegations as of submission of May 31, 2019, by category:

Sexual Violence/Non-consensual Sexual Acts - prisoner/prisoner (NCSA)		
	2019	2018
• Allegations	142	175
o Sufficient Evidence	4	7
o Insufficient Evidence	106	129
o No Evidence	31	39
o Pending Investigation	1	0
Sexual Violence/Abusive Sexual Contacts - prisoner/prisoner (ASC)		
• Allegations	95	126
o Sufficient Evidence	3	7
o Insufficient Evidence	76	92
o No Evidence	14	26
o Pending Investigation	2	1
Sexual Harassment - prisoner/prisoner (PPSH) *		
• Allegations	280	288
o Sufficient Evidence	22	21
o Insufficient Evidence	224	228
o No Evidence	34	39
o Pending Investigation	0	0
Sexual Conduct with Offender - staff/prisoner (SCWO)+		
• Allegations	554	475
o Sufficient Evidence	9	12
o Insufficient Evidence	408	318
o No Evidence	136	145
o Pending Investigation	1	0
Sexual Harassment of Offender - staff/prisoner (SHO)+*		
• Allegations	652	760
o Sufficient Evidence	4	18
o Insufficient Evidence	579	615
o No Evidence	69	125
o Pending Investigation	0	2

DEMOGRAPHICS OF VICTIMS NAMED IN SUBSTANTIATED ALLEGATIONS 2018

Adult Male

12 PPSH*
6 NCSA
7 ASC
10 SCWO
16 SHO*

Adult Female

8 PPSH*
1 NCSA,
2 SCWO (1 male/1 female suspect),
2 SHO* (both female suspects).

Youthful Male

1 PPSH (perpetrator and victim both 17).

Youthful Female None

Youthful inmates are those under 18 at the time of the incident

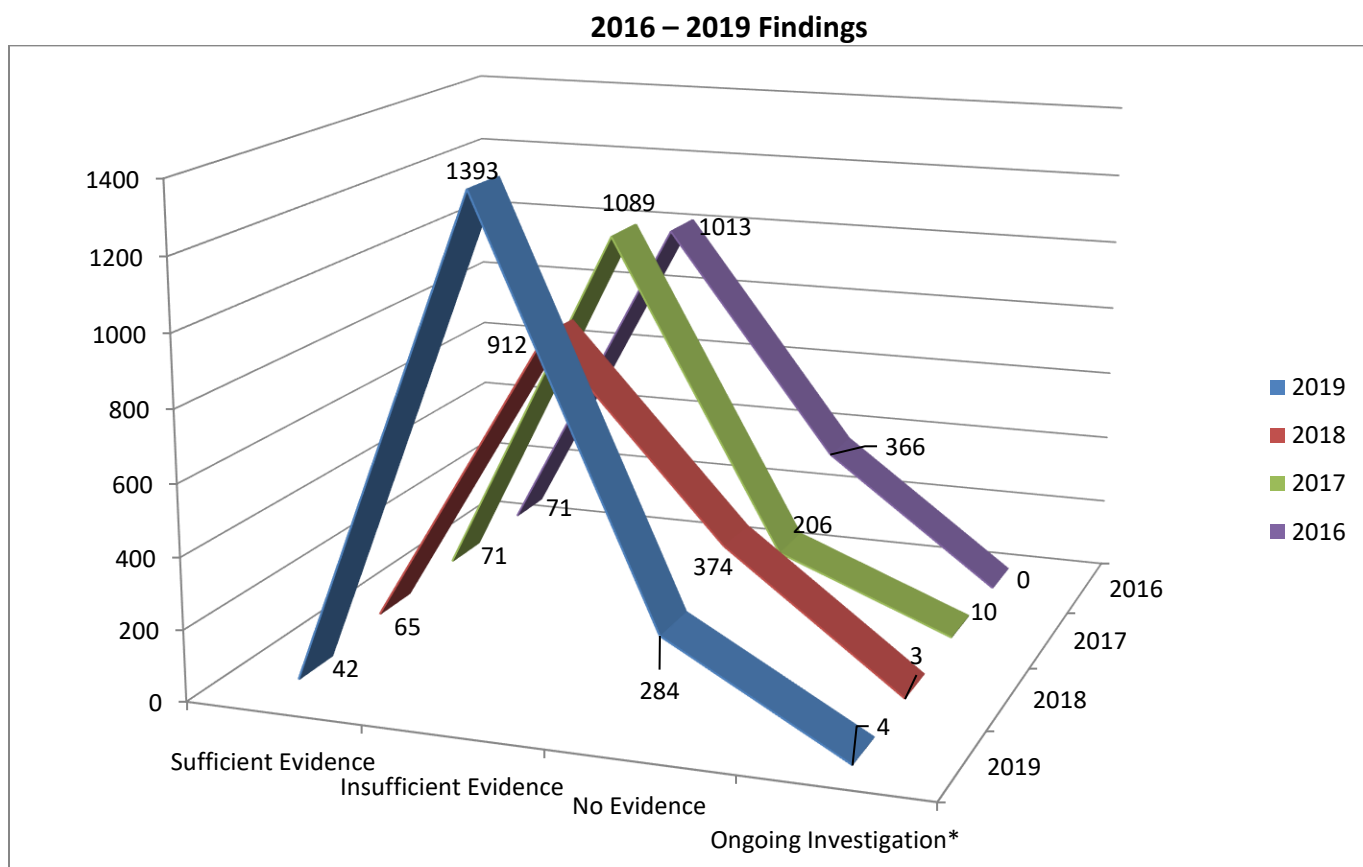
Of the 12 substantiated Sexual Conduct with Offender investigations, 8 perpetrators were contractors. Of the 18 substantiated Sexual Harassment of Offenders, 2 were contractors. 2017 Of the 10 substantiated Sexual Conduct with Offender investigations, 7 perpetrators were contractors. Of the 10 substantiated Sexual Harassment of Offenders, 5 were contractors.

* The PREA Standards define Sexual Harassment as repeated incidents. These investigations are the result of MDOC's practice of investigating single incidents to prevent repeated incidents and/or ensure repeated incidents are captured. Most of these investigations were for an alleged single instance of inappropriate language, gestures, or comments of a potentially sexual nature.

Total Investigations of Sexual Abuse/Sexual Harassment Allegations, with Outcomes, 2016 – 2018

MDOC investigation findings translate to PREA finding definitions as follows:

- Sufficient Evidence to support the allegation = Substantiated
- Insufficient Evidence to support the allegation = Unsubstantiated
- No Evidence to support the allegation = Unfounded



*As of SSV Submission

Figure 8

Summary

MDOC has prioritized implementation of the PREA standards into every aspect of operations at all facilities. With each passing year, staff and prisoners better understand processes related to the PREA standards. The MDOC continues to build upon best practices within its facilities and from other states' correctional processes, as well as current research and the DOJ's interpretive guidance. Each audit presents an opportunity to continue to enhance efforts to maintain an environment free from sexual victimization for prisoners, and to demonstrate compliance with each of the several hundred elements of the PREA Standards.

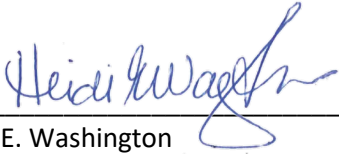
This report is made available to the public through the MDOC website, www.michigan.gov/corrections, as required by the Prison Rape Elimination Act National Standards. It is published to provide information to the public regarding the Department's continual efforts to reduce and/or eliminate sexual abuse and sexual harassment within its facilities. In addition, annual Surveys on Sexual Victimization and annual MDOC statistical report are posted on website. For

information related to statistics for allegations at specific facilities, please contact the PREA Manager via the same website. Please see the Appendix for definitions used in this report.

The Michigan Department of Corrections strives to ensure protection of all inmates from sexual harassment and/or abuse by employing best practice standards in carrying out our mission to create a safer Michigan by holding offenders accountable while promoting their success.

 9/8/2021

C.J. Carlson
MDOC, PREA Manager



Heidi E. Washington
MDOC, Director

Definitions

MDOC PREA-related allegations are described in five categories to align with the Department of Justice (DOJ) definitions. These categories include:

Prisoner on Prisoner Sexual Abuse: Sexual abuse of a prisoner by another prisoner 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:

Nonconsensual Sexual Act: 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: 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.

Staff on Prisoner Sexual Abuse: Sexual abuse of a prisoner by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the prisoner, that is unrelated to the person's official job duties or where the person has the intent to abuse, arouse or gratify sexual desire:

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; contact between the mouth and any body part; penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument;

Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks; any attempt, threat, or request to engage in a sexual act with a prisoner.

Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a prisoner; or voyeurism. Voyeurism is an invasion of privacy of a prisoner 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.

Prisoner on Prisoner 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 prisoner directed toward another.

Staff on Prisoner Sexual Harassment: 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.

A low-angle, upward-looking photograph of a modern skyscraper with a glass facade. The building's structure is composed of dark metal frames and large glass panels that reflect the bright blue sky and white clouds. The perspective creates a sense of height and scale, with lines converging towards the top of the frame. A large, semi-transparent yellow circle is overlaid on the right side of the image, containing the title and subtitle text.

Michigan Department of Corrections

Prison Rape Elimination Act