



*Prison Rape
Elimination Act*

2020 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 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 victimization of confined offenders. MDOC Policy Directive 03.03.140 and 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 MDOC staff at all levels regarding matters related to compliance with standards. Each facility has an assigned PREA Coordinator and back-up to manage compliance at their facility.

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 most 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. 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 cycle began August 20, 2016, and ended August 19, 2019. Eleven facilities were audited each audit year. Two facilities were closed or consolidated in 2020, leaving a current complement of twenty-eight (see Figure 1). The current (third) audit cycle began August 20, 2019.

Annual Reports

PREA standard 115.87 requires collection and publication of aggregated data related to incidents 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 facilities for each calendar year is included in the annual Survey of Sexual Victimization and reflected in each narrative report. Following

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

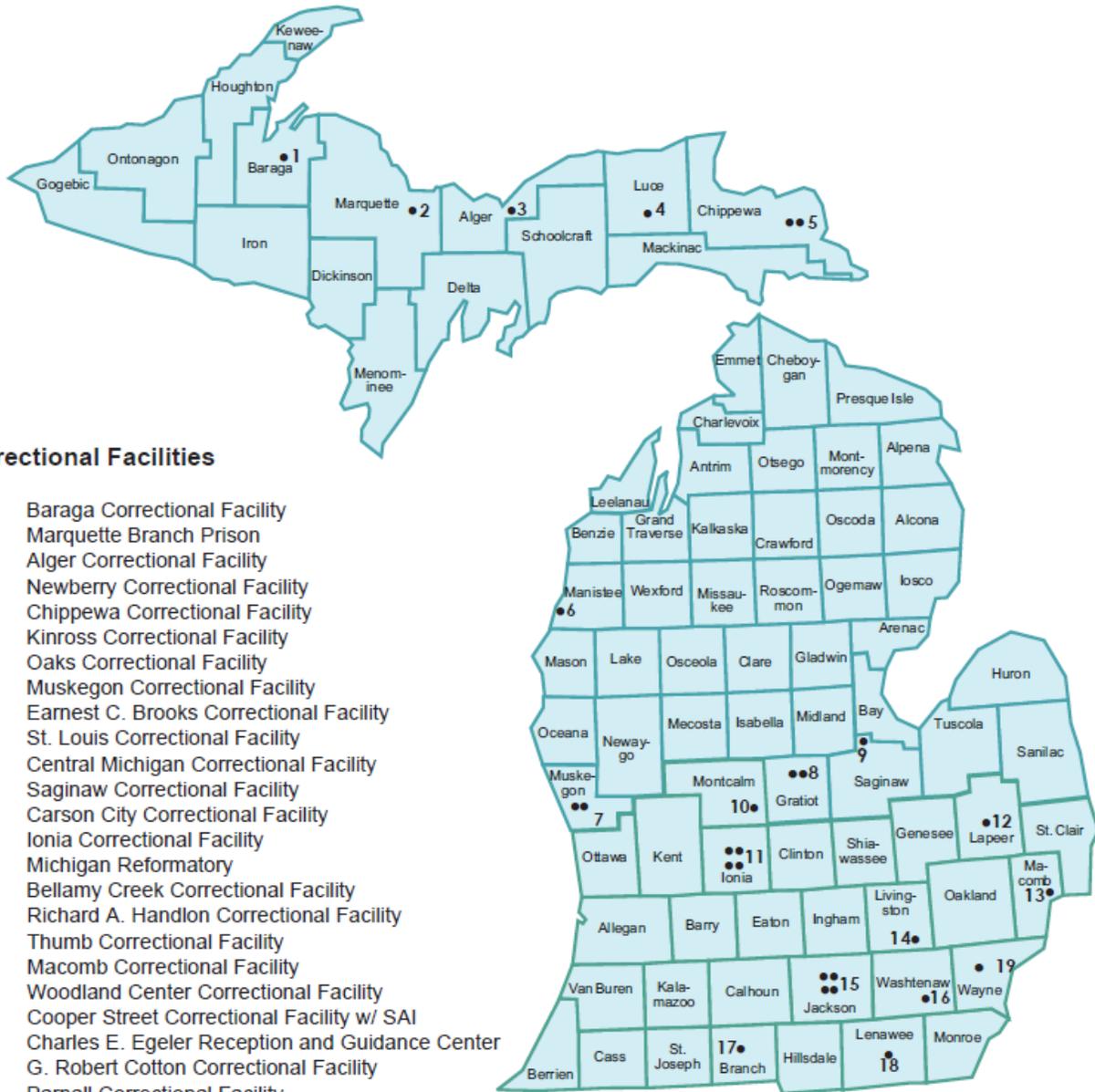
Years 1 and 2 (August 20, 2019 – August 19, 2021)

- Oaks – 3/2020
- Remaining audits for years 1 and 2 were postponed due to COVID-19 response.

submission of the Survey of Sexual Victimization, the MDOC's annual report addressing PREA compliance activities is completed and signed by the MDOC PREA Manager and Director. Both reports are published on the MDOC website, www.michigan.gov/corrections.

Michigan Department of Corrections Correctional Facilities Map

As of January 11, 2021



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 w/ SAI
15. Charles E. Egeler Reception and Guidance Center
15. G. Robert Cotton Correctional Facility
15. Parnall Correctional Facility
16. Women's Huron Valley Correctional Facility
17. Lakeland Correctional Facility
18. Gus Harrison Correctional Facility
19. Detroit Detention Center

Source: Correctional Facilities Administration

Figure 1

2020 Accomplishments

One audit was completed prior to the MDOC Department-wide COVID-19 response which halted all access to MDOC facilities except for staff assigned to those facilities. Visits of prisoners were no longer allowed in person, so a video visitation process was established. Movement of prisoners between facilities was minimal. While several facilities were initially contracted to be audited in 2020, only one audit was conducted prior to the department's closure of facilities to outside individuals, very early in the year. Most non-facility staff were required to work remotely, which continued through the end of 2020. The lack of access to facilities required that audits had to be cancelled until further notice. PREA Resource Center instruction was as follows:

Guidance from the PREA Resource Center:

In order to preserve the integrity of the PREA audit, this guidance **restricts** the ability of auditors to conduct certain components of the onsite phase of the audit remotely. DOJ-certified PREA auditors **are not** permitted to conduct the site review portion of the onsite audit remotely, as it does not comport with the requirements in the PREA Standards, [PREA Auditor Handbook](#) (Handbook), and Audit Instrument. DOJ-certified PREA auditors **are not** permitted to conduct virtual interviews, either by phone or by video, with inmates, as this does not comport with the requirements in the Handbook and Audit Instrument. Auditors **are not** permitted to conduct non-supervisory and non-administrative staff interviews remotely, either by phone or by video, as these staff may be less able to speak privately and freely to auditors than supervisory and administrative staff. Auditors should exercise extreme caution in determining whether or not it is safe to go onsite to a facility/agency to complete the onsite phase of the audit.

Restrictions caused by the COVID-19 response did allow the PREA Unit to focus additionally on practices and products identified during a previous 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 PREA Unit functions, audit preparation processes and prisoner reporting processes. As a result, existing policy and forms related to PREA processes within the MDOC, such as the agency policy directive related to PREA processes, the PREA Manual, and the PREA Prisoner Education brochure, *How to Avoid Sexual Violence in Prison*. Multiple documents were revised and forwarded for approval to be published. The MDOC PREA Unit continued work on comprehensive PREA-related process updates and documentation identified through the workshop.

Staff from the PREA unit volunteered and were reassigned throughout 2020 to assist with preparation and delivery of PPE/supplies to facilities and provided short-term support at a facility where many staff were unable to work due to COVID-19 illness or close contact exposure.

Work continued toward updating the MDOC electronic PREA Risk Assessment instruments, including gender-specific instruments, as well as improvement of the established process. This included approval to contract with outside subject matter experts to assist with improving our risk assessment process. The Moss Group was identified as the consulting agency for this project. Due to issues related to COVID response and release of grant funds, the project did not progress until 2021. It is expected improvements to the risk assessment instrument/process will enhance compliance.

Another area of corrective action has been related to elements of standard 115.52, related to administrative remedy timelines and requirements. The PREA Unit has proposed to eliminate the MDOC PREA grievance process, due to the many reporting options, including third party and anonymous reports, and investigation of all allegations of sexual abuse and sexual harassment against prisoners.

Corrective action in 2020 also included additional facility training related to proper notification to prisoners of status of suspects in substantiated cases of sexual abuse against prisoners.

[115.41 Reviews, reassessment for unsubstantiated](#)

[115.52 Grievance response](#)

[115.63 Not really required corrective action – typo in PAQ](#)

[115.73 Notification to prisoner in a substantiated case of sexual abuse, additional staff training regarding](#)

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

Physical plant changes were completed to enhance sight and sound separation between adult inmates at Thumb Correctional Facility.

PREA Unit staff prepared and delivered to MDOC residential services vendors to assist MDOC Probation Residential Services staff with providing information related to the PREA standards for community confinement facilities.

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 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 can 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.

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. If areas of noncompliance are identified, the report will be an interim report that leads to a corrective action plan (CAP). Following any corrective action, 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.

PREA AUDITS CONDUCTED IN OTHER STATES BY MDOC STAFF	
2017	14
2018	9
2019	8

By the end of the 2nd audit cycle 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 2-5).

The auditing consortium with these states was not renewed for the third audit cycle, allowing greater focus of PREA Unit and other MDOC staff toward compliance, and a request for proposals was initiated in order to contract with PREA 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. One third of MDOC facilities were scheduled for audit in 2020; however, only one was audited prior to the department's COVID-19 lockdown in March.

2020 Certified PREA Audit Results

National Standards Compliance – Final Audit Report					
Correctional Facility	Audit Date	Standards Exceeded	Standards Met	Standards Not Met	Standards Not Applicable
Oaks Correctional Facility	3/2020	2	43	0	0

Figure 2

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

Figure 3

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 4

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 5

Investigations

Figures 6 and 7 reflect data for the number of allegations of sexual abuse and sexual harassment, by type. See appendix for definitions.

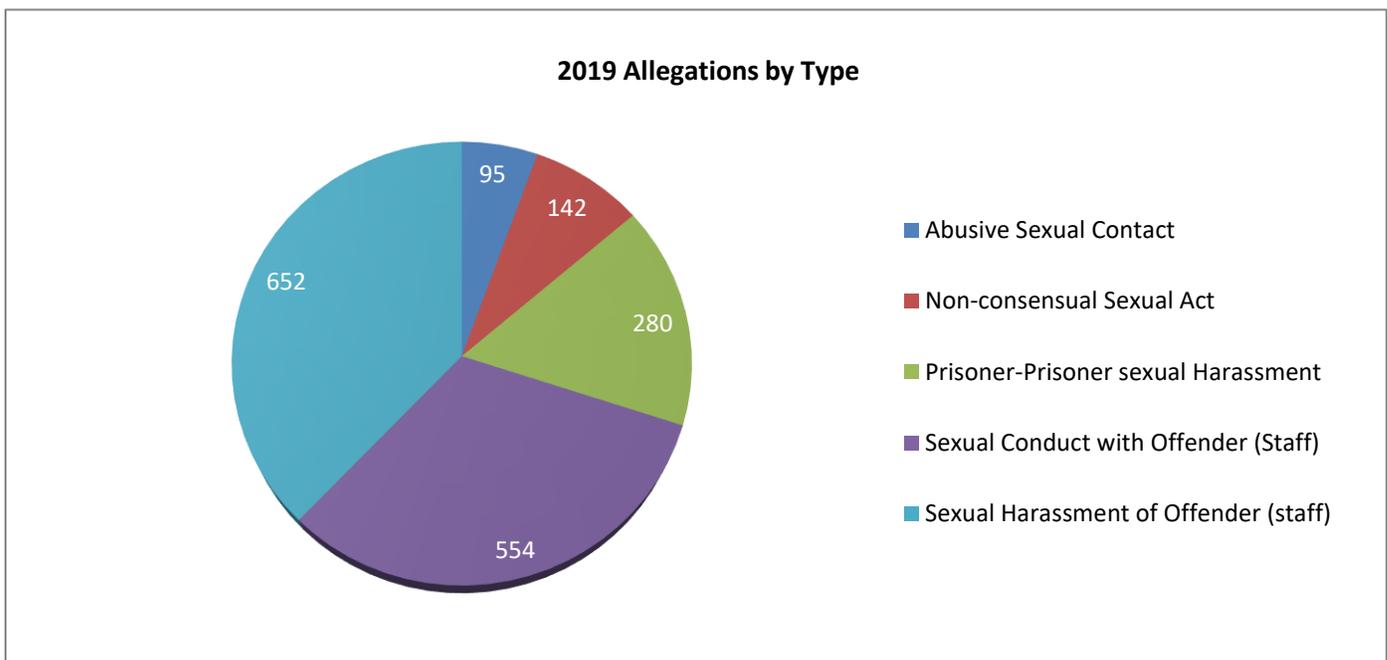


Figure 6

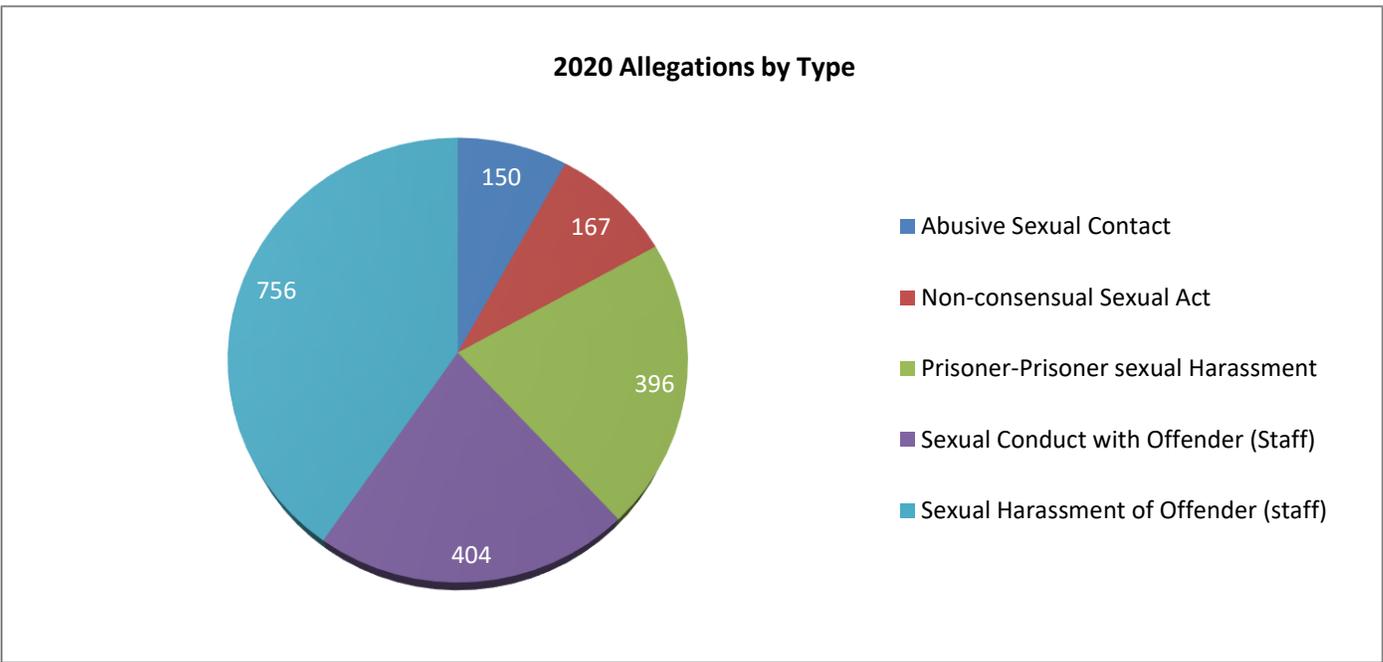


Figure 7

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 multiple methods of reporting to identify and prevent sexual incidents.

Figures 8 and 9 represent data for the allegations and findings by type.

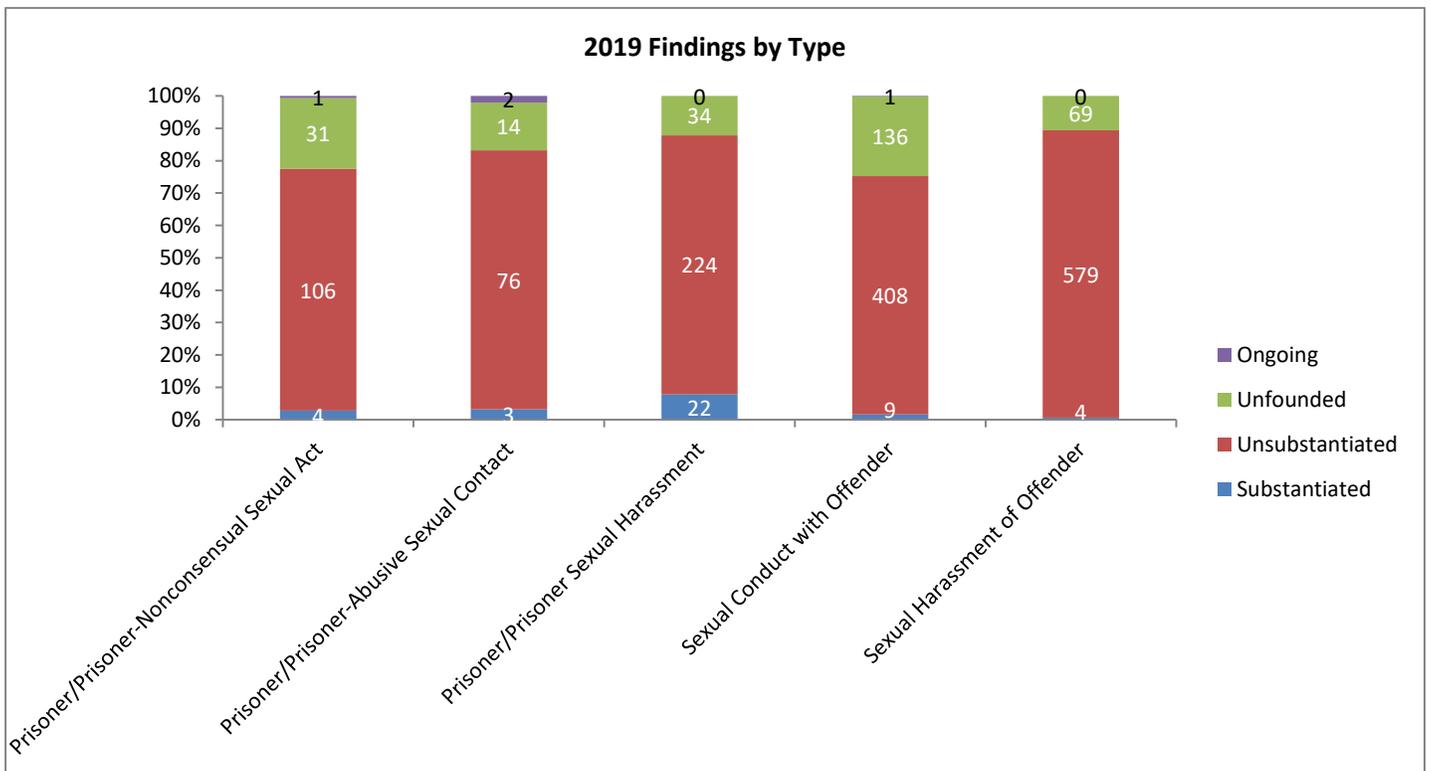


Figure 8

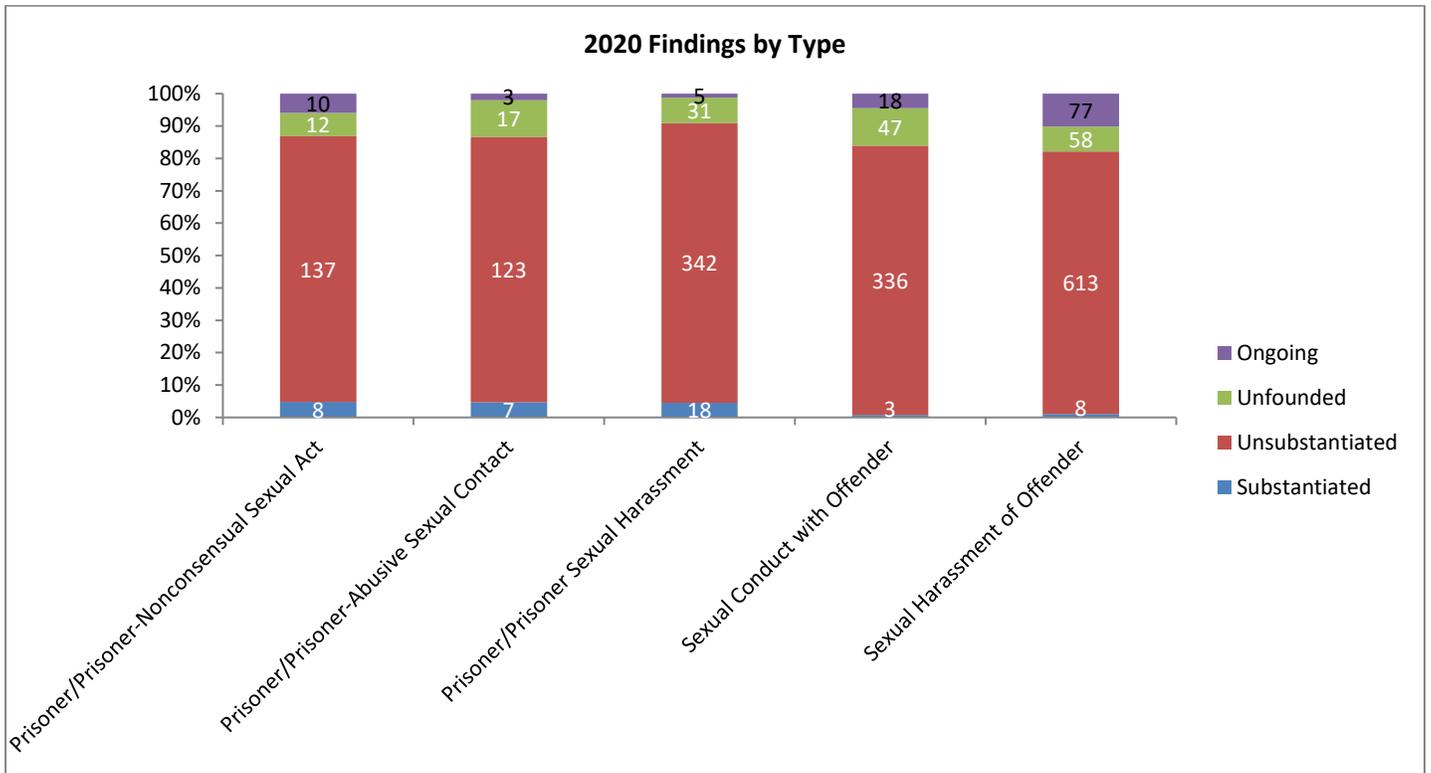


Figure 9

PREA-Related Aggregated Statistics

The following are detailed statistics of reported allegations as of 6/14/2021, by category:

Sexual Violence/Non-consensual Sexual Acts - prisoner/prisoner (NCSA)	2020	2019
• Allegations	167	142
o Sufficient Evidence	8	4
o Insufficient Evidence	137	106
o No Evidence	12	31
o Pending Investigation	10	1
Sexual Violence/Abusive Sexual Contacts - prisoner/prisoner (ASC)		
• Allegations	150	95
o Sufficient Evidence	7	3
o Insufficient Evidence	123	76
o No Evidence	17	14
o Pending Investigation	3	2
Sexual Harassment - prisoner/prisoner (PPSH) *		
• Allegations	396	280
o Sufficient Evidence	18	22
o Insufficient Evidence	342	224
o No Evidence	31	34
o Pending Investigation	5	0
Sexual Conduct with Offender - staff/prisoner (SCWO)		
• Allegations	404	554
o Sufficient Evidence	3	9
o Insufficient Evidence	336	408
o No Evidence	47	136
o Pending Investigation	18	1
Sexual Harassment of Offender - staff/prisoner (SHO)*		
• Allegations	756	652
o Sufficient Evidence	8	4
o Insufficient Evidence	613	579
o No Evidence	58	69
o Pending Investigation	77	0

DEMOGRAPHICS OF VICTIMS NAMED IN SUBSTANTIATED ALLEGATIONS

2020 **2019**

Adult Male

13	PPSH*	19
7	NCSA	4
5	ASC	1
3	SCWO	9
7	SHO*	4

Adult Female

4	PPSH*	2
1	NCSA	0
2	ASC	2
0	SCWO	0
1	SHO*	0

Youthful Male

1	PPSH	1
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(Perpetrator and victim both under 18).

Youthful Female None

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

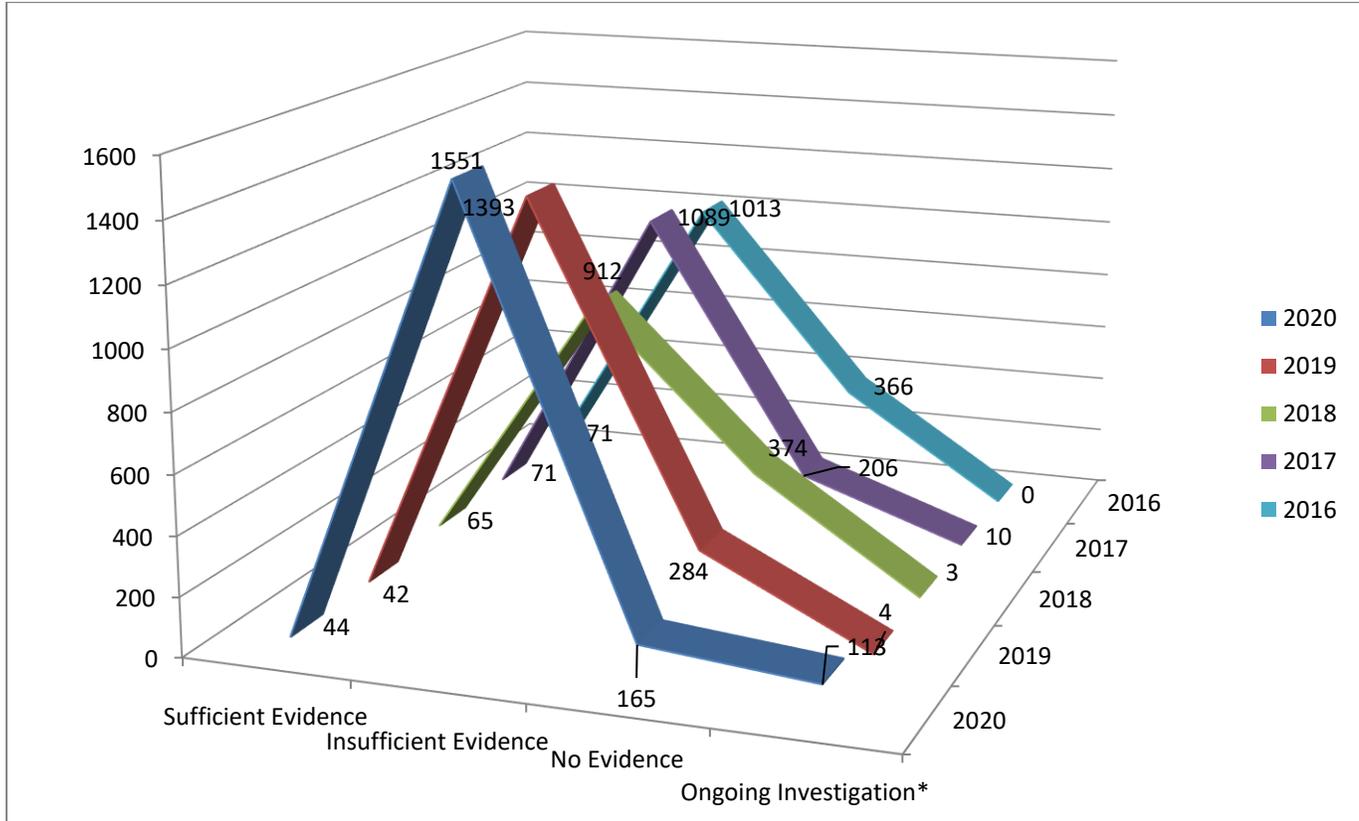
*The PREA Standards define Sexual Harassment as repeated incidents. These investigations are the result of MDOC's practice of investigating single incidents to prevent repeated incidents and/or ensure repeated incidents are captured. Most of these investigations were for an alleged single instance of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

Total Investigations of Sexual Abuse/Sexual Harassment Allegations, with Outcomes, 2016 – 2020

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

2016 – 2019 Findings



*As of SSV Submission (2020 as of 6/14/2021)

Figure 10

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 the 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.

CJ Carlson 9/8/2021

C.J. Carlson
MDOC, PREA Manager

Heidi Washington

Heidi E. Washington
MDOC, Director

Definitions

MDOC PREA-related allegations are described in the following 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.