

PREA ANNUAL REPORT 2022

MICHIGAN DEPARTMENT OF CORRECTIONS

206 E. Michigan Avenue
Lansing, MI 48933



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ANNUAL REPORT

Standard 115.87 requires the collection and publication of aggregated data related to incidents as categorized by the definitions set forth in the Bureau of Justice Statistics (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 Department of Justice (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 submission of the MDOC's annual report addressing PREA compliance activities is completed and signed by the MDOC PREA Manager and Director. The annual report is published on the MDOC website, www.michigan.gov/corrections.

Mission

"We create a safer Michigan by holding offenders accountable while promoting their success."

Vision

The Vision of the Michigan Department of Corrections is based on the following principles:

1. We remain committed to the protection of the public, safety of our staff and security of offenders.
2. We actively engage in the development of effective criminal justice policy.
3. We ensure sound management using proven fiscal practices and outcome-oriented strategies.
4. We hire, train, equip, support and mentor a high-quality staff and hold them to the highest professional standards.
5. We provide humane and protective custodial care, rehabilitative opportunities and reentry assistance for offenders under our supervision.
6. We establish meaningful partnerships with public and private entities to assist us in successfully accomplishing our mission.
7. We conduct all of our duties and responsibilities with the highest degree of integrity, expectations for excellence and respect for the value and dignity of human life.

VALUES

INTEGRITY: Doing the right thing for the right reason.

TEAMWORK: Working together to get the job done.

LEADERSHIP: Inspiring others to accomplish the mission.

EXCELLENCE: Maintaining the highest standards in your professional and personal life.

RESPECT: Treating others as you would like to be treated.

LOYALTY: Demonstrating commitment and dedication to the organization and to each other.

Background

The National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) 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 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 §115.87, §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 the 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, the majority of the unit members attending the comprehensive PREA training program provided by the Department of Justice through the National PREA Resource Center.

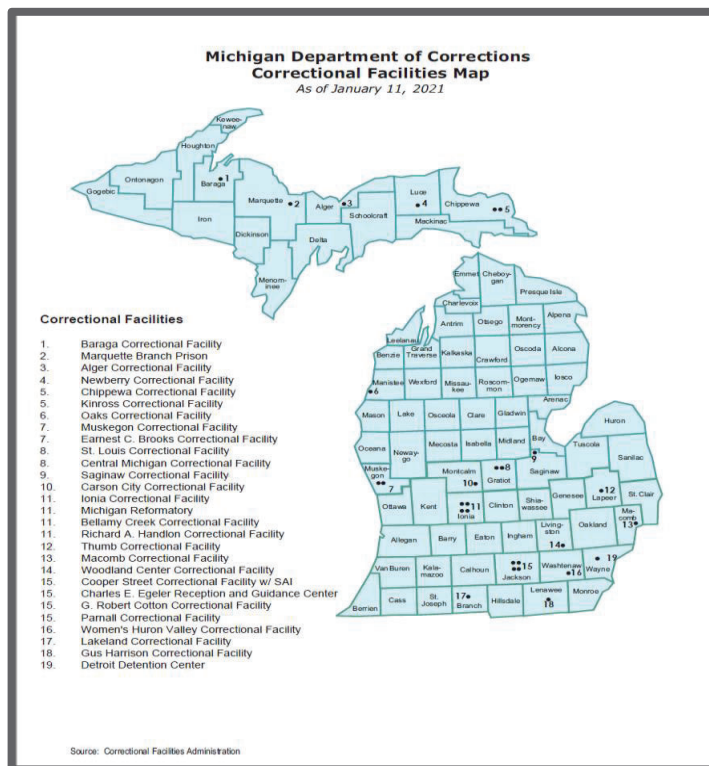
The Michigan Department of Corrections currently operates 27 correctional facilities. To determine compliance with the PREA standards, correctional agencies are required to have one-third of their facilities audited each year by independent DOJ-certified auditors to complete each three-year audit cycle. Each audit year begins August 20th and ends the following August 19th.

MDOC Policy Directive (PD) 03.03.140 "Prison Rape Elimination Act (PREA) and Prohibited Sexual Conduct Involving Prisoners" establishes a zero-tolerance policy of sexual violence against prisoners.

ACCOMPLISHMENTS

Lifting the COVID-19 restrictions allowed the PREA Unit to focus on scheduling audits for the upcoming audit cycle. The unit was able to focus on updates to policy and procedure, improve training materials, enhancement of risk assessment automation, improve audit preparation processes, and prisoner reporting processes.

The MDOC PREA Unit continues to work on comprehensive PREA-related process, updates, and documentation. As a result, existing policy and forms related to PREA processes within the MDOC have been revised. Additionally, multiple documents such as the PREA Manual, and the PREA Prisoner Education brochure, *How to Avoid Sexual Violence in Prison*, were revised and forwarded for approval to be published.



The MDOC continues 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 the prisoners personal pin number to complete the call.

In 2022, the Department continues to work with The Moss Group to assist with improving our risk assessment processes. Work related to updating the MDOC electronic PREA Risk Assessment instruments, including gender-specific instruments, and improvement of the established processes also continues. It is expected that improvements to the risk assessment instrument and related processes will enhance compliance efforts.

In 2022, the PREA Compliance Unit was placed under the umbrella of the MDOC's newly formed Internal Audit Unit. The Internal Audit Unit serves as the MDOC's internal oversight entity within the Procurement, Monitoring, and Compliance Division. This development is critical to ensuring future compliance with the Standards.

AUDITS

PREA Audit Cycle

During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited. The PREA Audit itself is comprised of three phases: 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.

Audits

A request for proposals was initiated in order to contract with PREA auditors for the current audit year (August 20, 2021, through August 19, 2022). Auditors were contracted, and one-third of MDOC facilities were scheduled for audit. However, COVID-19 restrictions prohibited audit work during the first half of the audit year.

August 20, 2019 – August 19, 2020

While several facilities were initially contracted to be audited in 2020, Oaks Correctional Facility, was the only audit to be completed before the MDOC Department-wide COVID-19 response.

August 20, 2020 – August 19, 2021

The Department halted all access to MDOC facilities except for staff assigned to those facilities. The lack of access to facilities required that all audits be canceled until further notice. All audits were cancelled until further notice.

August 20, 2021 – August 19, 2022

Carson City Correctional Facility and Oaks Correctional Facility were the only facilities to be audited during the 2021 through 2022 audit year. Both Carson City Correctional Facility and Oaks Correctional Facility achieved full compliance.

PREA RESOURCE CENTER GUIDANCE

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.

Facility Audits – 2022

Facility	Audit Date	Standards Exceeded	Standards Met	Standards Not Met	Compliance
Carson City Correctional Facility	08/22	0	45	0	Yes
Oaks Correctional Facility	08/22	0	45	0	Yes

¹ Pending Final Report

² Falls under community confinement standards.

CORRECTIVE ACTION

The post-audit review consists of 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.

2023 Corrective Action

The MDOC's Department-wide COVID-19 response halted all access to MDOC facilities, except for staff assigned to those facilities, at the beginning of the audit year.

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. It is expected improvements to the risk assessment instrument/process will enhance compliance.

In early 2021, the MDOC PREA grievance process was eliminated pursuant to a court order. Even though the PREA grievance process was eliminated there remains many reporting options, including third party and anonymous reports, and investigation of all allegations of sexual abuse and sexual harassment against prisoners.

Corrective Action by Standard

115.15 Limits to cross gender viewing and searches

115.67 Agency protection against retaliation

Note: The above reflects corrective action items noted in the interim audit reports.

REPORTING

MDOC policy requires that all allegations of prisoner-on-prisoner sexual abuse/sexual harassment, employee sexual abuse/sexual harassment, and employee overfamiliarity are entered into the MDOC computerized database and investigated.

The MDOC utilizes multiple methods of reporting to identify and prevent sexual abuse. Each 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.

Inmates have multiple internal ways to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates may submit allegations of abuse or harassment in writing, make a verbal report, via a third party, or call the PREA Hotline. Additionally, reports can be made by employees or prisoners verbally or in writing regardless of when the incident was alleged to have occurred.

The MDOC also provides inmates with contact information for the Legislative Corrections Ombudsman and Crime Stoppers. This information gives inmates at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmates to remain anonymous upon request. In addition, included in the discharge packet is the MDOC PREA Prisoner Discharge Information (CAJ-1039) form that informs prisoners how to report sexual abuse/sexual harassment allegations after discharge.

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, may submit reports of sexual abuse and sexual harassment utilizing the multiple methods of reporting noted above. In addition, third parties may also submit allegations via Department's Sexual Abuse/Sexual Harassment Complaint Form on the MDOC website. Information about third-party reporting is distributed during inmate orientation, stated in MDOC policy, and located on the MDOC website at <https://www.michigan.gov/corrections/public-information/statistics-and-reports/prea>.

MDOC staff is required by policy to report immediately, any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. MDOC staff may report privately to the appropriate supervisory employees or utilize any of the abovementioned reporting methods.

INVESTIGATION DATA

This report contains statistical information on reported cases of the various types of sexual misconduct in MDOC facilities. MDOC PREA-related allegations are described in the following categories to align with the Department of Justice (DOJ) definitions.

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:

1. **Nonconsensual Sexual Act (NCSA):** 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.
2. **Abusive Sexual Contact (ASC):** 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 Offender (SAO): 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.

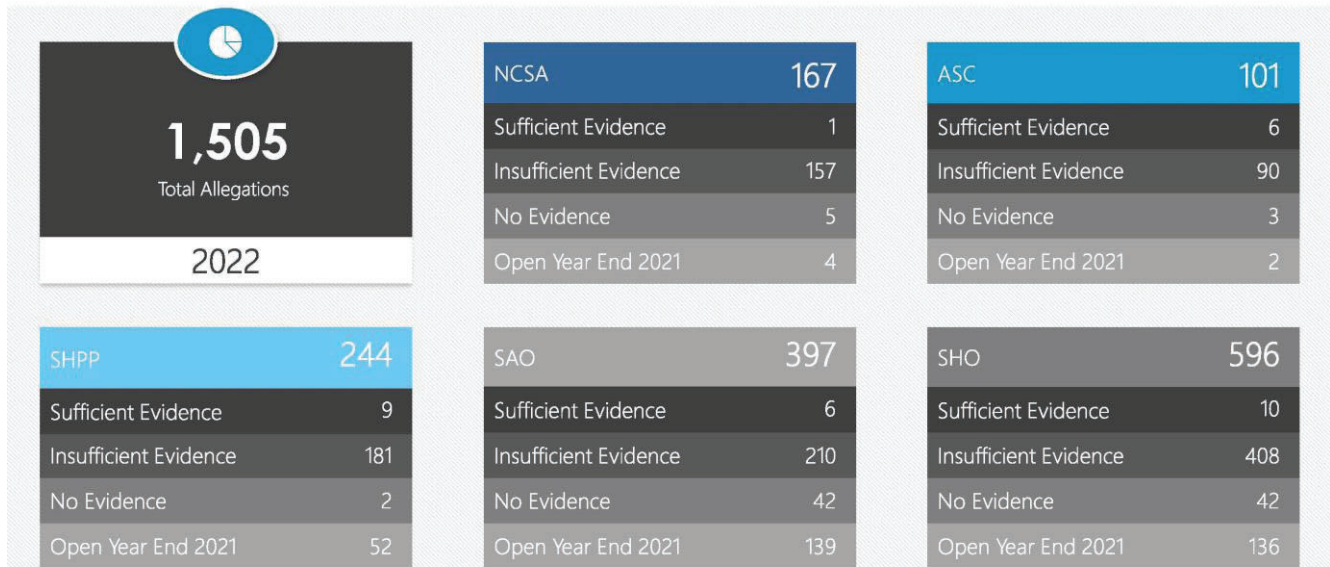
Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a prisoner; or voyeurism. Voyeurism is an invasion of privacy of a prisoner for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in 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.

Sexual Harassment Prisoner on Prisoner (SHPP): 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.

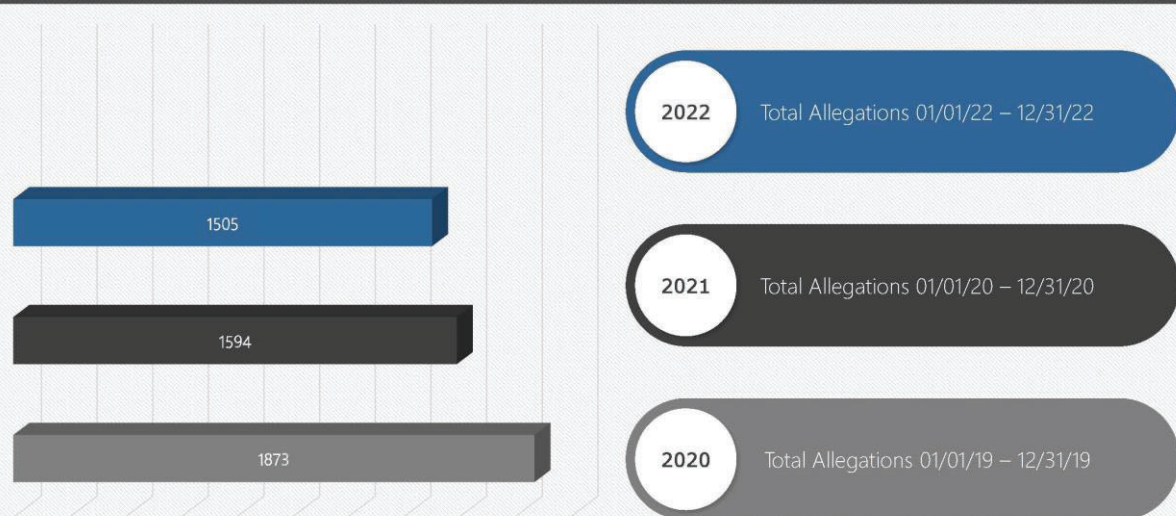
Staff on Prisoner Sexual Harassment (SHO): Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

GRAPHICAL DATA

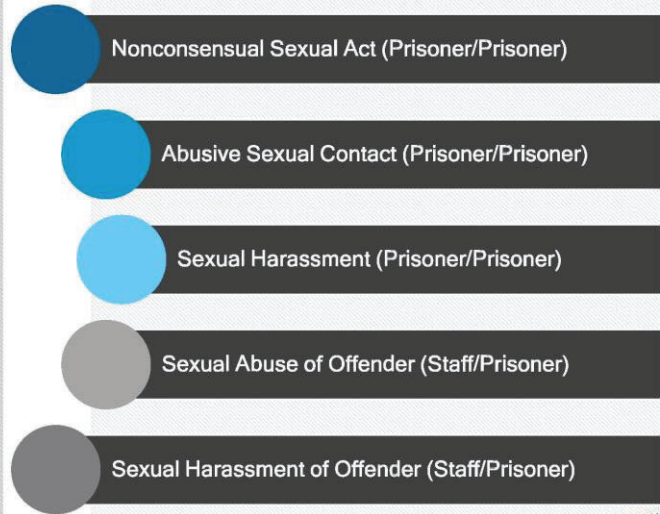
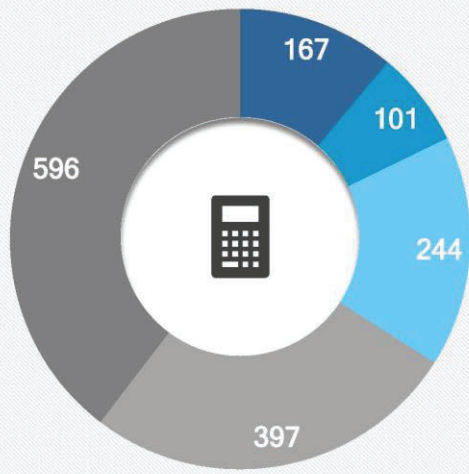
PREA STATISTICS 2022



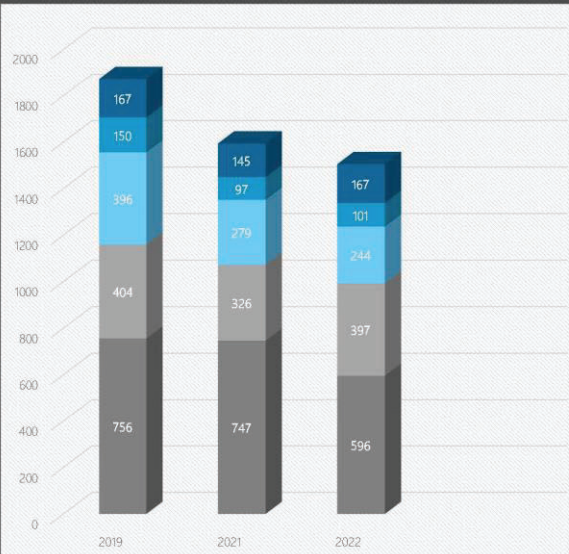
TOTAL ALLEGATIONS - THREE YEAR COMPARISON



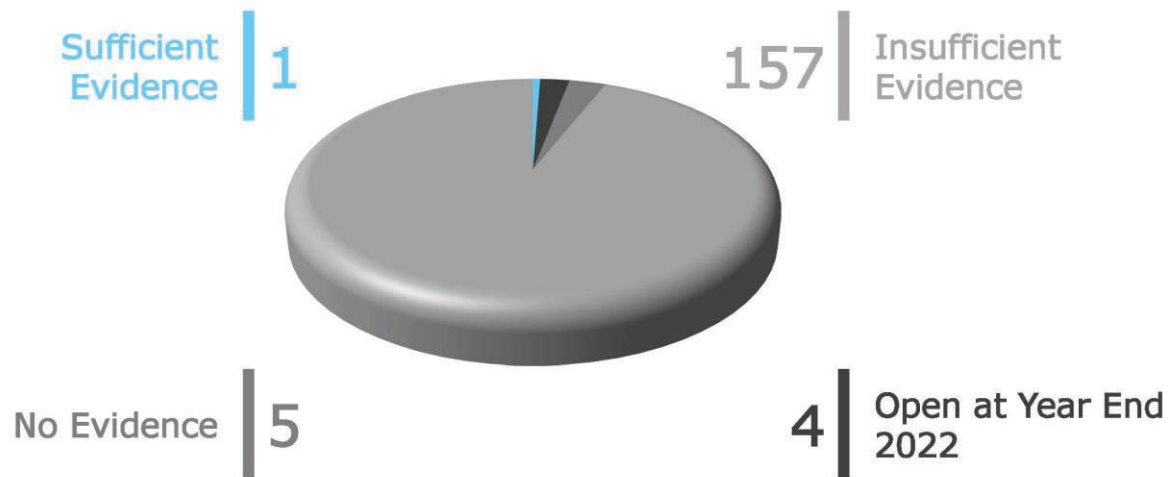
ALLEGATIONS BY TYPE - 2022



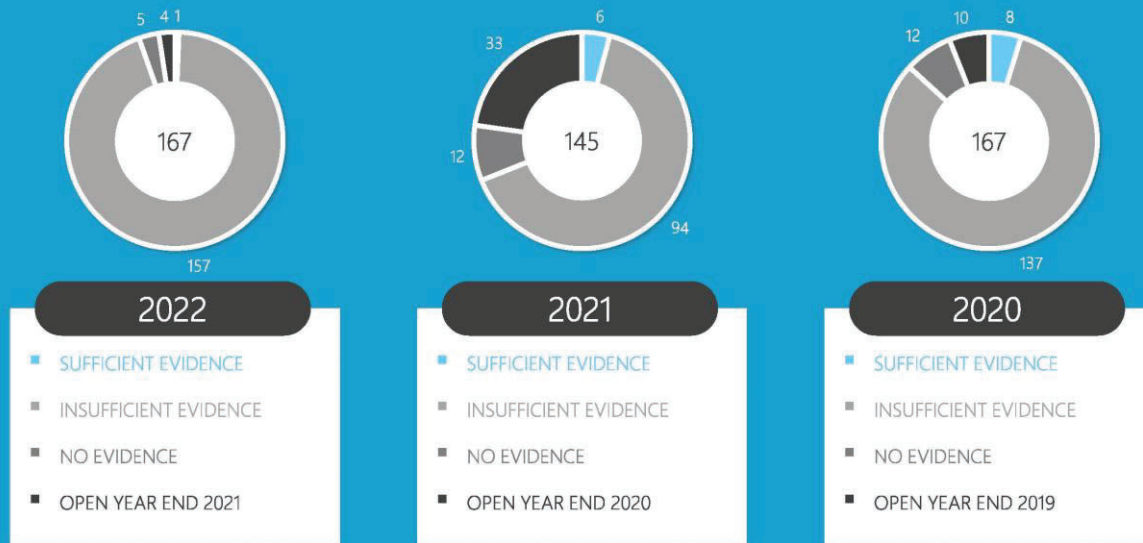
ALLEGATIONS BY TYPE - THREE YEAR COMPARISON



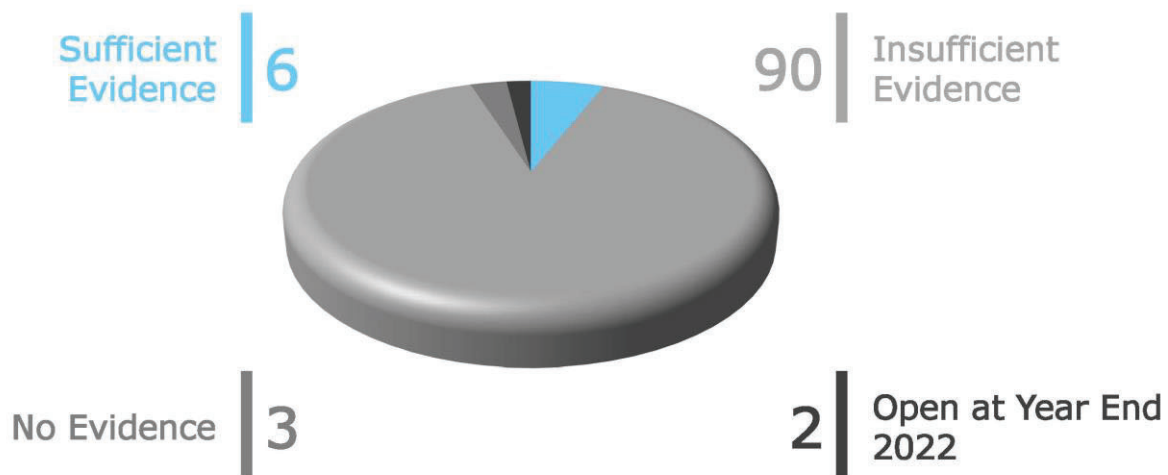
2022 FINDINGS BY TYPE NON-CONSENSUAL SEXUAL ACTS (NCSA)



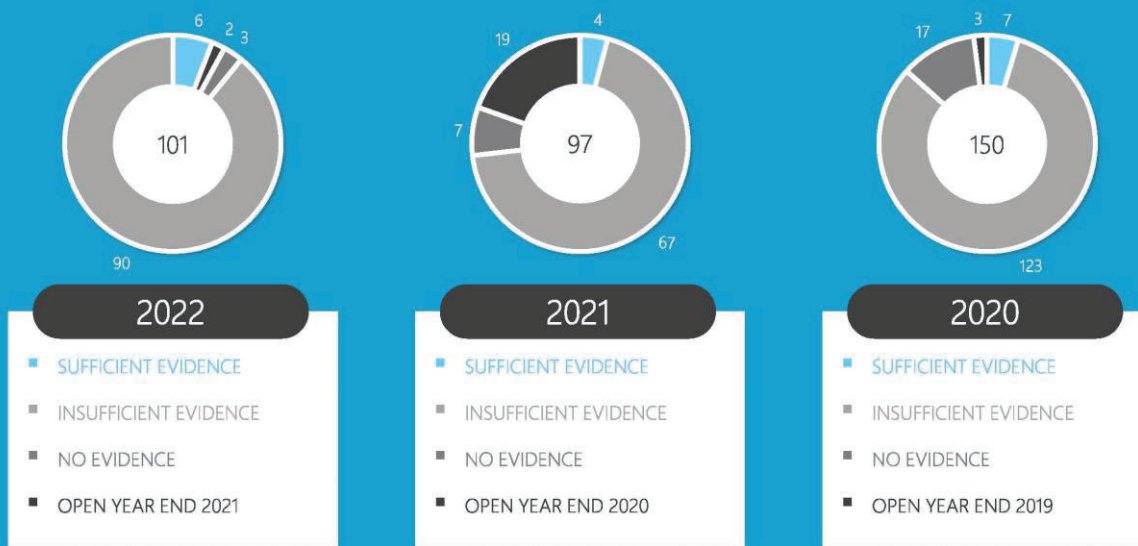
NCSA FINDINGS - THREE YEAR COMPARISON



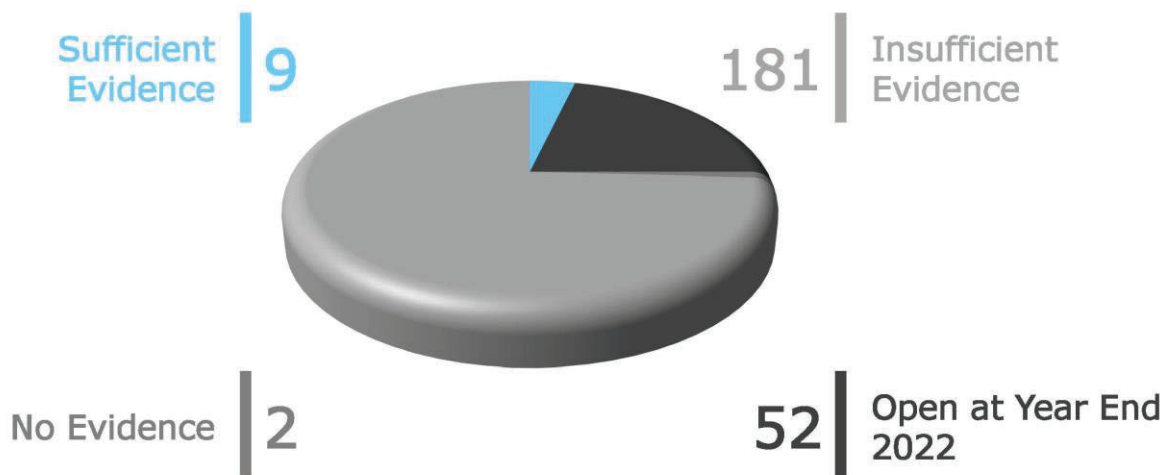
2022 FINDINGS BY TYPE ABUSIVE SEXUAL CONTACT (ASC)



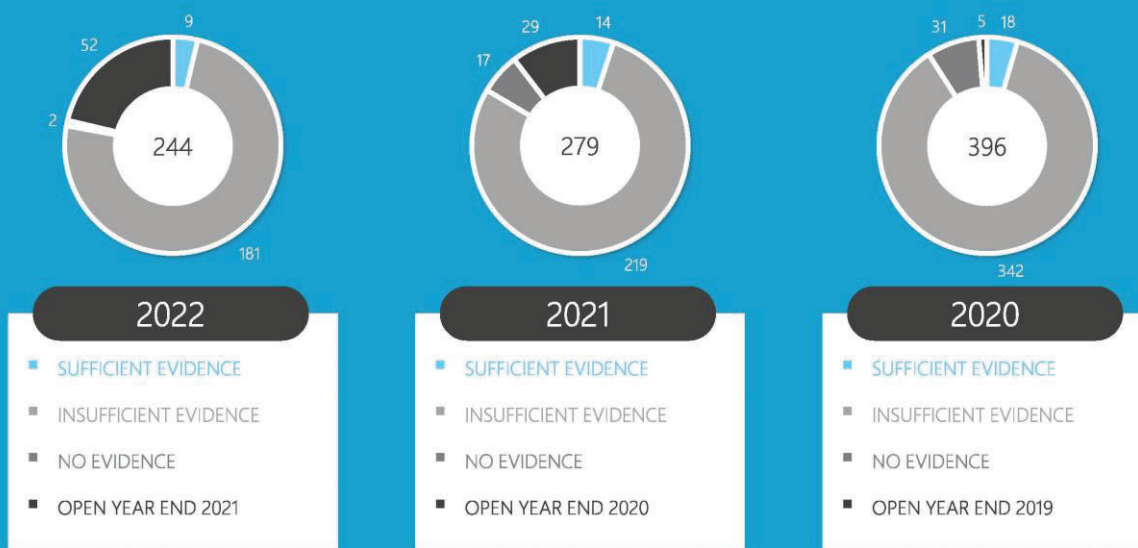
ASC FINDINGS - THREE YEAR COMPARISON



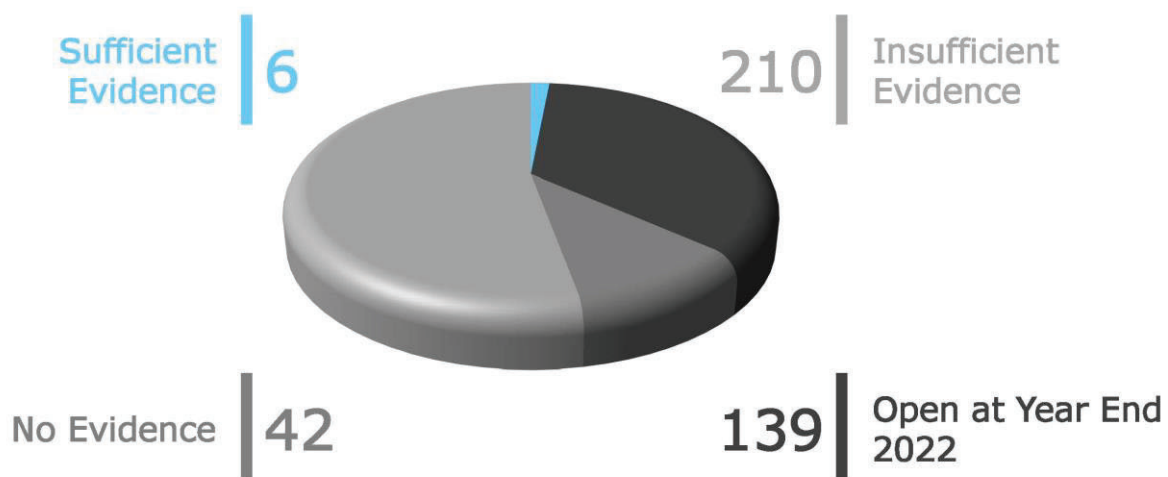
2022 FINDINGS BY TYPE SEXUAL HARASSMENT PRISONER ON PRISONER (SHPP)



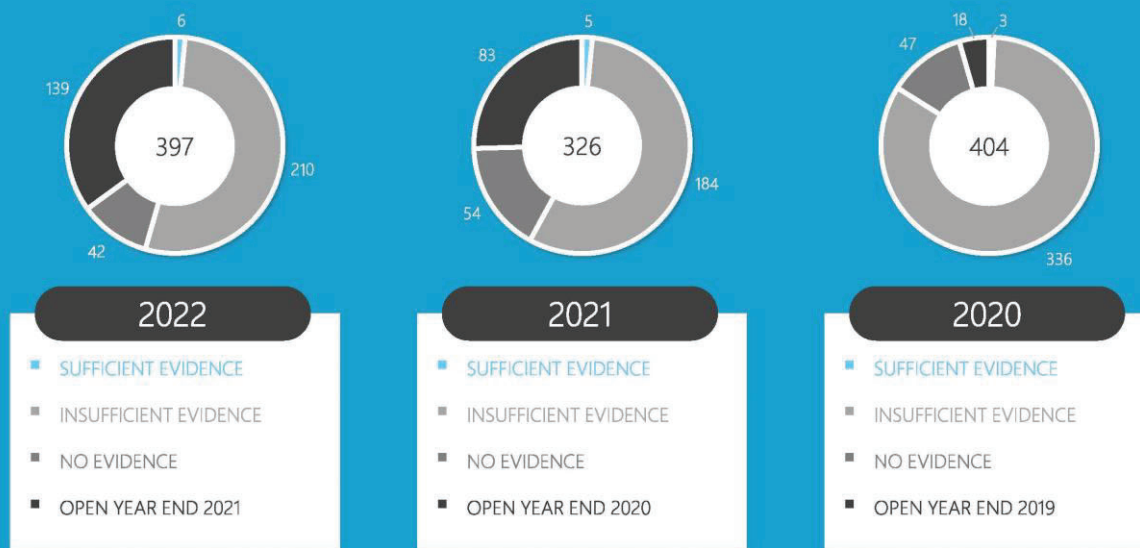
SHPP FINDINGS - THREE YEAR COMPARISON



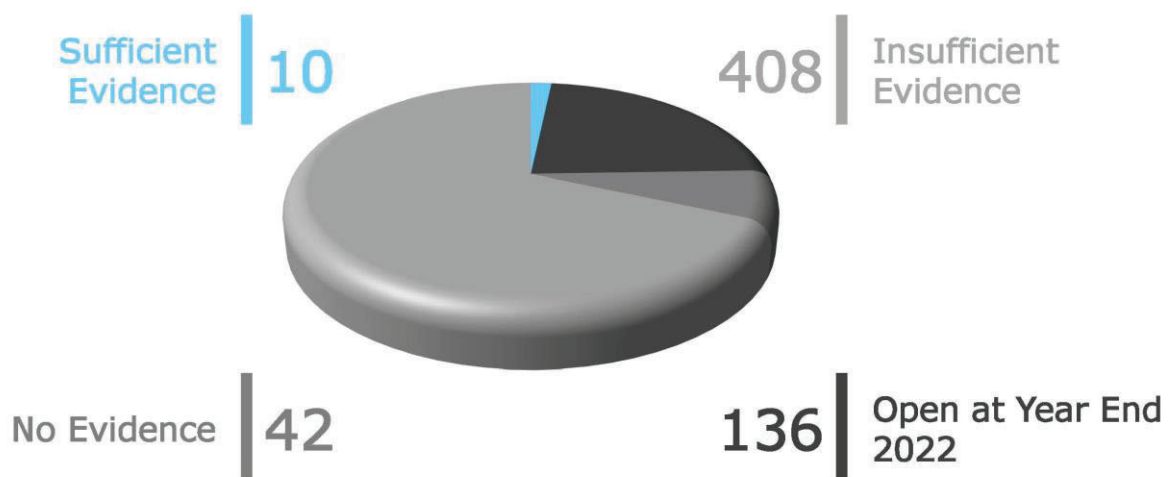
2022 FINDINGS BY TYPE SEXUAL ABUSE OF OFFENDER (SAO)



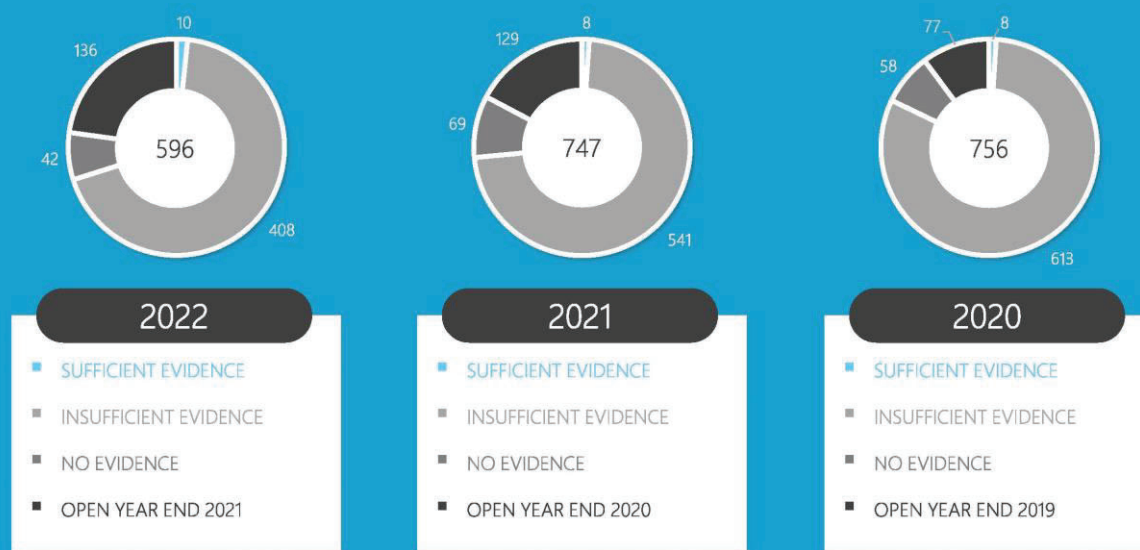
SAO FINDINGS - THREE YEAR COMPARISON



2022 FINDINGS BY TYPE SEXUAL HARASSMENT WITH OFFENDER (SHO)



SHO FINDINGS - THREE YEAR COMPARISON



SUMMARY

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.

The 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 provision of the PREA Standards.

The purpose of this report is to provide information regarding the MDOC's best practices to prevent, detect, and respond to sexual abuse in confinement facilities pursuant to the Prison Rape Elimination Act of 2003. This report is made available to the public through the MDOC website, <https://www.michigan.gov/corrections/public-information/statistics-and-reports/prea>, as required by the Prison Rape Elimination Act National Standards. It is published to provide information to the public regarding the Department's continued 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.

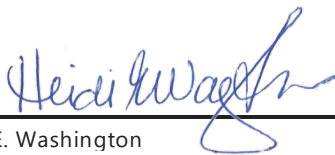


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C.J. Carlson

MDOC, PREA Manager



Heidi E. Washington

MDOC, Director