



Prison Rape Elimination Act

2017 ANNUAL REPORT

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 to prevent, detect and respond appropriately to sexual abuse and sexual harassment of confined offenders. MDOC Policy Directive 03.03.140, published on the MDOC website, outlines the Department's coordinated efforts to achieve and maintain compliance with these 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 prisoners and detainees.

Each instance of a reported 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 Department of Justice Survey of Sexual Victimization form provided annually. 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. MDOC PREA-related allegations are described in five categories to align with the Department of Justice (DOJ) definitions. These categories include:

- Sexual Abuse – Prisoner/Prisoner/Non-consensual Sexual Acts
- Sexual Abuse – Prisoner/Prisoner/Abusive Sexual Contacts
- Sexual Harassment – Prisoner/Prisoner
- Sexual Conduct with Offender (sexual abuse by staff)
- Sexual Harassment of Offender (by staff)

Michigan Department of Corrections operated 32 correctional facilities at the beginning of calendar year 2017 with one closing in September (see Figure 1). To determine compliance with the PREA standards, correctional agencies are required to have 1/3 of their facilities audited each year by 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. Information in this report covers calendar year 2017, during which 13 Michigan Department of Corrections (MDOC) facilities were audited (see Figure2).

Annual Reports to the Bureau of Justice Statistics

PREA standard 115.87 requires the collection and publication of aggregated data related to incidents of sexual abuse. This information is provided each summer for the previous calendar year. The standard requires the publication of incident-based data derived from the definitions set forth in the BJS annual Survey of Sexual Victimization (SSV). Aggregated data from MDOC correctional facilities each year is included in the annual Survey on Sexual Victimization which is posted on the MDOC Website, www.michigan.gov/corrections.

Michigan Department of Corrections Correctional Facilities Map

As of January 1, 2017



* Includes reception centers

Source: Correctional Facilities Administration

Figure 1

2017 PREA Audits

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

PREA audits were conducted of 13 MDOC facilities in 2017. Two MDOC facility audits resulted in a final report of full compliance, with no corrective action period required. The other 11 MDOC facilities were found compliant in all standards following a corrective action period (CAP). By the end of the corrective action periods for facilities audited in 2016 and 2017, all were found fully compliant.

During 2017, as the result of analysis of allegations, investigations and audit results, the department implemented additional processes into the PREA Risk Assessment process and reinforced the importance of conducting and documenting timely risk assessments and related actions. Facility staff were provided refresher information regarding conduct of investigations and standards of proof for administrative investigations. An area of concern that was addressed in several facilities related to potential, in limited sections of physical plants, for cross-gender viewing of a prisoner in a state of undress. Policy and the PREA Manual were updated to reflect new processes.

The department provided telephone access to prisoners statewide to an outside entity (RAINN) that would provide confidential emotional support to prisoner seeking confidential outside emotional support services related to sexual abuse. In addition, the MDOC has mandated staff training and established a process to ensure that a qualified staff victim advocate is always available at each facility to support a prisoner victim of sexual abuse during a forensic exam and/or investigatory interview. If a crisis center victim advocate is not available through the local hospital or from the community, a facility health care staff member, mental health staff member, or other volunteer staff member who has completed the required victim advocate training will provide such services to the victim.

Audit Cycle Two

Year 1 PREA Audits (August 20-August 19)

- Detroit Reentry Center – November 2016
- Lakeland Correctional Facility – November 2016
- West Shoreline Correctional Facility – January 2017
- Earnest C. Brooks Correctional Facility – February 2017
- Ionia Correctional Facility – March 2017
- Michigan Reformatory – March 2017
- Parnall Correctional Facility – April 2017
- G. Robert Cotton Correctional Facility – April 2017
- Lake County Residential Reentry Program – May 2017
- Baraga Correctional Facility – June 2017
- Alger Correctional Facility – June 2017

Year 2 (August 20-August 19)

- Bellamy Creek Correctional Facility – October 2017
- Gus Harrison Correctional Facility – October 2017
- Cooper Street Correctional Facility – December 2017
- Special Alternative Incarceration – December 2017

2017 Certified PREA Audit Results

National Standards Compliance – Final Audit Report					
Correctional Facility	Audit Date	Standards Exceeded	Standards Met	National Standards Not Met	National Standards Not Applicable
West Shoreline Correctional Facility	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 County Residential Reentry Program	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 2

Figures 3 and 4 represent data for the allegations and findings by type.

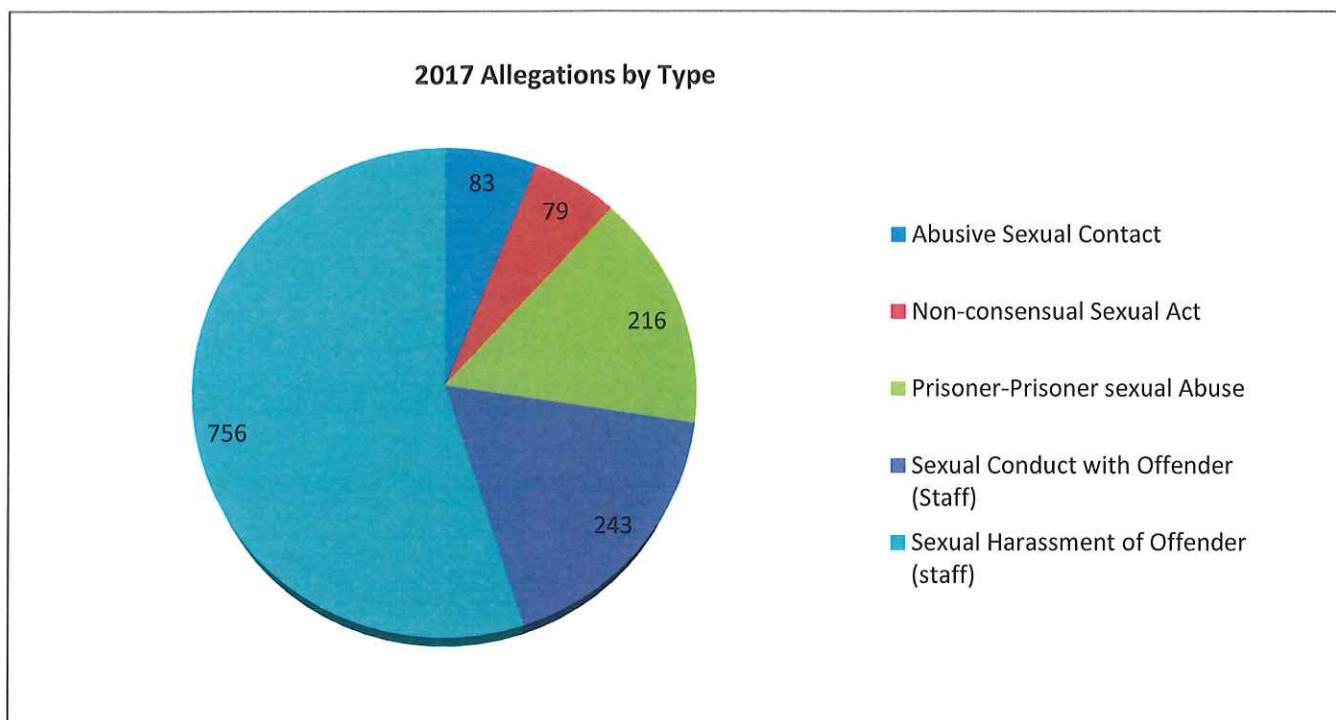


Figure 3

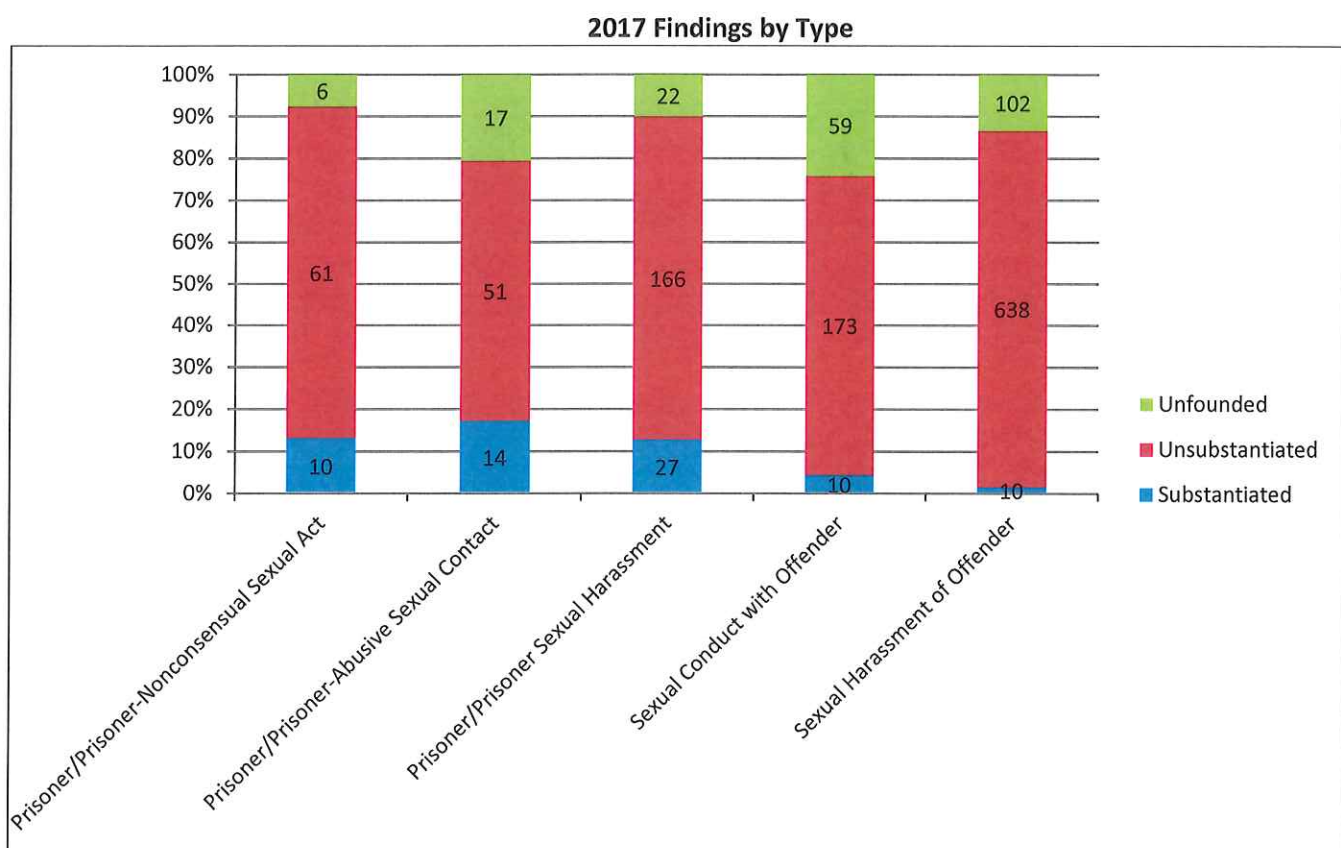


Figure 4

PREA-Related Allegation Statistics – 2017

The following are detailed statistics of incidents alleged to have occurred in 2017 as of May 31, 2018; by category:

	<u>2017</u>
Sexual Violence/Non-consensual Sexual Acts (prisoner/prisoner)	
• Allegations	79
o Sufficient Evidence	10
o Insufficient Evidence	61
o No Evidence	6
o Pending Investigation	2
Sexual Violence/Abusive Sexual Contacts (prisoner/prisoner)	
• Allegations	83
o Sufficient Evidence	14
o Insufficient Evidence	51
o No Evidence	17
o Pending Investigation	1
Sexual Harassment (prisoner/prisoner) *	
• Allegations	216
o Sufficient Evidence	27
o Insufficient Evidence	166
o No Evidence	22
o Pending Investigation	1
Sexual Conduct with Offender (staff/prisoner)	
• Allegations	243
o Sufficient Evidence	10
o Insufficient Evidence	173
o No Evidence	59
o Pending Investigation	0
Sexual Harassment of Offender (staff/prisoner) *	
• Allegations	756
o Sufficient Evidence	10
o Insufficient Evidence	638
o No Evidence	102
o Pending Investigation	6

PREA-Related Allegation Statistics – 2016

The following are detailed statistics of reported allegations as of submission of the 2016 Survey on Sexual Victimization, by category:

	<u>2016</u>
Sexual Violence/Non-consensual Sexual Acts (prisoner/prisoner)	
• Allegations	83
o Sufficient Evidence	4
o Insufficient Evidence	54
o No Evidence	25
o Pending Investigation	0
Sexual Violence/Abusive Sexual Contacts (prisoner/prisoner)	
• Allegations	86
o Sufficient Evidence	14
o Insufficient Evidence	52
o No Evidence	20
o Pending Investigation	0
Sexual Harassment (prisoner/prisoner) *	
• Allegations	217
o Sufficient Evidence	20
o Insufficient Evidence	151
o No Evidence	46
o Pending Investigation	0
Sexual Conduct with Offender (staff/prisoner)	
• Allegations	206
o Sufficient Evidence	19
o Insufficient Evidence	120
o No Evidence	67
o Pending Investigation	0
Sexual Harassment of Offender (staff/prisoner) *	
• Allegations	858
o Sufficient Evidence	14
o Insufficient Evidence	636
o No Evidence	208
o Pending Investigation	0

PREA-Related Allegation Statistics – 2015

The following are detailed statistics of reported allegations as of submission of the 2015 Survey on Sexual Victimization, by category:

	<u>2015</u>
Sexual Violence/Non-consensual Sexual Acts (prisoner/prisoner)	
• Allegations	87
o Sufficient Evidence	7
o Insufficient Evidence	50
o No Evidence	25
o Pending Investigation	5
Sexual Violence/Abusive Sexual Contacts (prisoner/prisoner)	
• Allegations	92
o Sufficient Evidence	5
o Insufficient Evidence	67
o No Evidence	18
o Pending Investigation	2
Sexual Harassment (prisoner/prisoner) *	
• Allegations	180
o Sufficient Evidence	22
o Insufficient Evidence	125
o No Evidence	33
o Pending Investigation	0
Sexual Conduct with Offender (staff/prisoner)	
• Allegations	170
o Sufficient Evidence	23
o Insufficient Evidence	82
o No Evidence	64
o Pending Investigation	1
Sexual Harassment of Offender (staff/prisoner)*	
• Allegations	684
o Sufficient Evidence	10
o Insufficient Evidence	473
o No Evidence	196
o Pending Investigation	5

*The PREA Standards define Sexual Harassment as repeated incidents. These investigations are the result of MDOC's practice of investigating single incidents in order 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.

Figures 5 and 6 represent the allegations and findings by type.

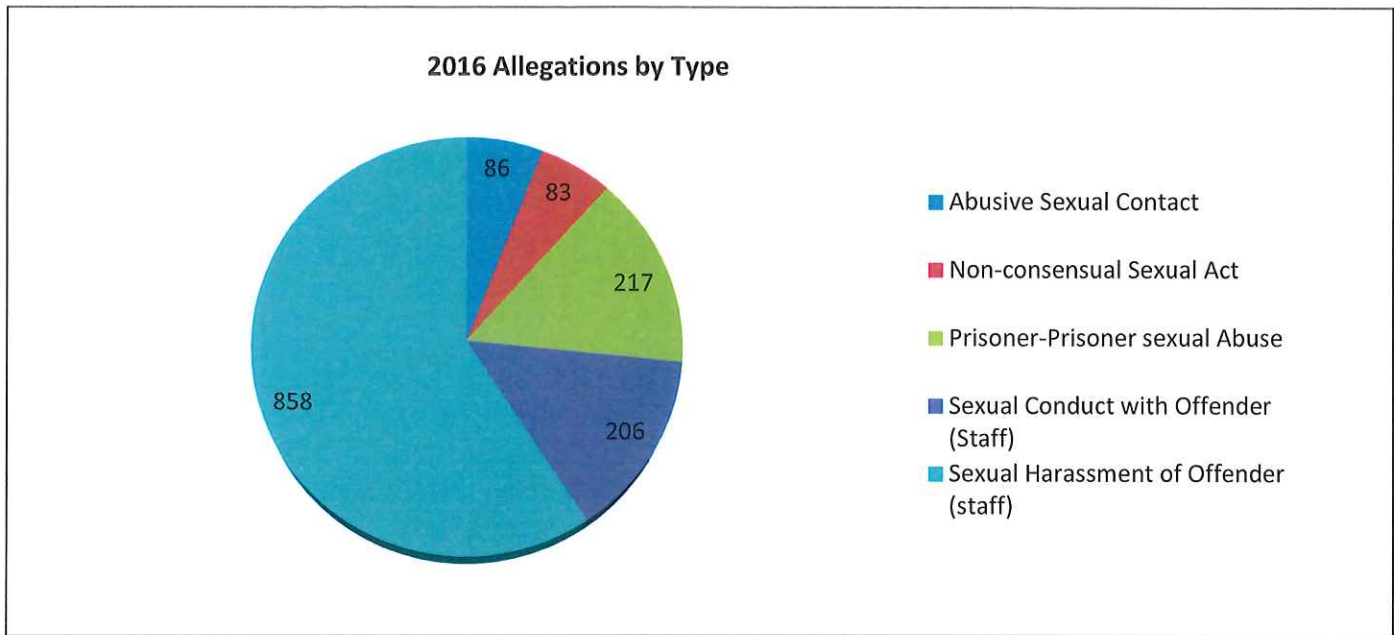


Figure 5

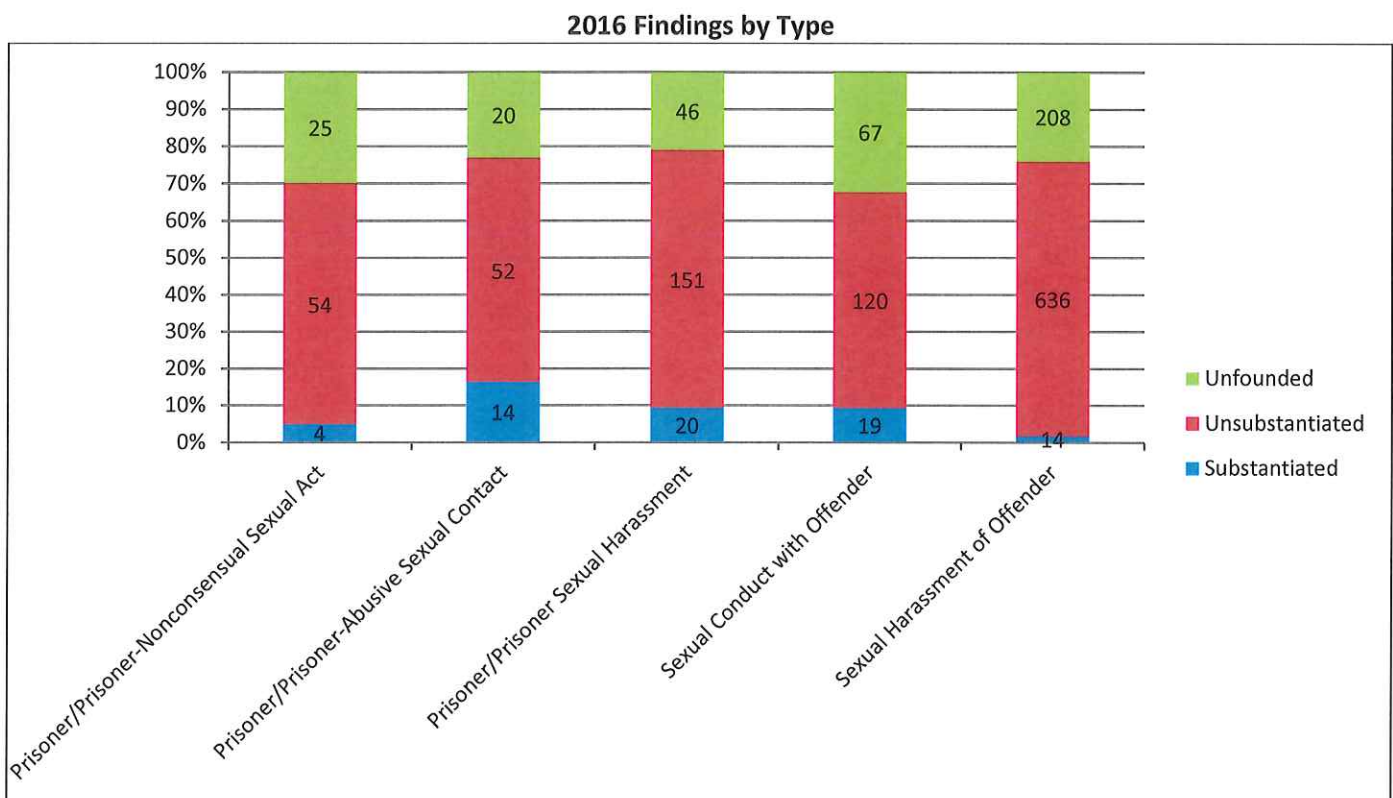


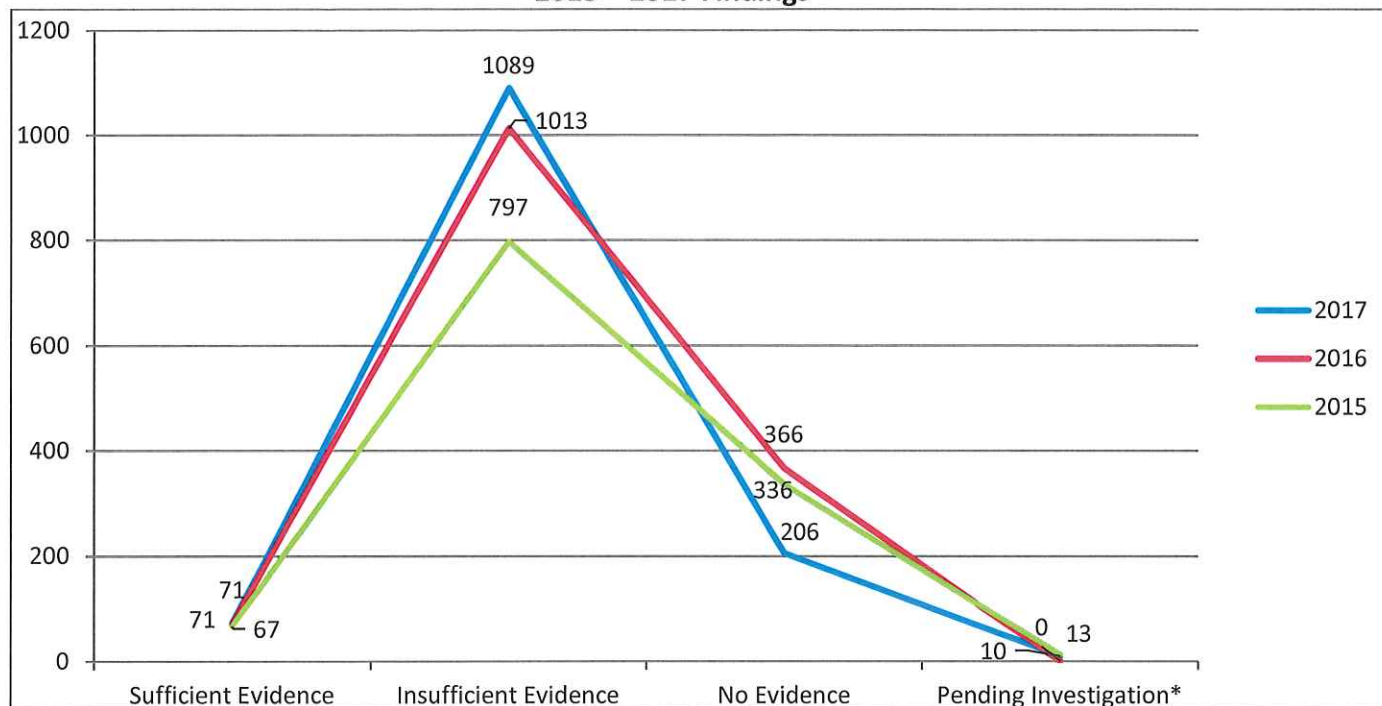
Figure 6

Findings

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

2015 – 2017 Findings



*As of SSV Submission

Figure 7

Summary

MDOC has prioritized implementation of the PREA standards into every aspect of operations at all facilities. With each passing year, as additional clarification is provided by the PREA Resource Center and staff and prisoners better learn the standards, improvements have been made to policy, procedure and practices. Each audit presents an opportunity to continue to enhance 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. 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.

C.J. Carlson
MDOC, PREA Manager

Heidi E. Washington
MDOC, Director