



*Prison Rape
Elimination Act*

2018 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 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 both of the first two audit years (2016-2017) and (2017-2018). The third audit year began in 2018 and concludes in 2019. One third of MDOC facilities were audited each year of this audit cycle, with the remainder scheduled prior to the end of the audit cycle in 2019.

Annual Reports

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

As with the SSV, information in this report covers *calendar* year 2018, during which seven MDOC facilities were audited. Thirteen facilities were audited in calendar year 2017, and two in 2016.

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)

- All audits for this audit year have been scheduled in CY 2019.

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

2018 Accomplishments

During 2018, as the result of analysis of allegations, investigations, audit results and DOJ interpretive guidance, the department implemented additional processes related to risk assessments, partnered with Just Detention International to support an outside emotional support line and enhanced the process by which inmates access confidential hotlines. The ongoing department-wide camera upgrade process continued at numerous facilities. An assessment was made, and plans developed to enhance sight and sound separation between adult inmates and the youthful inmates housed in separate sections of Thumb Correctional Facility.

The MDOC entered into an agreement 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 with contact information were placed with other PREA postings for convenient reference for the prisoner population. Not only did this augment the previously provided outside support contact information, the updated process also enabled prisoners to receive the confidential services 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 CALLS

837 calls alleging sexual abuse or sexual harassment
189 spam, hang-up or not enough information to identify a person/facility involved

*Approximately 220 of the total calls were made by or on behalf of the same prisoner

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 was established to conduct research into development of a gender-specific instrument to enhance assessment of these risks for each female prisoner.

PREA AUDITS CONDUCTED BY MDOC STAFF OF FACILITIES IN OTHER STATES

2017	14
2018	9

In addition to audits of MDOC facilities, and out-of-state audits conducted by MDOC audit teams, the MDOC hosted DOJ Field Training Audits at two correctional facilities in 2018. These training audits are conducted by the PREA Resource Center and DOJ faculty to instruct auditor trainees on the proper execution of PREA audits. The

process simulated an actual comprehensive PREA audit, including all three required portions. During the months preceding the on-site portion, hundreds of documents were gathered and reviewed. The second portion was a week-long, on-site facility assessment, during which scores of staff and prisoners were interviewed. The third portion was comprised of review, clarification and analysis of documentation, practices and observations, resulting in a document that addresses compliance with every element of the standards. While a final audit report is not provided, a comprehensive explanation is provided to the facility.

PREA Audits of MDOC Facilities

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.

Audits were conducted of seven MDOC facilities in calendar year 2018 (see figure 2). Five of those audits resulted in final reports of full compliance, with no corrective action period (CAP) required. Two were found fully compliant following a corrective action period. Four of the seven were determined to exceed requirements of at least one standard.

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

By the end of the CAPs assessed in 2016 - 2018, all audited facilities were found fully compliant, and ten 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).

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 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 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.

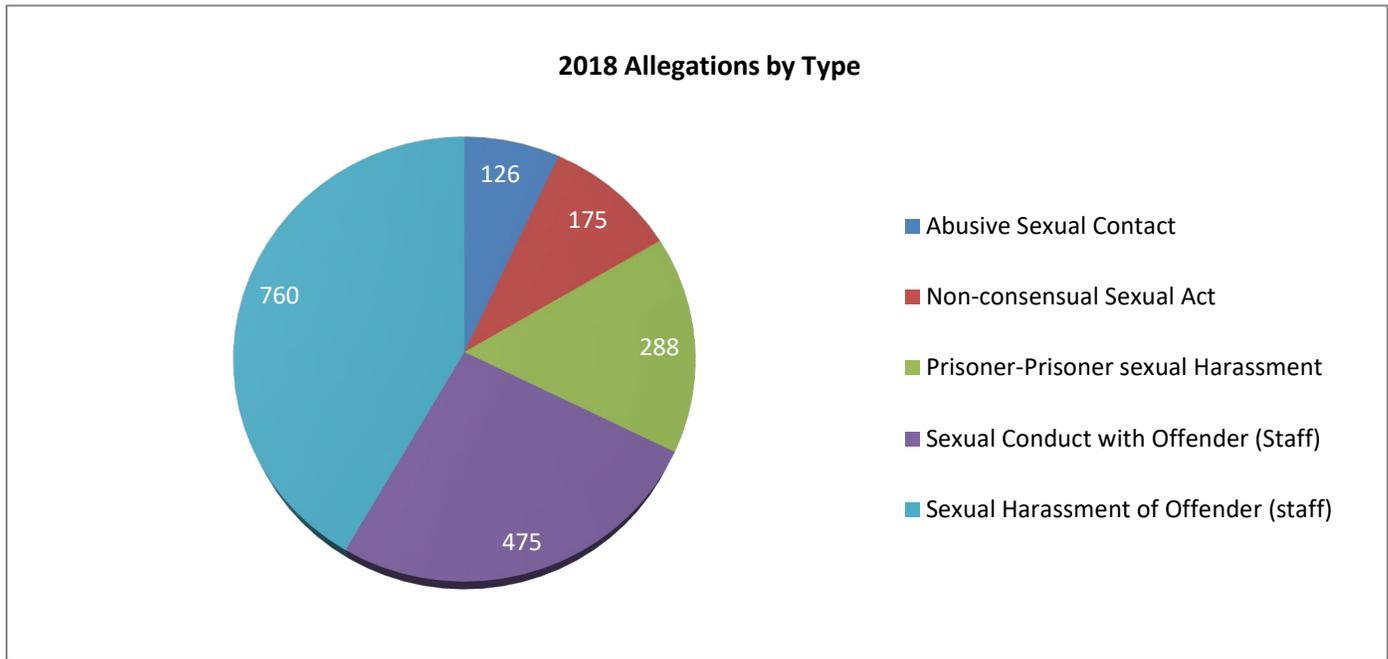


Figure 4

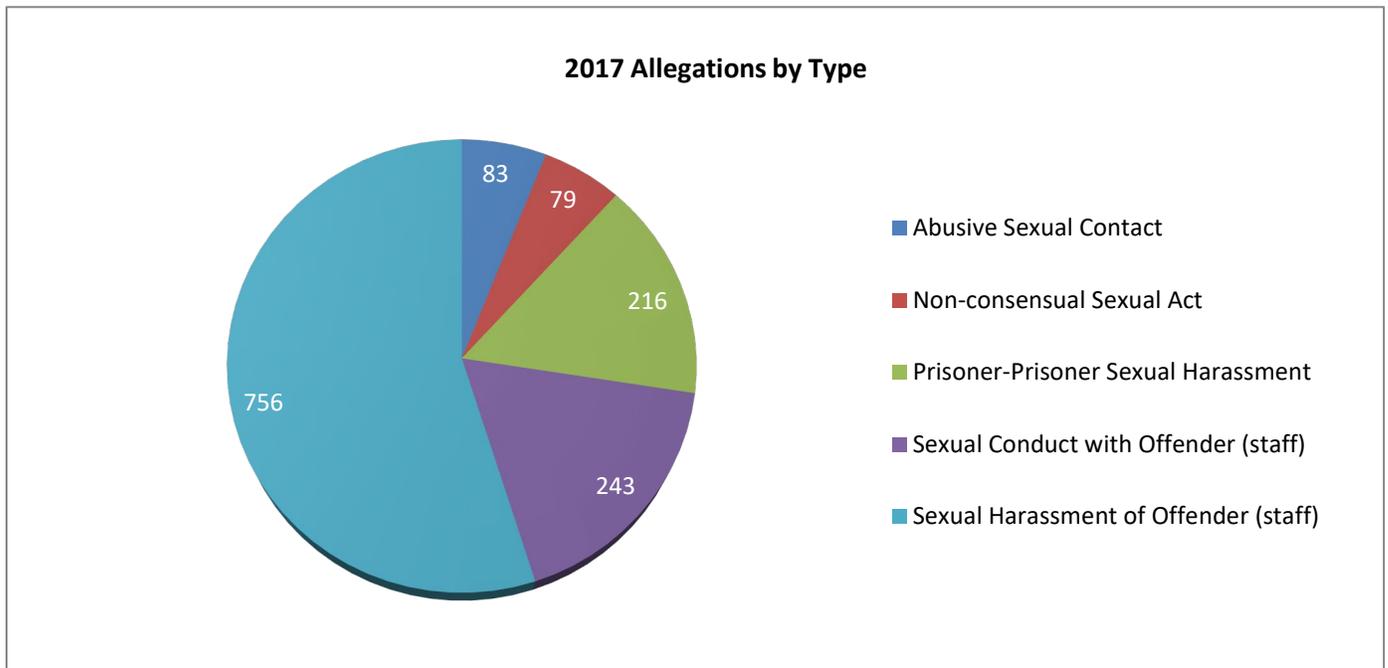


Figure 5

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.

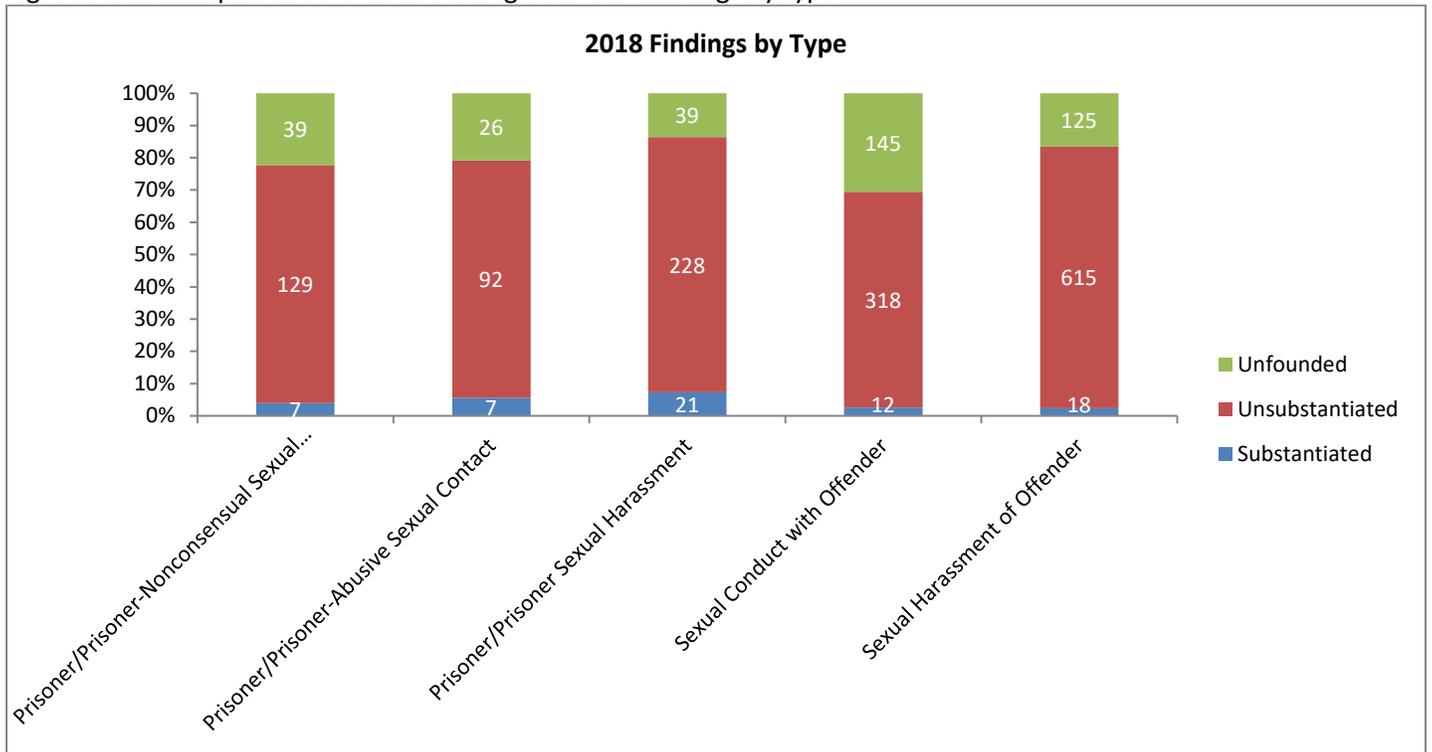


Figure 6

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

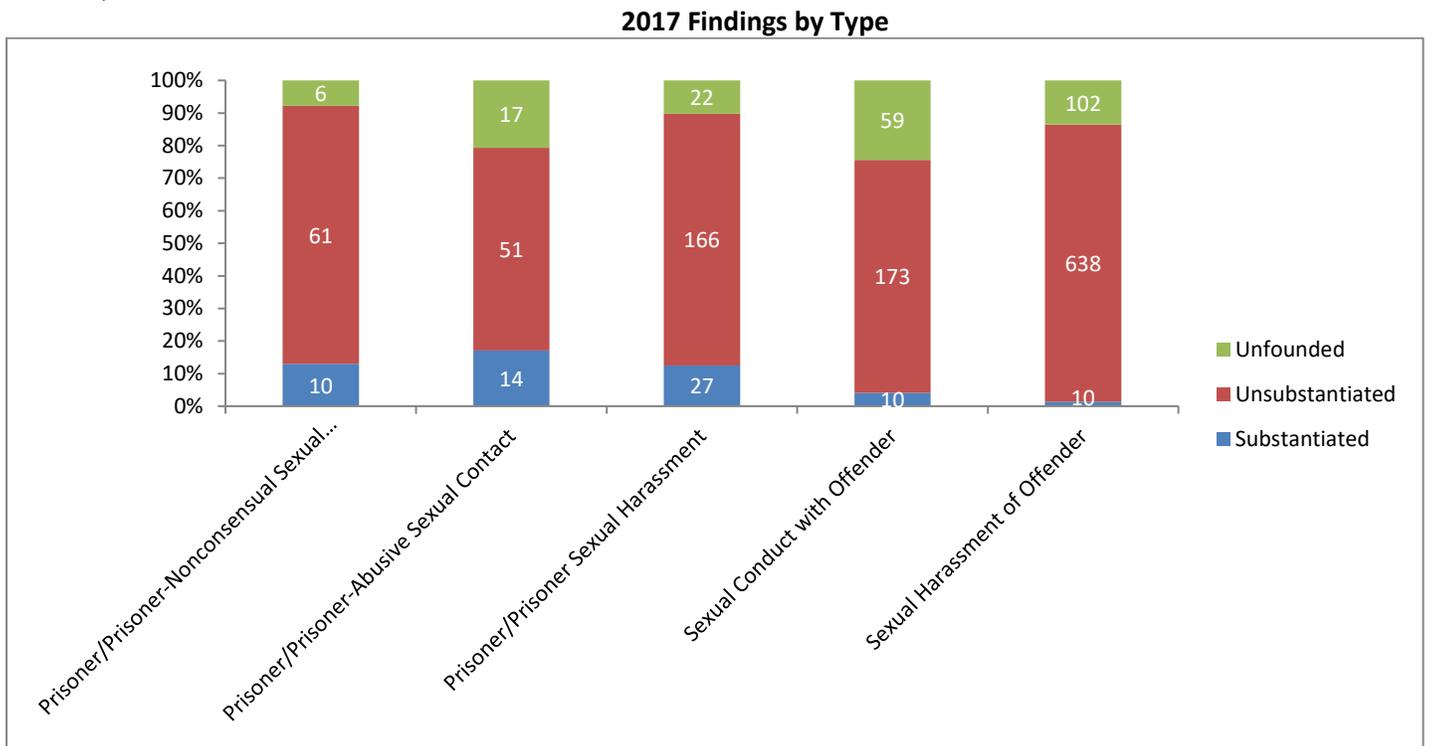


Figure 7

Three Prisoner/Prisoner Sexual Abuse, one Prisoner/Prisoner Sexual Harassment and six Sexual Harassment of Offender

investigations were ongoing at the time the 2017 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)		
	2018	2017
• Allegations	175	79
o Sufficient Evidence	7	10
o Insufficient Evidence	129	61
o No Evidence	39	6
o Pending Investigation	0	2
Sexual Violence/Abusive Sexual Contacts - prisoner/prisoner (ASC)		
• Allegations	126	83
o Sufficient Evidence	7	14
o Insufficient Evidence	92	51
o No Evidence	26	17
o Pending Investigation	1	1
Sexual Harassment - prisoner/prisoner (PPSH) *		
• Allegations	288	216
o Sufficient Evidence	21	27
o Insufficient Evidence	228	166
o No Evidence	39	22
o Pending Investigation	0	1
Sexual Conduct with Offender - staff/prisoner (SCWO)+		
• Allegations	475	243
o Sufficient Evidence	12	10
o Insufficient Evidence	318	173
o No Evidence	145	59
o Pending Investigation	0	0
Sexual Harassment of Offender - staff/prisoner (SHO)+*		
• Allegations	760	756
o Sufficient Evidence	18	10
o Insufficient Evidence	615	638
o No Evidence	125	102
o Pending Investigation	2	6

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

+ 2018 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.

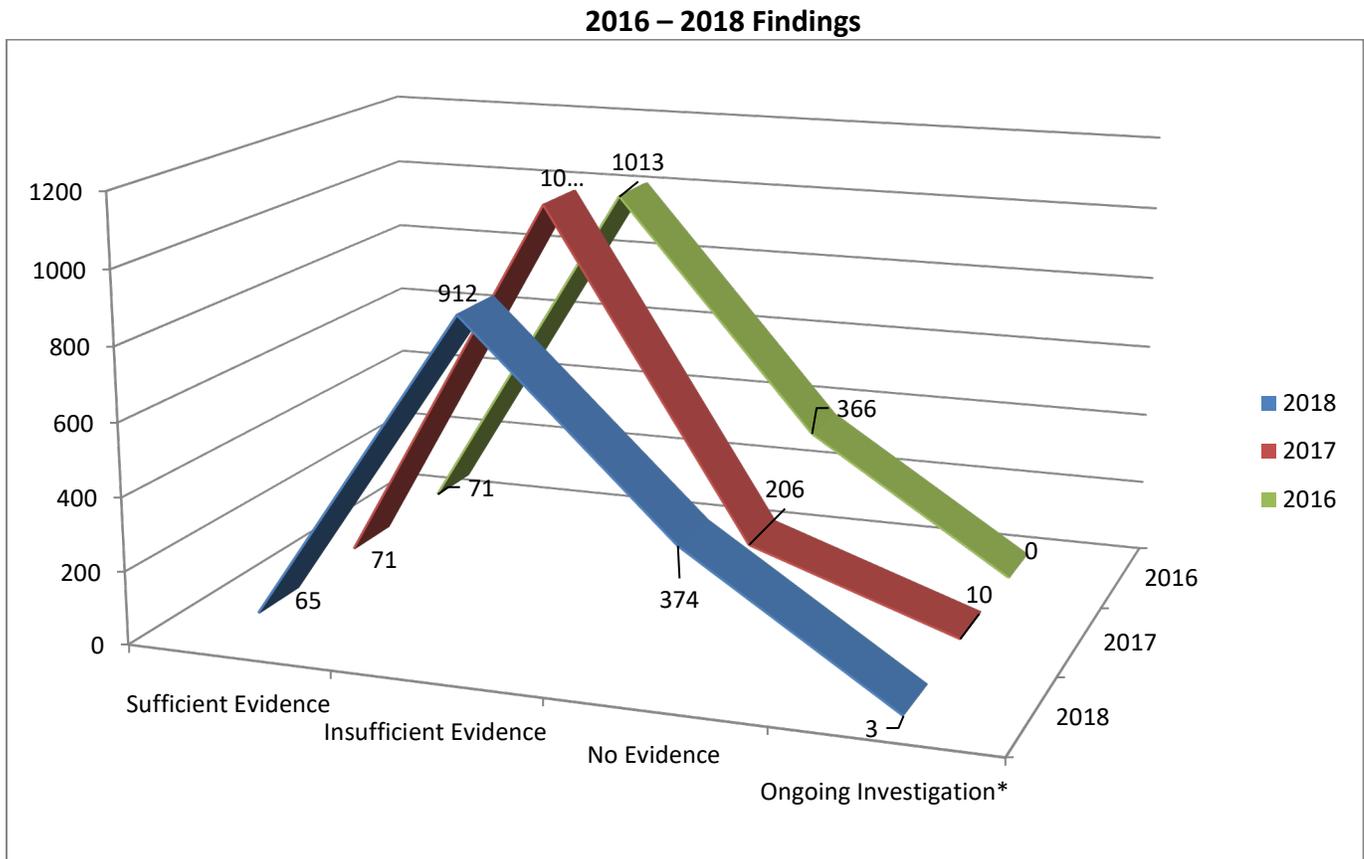
* The PREA Standards define Sexual Harassment as repeated incidents. These investigations are the result of MDOC’s

practice of investigating single incidents 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.

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

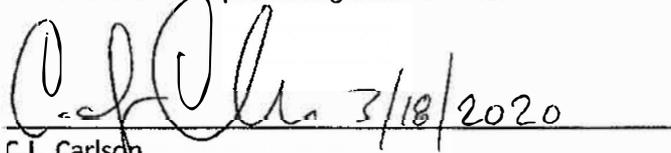
Summary

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.

 3/18/2020

C.J. Carlson
MDOC, PREA Manager

 9/10/2020

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.