



*Prison Rape
Elimination Act*

2016 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 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. 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 33 correctional facilities at the beginning of calendar year 2016 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 2016, during which 4 Michigan Department of Corrections (MDOC) facilities were audited (see Figure 2).

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



● Correctional Facilities

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

* Includes reception centers

Source: Correctional Facilities Administration

Figure 1

2016 PREA Audits

MDOC PREA Audits are conducted through a Memorandum of Understanding (MOU) with multiple states through which DOJ-Certified PREA auditors are provided. It is important to note, 2016 concluded the first audit cycle partnering with states California and Indiana. The second audit cycle began immediately with a new MOU including Wisconsin, Pennsylvania and Maryland.

During the 2016 PREA audits, one MDOC facility was found compliant with no corrective action required. Three other MDOC facilities were found 100% compliant following a corrective action period (CAP).

The corrective action included providing a staffing plan narrative, implementing additional processes into the PREA Risk Assessment process, and providing refresher information to staff regarding conduct of investigations and standards of proof for administrative investigations. The refresher information was provided immediately, the other corrective action required development of new agency policy and procedures for implementation in 2017. By the end of the corrective action periods for facilities audited in 2016, all were found compliant. Additional recommended corrective action from a 2015 audit was the impetus for creating a PREA-specific Grievance Procedure for the Michigan Department of Corrections. The PREA Grievance Procedure was implemented statewide in April of 2016.

In November, a process was established to ensure that a victim advocate is available at all locations, Facility health care staff, mental health staff and other volunteer staff completed the NIC victim advocate training. An order of precedence was established to ensure a qualified staff victim advocate is available at all times at all facilities when one is not available through the hospital or community.

2016 Certified PREA Audit Results

National Standards Compliance – Final Audit Report				
Correctional Facility	National Standards Exceeded	National Standards Met	National Standards Not Met	National Standards Not Applicable
Alger	0	41	0	2
Marquette	0	41	0	2
Detroit Reentry	0	41	0	4
Lakeland	3	38	0	4

Figure 2

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

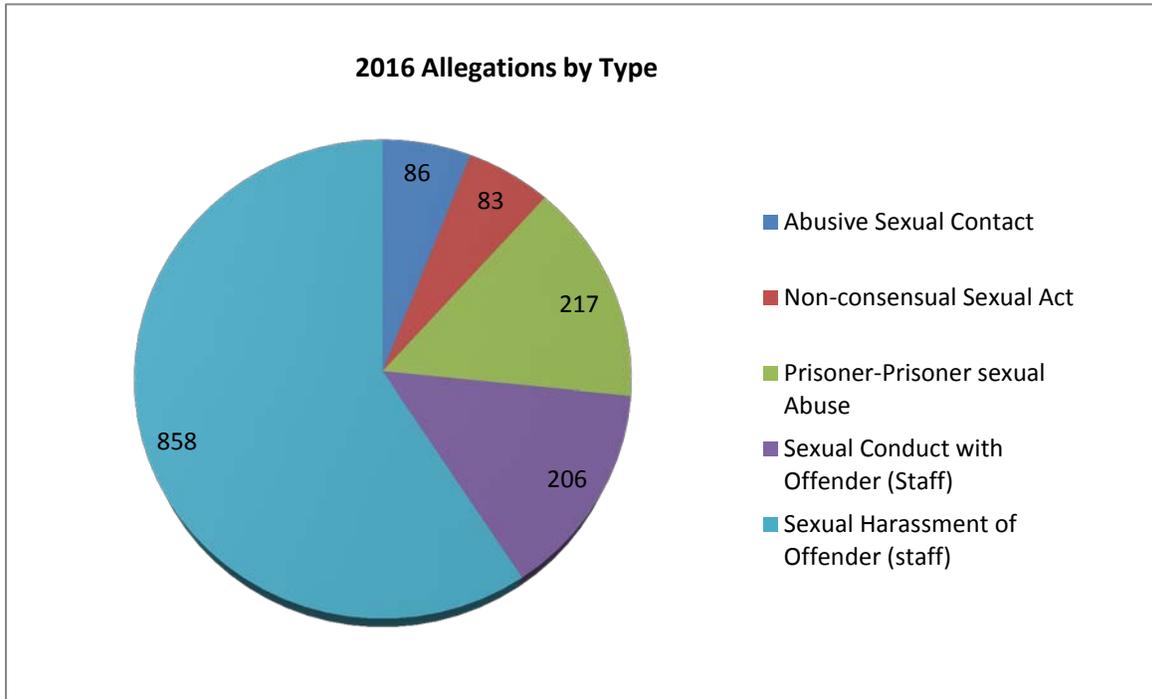


Figure 3

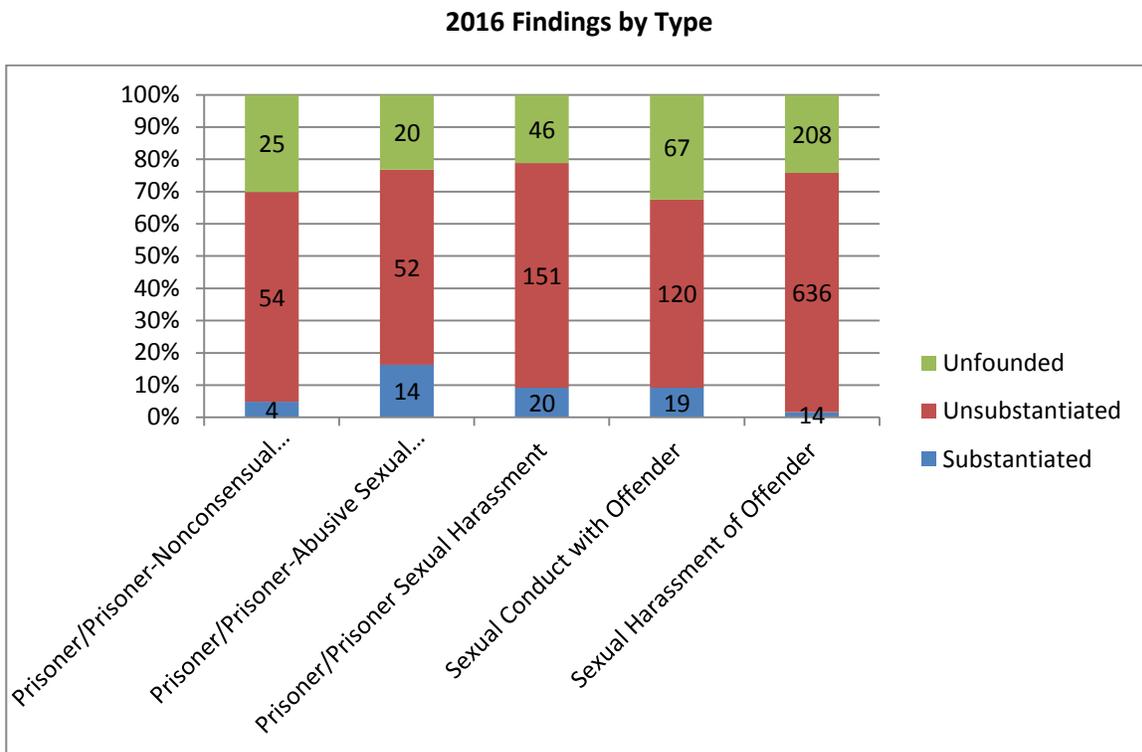


Figure 4

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

Of the 33 Sufficient Evidence findings for Sexual Conduct with Offenders and Sexual Harassment of Offenders, 20, perpetrators 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.

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

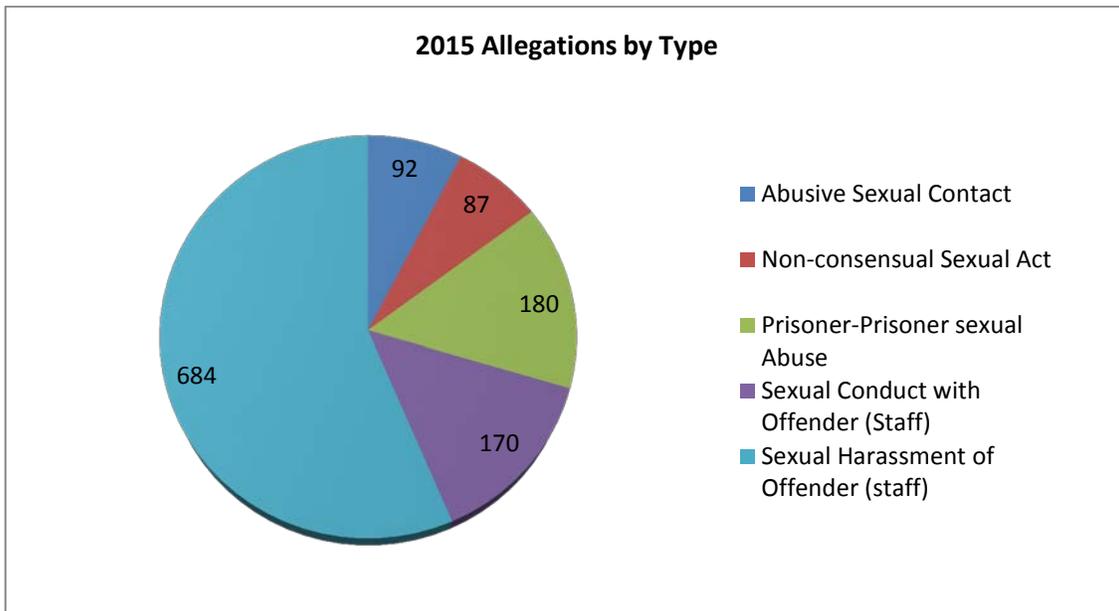


Figure 5

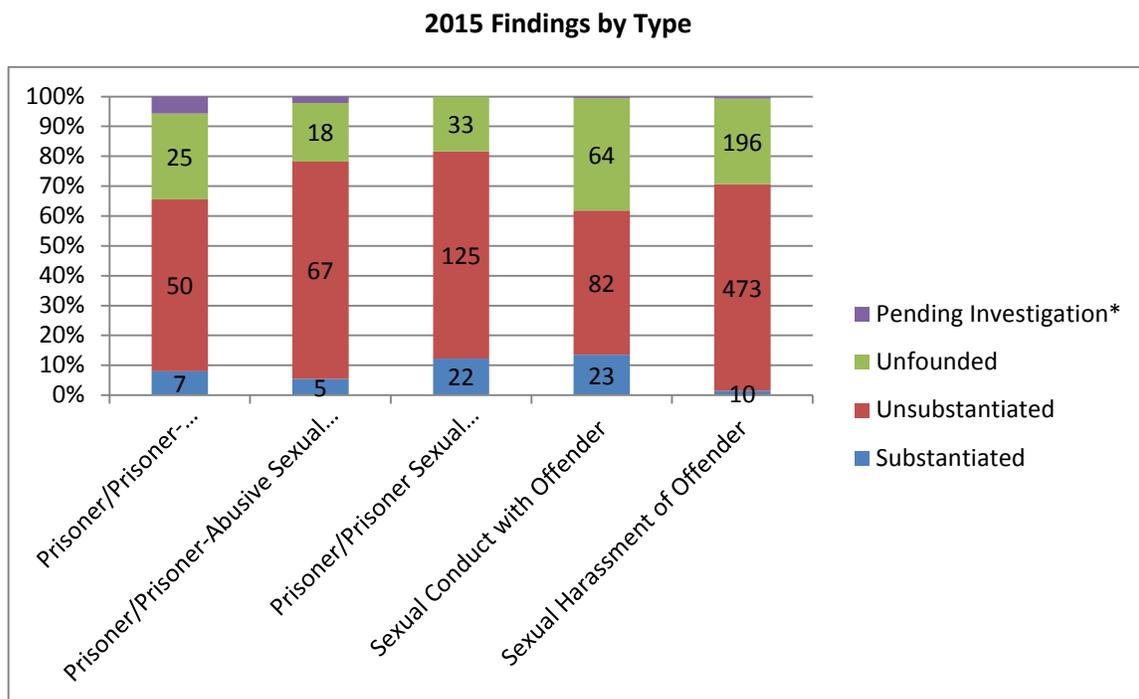


Figure 6

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

Comparison of 2015 and 2016 Allegation Information

Figure 7 shows a comparison of the overall allegation information between years 2015 – 2016.

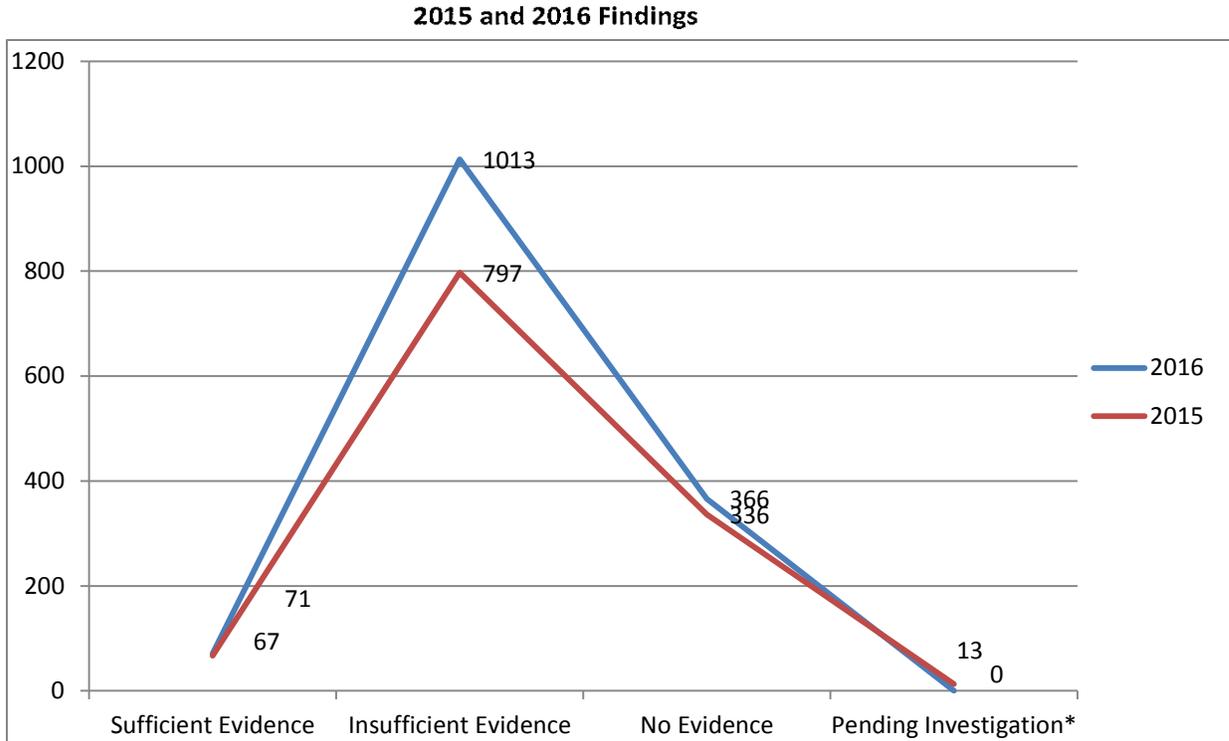


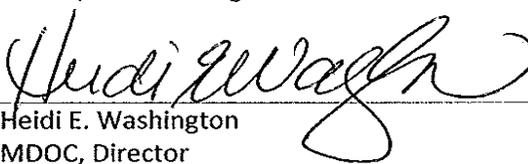
Figure 7

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 provide an environment free from sexual victimization for prisoners, and to demonstrate compliance with each of the several hundred elements of the PREA Standards.

This annual 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. This report is published to provide information to the public regarding the Department's efforts to reduce and/or eliminate sexual abuse and sexual harassment within its facilities. As part of our mission, we strive to ensure the protection of all inmates from sexual harassment and/or abuse by employing best practice standards in our Department operations.


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