



*Prison Rape*  
*Elimination Act*

**2016 ANNUAL REPORT**

*Michigan Department of Corrections*



# 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 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.

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 a zero tolerance toward sexual abuse and sexual harassment of prisoners and detainees.

Each instance of a reported PREA 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. There are five (5) categories which the MDOC uses to determine and categorize sexual abuse and sexual harassment which align with the Department of Justice (DOJ) definitions. These categories are:

- 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)

In order 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 20<sup>th</sup> and ends the following August 19<sup>th</sup>. 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. Michigan Department of Corrections operated 33 correctional facilities in 2016 with one closing in September. The MDOC operates under a Memorandum of Understanding (MOU) with multiple states through which certified auditors are assigned. During the first audit cycle, those states included California and Indiana. States included in the MOU with Michigan for the second audit cycle include Wisconsin, Pennsylvania and Maryland.

This report includes information required by PREA Standards 28 CFR §15.87, 115.88 and 115.89.

# 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. Handon 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 Colton 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

### 2016 Audits by DOJ Certified Auditors

During 2016, Michigan Department of Corrections facilities were audited by DOJ certified auditors provided by two states' corrections agencies. This process requires agencies to audit facilities in other states in a circular manner. No agency audits any facilities in a state that audits their facilities. 2016 included part of the last audit year of the first audit cycle, and part of the first year of the second audit cycle.

Until August 19, 2016, two MDOC facilities were audited by DOJ certified auditors provided by the Indiana Department of Correction. Beginning August 20, 2016, two MDOC facilities were audited by DOJ certified auditors provided by the Pennsylvania Department of Corrections. During those audits, one facility was found compliant with no corrective action required and 3 facilities were found compliant following a corrective action period.

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.

MDOC health care staff do not conduct forensic exams in the event of a sexual abuse incident. When an incident of sexual abuse is alleged to have occurred, a sexual abuse victim is transported to local hospitals for a sexual abuse forensic exam performed by a Sexual Abuse Forensic Examiner or Sexual Abuse Nurse Examiner.

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

## Annual Report 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 for 2016 is included in the 2016 Survey on Sexual Victimization which is posted on the MDOC Website, [www.michigan.gov/corrections](http://www.michigan.gov/corrections).

### Allegation Statistics

The following are detailed statistics of reported allegations as of website postings, by category :

	<u>2016</u>	<u>2015</u>
Sexual Violence/Non-consensual Sexual Acts (prisoner/prisoner)		
• Allegations	83	87
o Sufficient Evidence	4	7
o Insufficient Evidence	54	50
o No Evidence	25	25
o Pending Investigation	0	5
Sexual Violence/Abusive Sexual Contacts (prisoner/prisoner)		
• Allegations	86	92
o Sufficient Evidence	14	5
o Insufficient Evidence	52	67
o No Evidence	20	18
o Pending Investigation	0	2
Sexual Harassment (prisoner/prisoner)		
• Allegations	217	180
o Sufficient Evidence	20	22
o Insufficient Evidence	151	125
o No Evidence	46	33
o Pending Investigation	0	0
Sexual Conduct with Offender (staff/prisoner)		
• Allegations	206	170
o Sufficient Evidence	19	23
o Insufficient Evidence	120	82
o No Evidence	67	64
o Pending Investigation	0	1
Sexual Harassment of Offender (staff/prisoner)		
• Allegations	858	684
o Sufficient Evidence	14	10
o Insufficient Evidence	636	473
o No Evidence	208	196
o Pending Investigation	0	5

### 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

## **Definitions**

### Prisoner-on-Prisoner Sexual Abuse

Sexual abuse of a prisoner by another prisoner includes any of the following acts if the victim is not a willing participant, is coerced into such act(s) by overt or implied threats of violence or is unable to consent or refuse:

- *Sexual Violence (prisoner-on-prisoner)/Non-Consensual Sexual Acts*
  - (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - (2) Contact between the mouth and the penis, vulva or anus;
  - (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
- *Sexual Violence (prisoner-on-prisoner)/Abusive Sexual Contacts*
  - (4) 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 (Staff Sexual Misconduct)

Sexual abuse of a prisoner by a staff member, contractor or volunteer includes any of the following acts, willing or unwilling on the part of the prisoner:

- *Sexual Conduct with Offender OR Overly-Familiar or Unauthorized Conduct/Sexual Relationship*
  - (1) An attempted, threatened or requested sexual act or helping, advising, or encouraging another employee to engage in a sexual act. This does not include acts related to official duties (e.g., strip searches, pat down searches, chest compressions during CPR, etc.).
  - (2) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - (3) Contact between the mouth and the penis, vulva or anus;
  - (4) Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
  - (5) Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
  - (6) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
  - (7) Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in paragraphs (1) through (5) of this section;
  - (8) Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of a prisoner, detainee or resident;
  - (9) Voyeurism by a staff member, contractor or volunteer which means an invasion of a prisoner's privacy for reasons unrelated to official duties such as peering at a prisoner who is using a toilet in his or her cell to perform bodily functions; requiring a prisoner to expose his or her buttocks, genitals or breasts; or taking images of all or part of a prisoner's naked body or of a prisoner performing bodily functions.

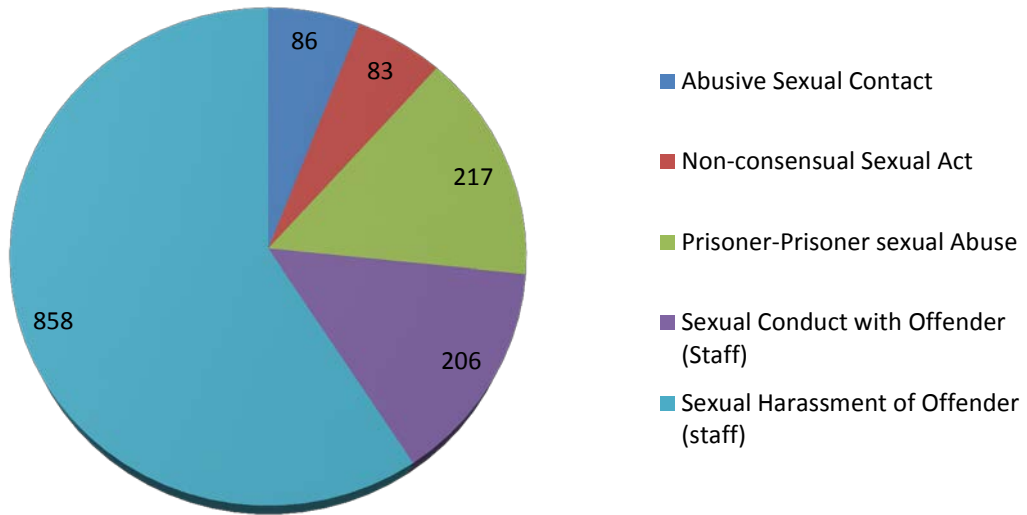
### Prisoner-on-Prisoner Sexual Harassment

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 prisoner.

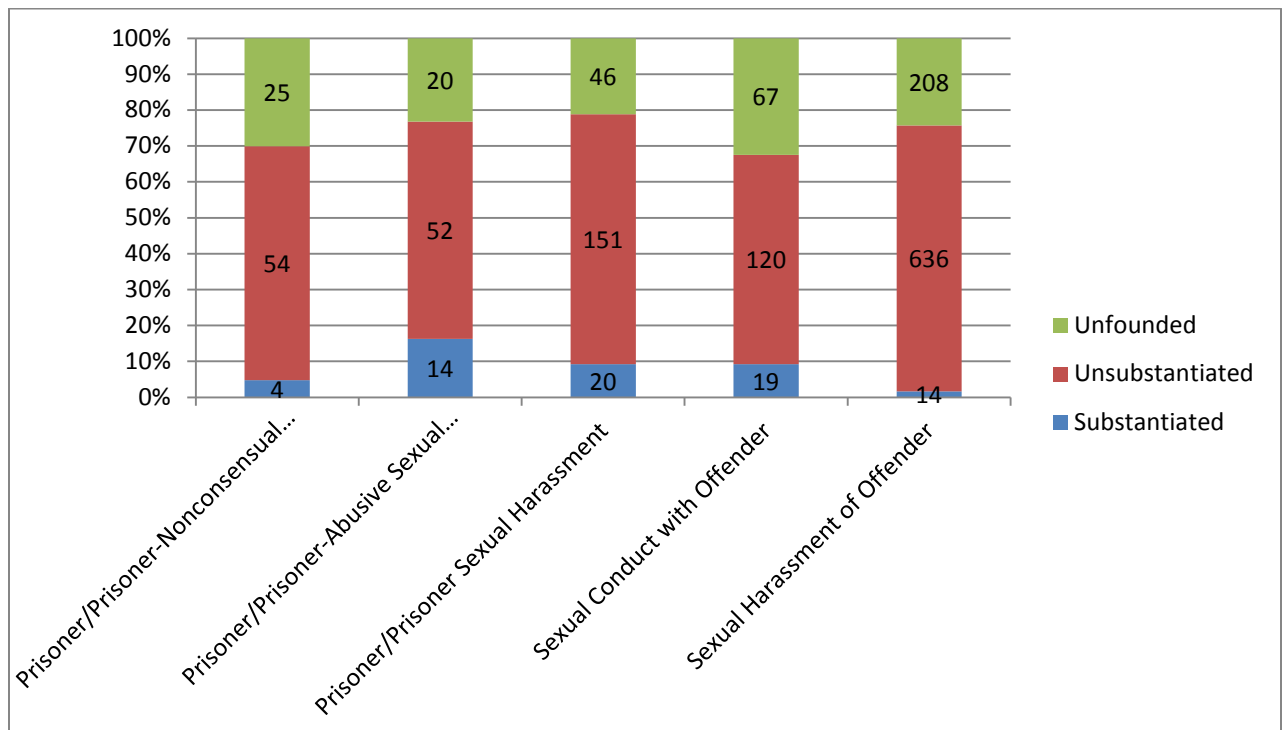
### Sexual Harassment of Offender (Staff-on-Prisoner Sexual Harassment)

Repeated verbal comments, written statements, or gestures of a sexual nature to a prisoner 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.

## 2016 Allegations by Type

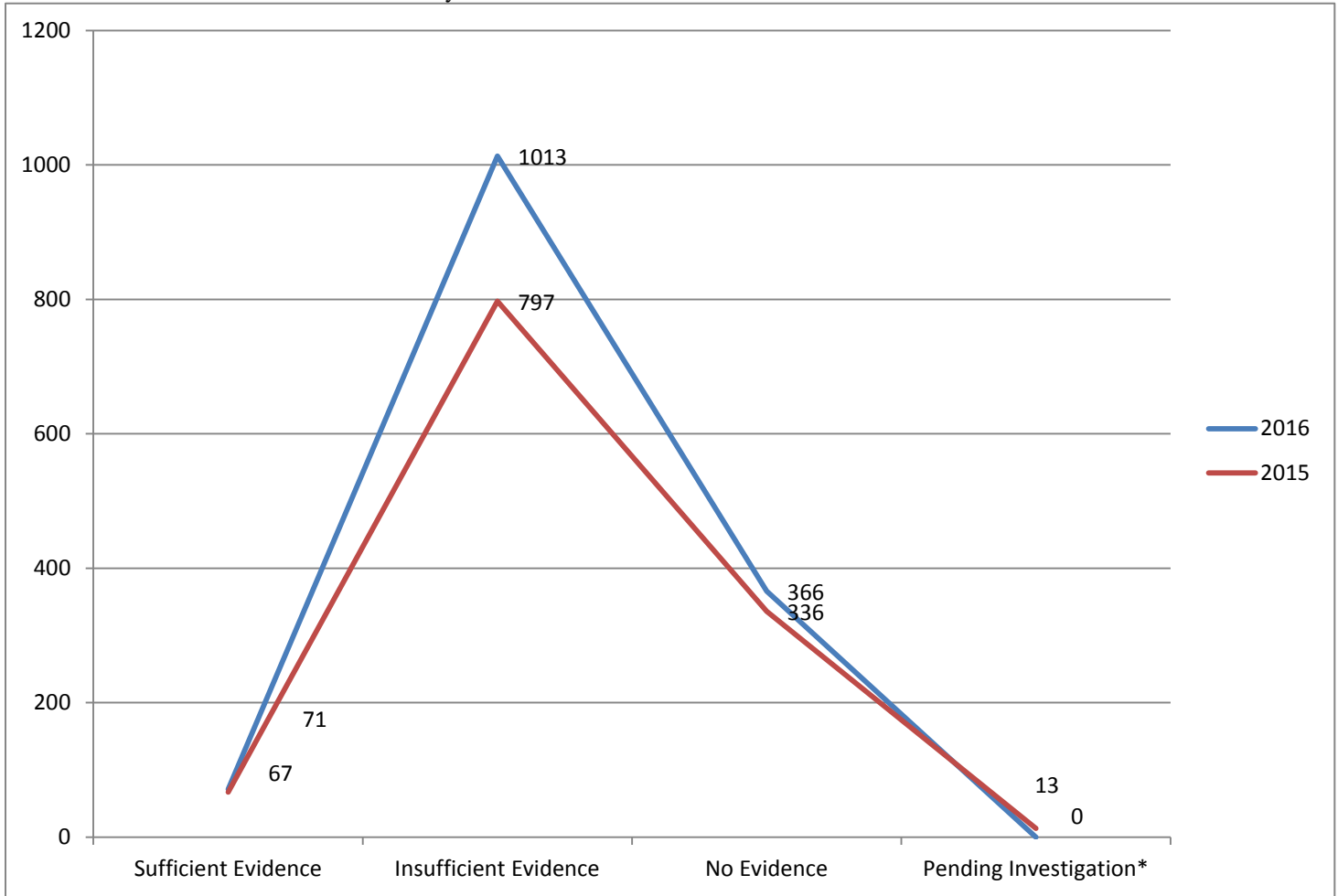


## 2016 Findings by Type



## Comparison of 2015 and 2016 Statistics

\*as of submission of Survey on Sexual Victimization





## 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](http://www.michigan.gov/corrections), as required by the Prison Rape Elimination Act National Standards. This report is to inform the public about 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.

C.J. Carlson  
PREA Manager, MDOC

