

Michigan Department of Health and Human Services

Michigan Department of Health and Human Services
(MDHHS)

Prison Rape Elimination Act (PREA)

Annual Report

2019

Purpose:

This report is prepared in accordance with the Prison Rape Elimination Act (PREA) (28 CFR 115.388). PREA passed in 2003 with unanimous support from both parties in Congress. The Act applies to sexual abuse and harassment in all custodial corrections settings including juvenile justice facilities. Standard 115.388 requires agencies to review aggregated data that has been collected during the year to assess and improve the effectiveness of its sexual abuse and harassment prevention, detection, response, policies and training.

This report includes data from calendar year 2017, 2018 and 2019 from Bay Pines Center and Shawono Center, the two state-operated juvenile justice residential facilities. The department also contracts with private juvenile justice residential facilities that prepare PREA annual reports and publish them via their websites. The Michigan Department of Health and Human Services (MDHHS) collects the data from the state-operated and private, contracted facilities via self-reporting methods and aggregates the data pursuant to PREA standards 115.387 and 115.388.

Overview:

Michigan's juvenile residential facilities provide secure and non-secure housing, programming, mental health services, health care services and education for juveniles in care. These state-operated and private, contracted juvenile justice facilities are required to adopt and comply with PREA and related MDHHS juvenile justice policy mandating zero tolerance for sexual abuse and harassment.

MDHHS reviews the aggregated data to assess and improve PREA prevention and response strategies. This process assists facilities in continued development of required PREA preventive plans. Should allegations regarding sexual abuse or sexual harassment be made, all personnel must be appropriately trained to act to rapidly restore safety, attend to and support the victim, and promptly initiate a thorough investigative process.

Required PREA audits are robust and completed by U.S. Department of Justice certified auditors. The auditors review facility compliance with the PREA juvenile standards at least once every three years. By the end of 2019, the required one-third of all state-operated private, contracted facilities were audited, and the remaining two-thirds were provided on-site monitoring and technical assistance through MDHHS to support facilities in audit preparedness and achieving compliance.

2019 Sexual Abuse and Sexual Harassment Data

Aggregated data for the 2019 calendar year on sexual abuse and sexual harassment allegations was self-reported by each state-operated and private, contracted facility via the Bureau of Justice Statistics' Survey of Sexual Victimization (SSV) report. The information below is a summary:

State-operated Juvenile Justice Residential Facilities 2019 Demographic Data

The following data was reported via SSV from Bay Pines Center and Shawono Center.

Number of youths on December 31, 2019:		
Male: 56	Female: 8	Total: 64
Age:		
17 or younger: 53	18-20: 11	21 or older: 0
Number of youth admitted and discharged:		
Admitted: 44	Discharged: 54	

Private, Contracted Juvenile Justice Residential Facilities 2019 Demographic Data

The following aggregated data was self-reported from Bethany Christian Services, Calumet Center, Crossroads for Youth, Detroit Behavioral Institute, Great Lakes Recovery Centers, Highfields, Inc., Lakes Area Teaching Family Homes, Lakeside Academy, Lincoln Center, Martin Luther King House, Pineview Homes, St. Vincent-Matthew Hall, Starr Commonwealth, Vista Maria, Wolverine Human Services (WHS)-Clarence Fischer Center, WHS-Pioneer Work and Learn Center, WHS-Vassar House, WHS-Wolverine Secure Treatment Center, WHS-Wolverine Growth and Recovery Center, WHS-Wolverine Center, Muskegon River Youth Home (doing business as: Youth Opportunity-Evart Academy) and the Muskegon River Pathway of Hope (doing business as: Youth Opportunity Pathway Academy).

Number of youth on December 31, 2019:		
Male: 787	Female: 259	Total: 1046
Age:		
17 or younger: 976	18-20: 70	21 or older: 0
Number of youth admitted and discharged:		
Admitted: 1401	Discharged: 1261	

Reporting & Allegation Statistics 2019

In 2019, facilities reported keeping record of all allegations, whether substantiated or not, of the following: youth-on-youth non-consensual sexual acts, youth-on-youth abusive sexual contact, youth-on-youth sexual harassment, staff-on-youth sexual misconduct and staff-on-youth sexual harassment. All allegations are investigated and determined to be substantiated, unsubstantiated, unfounded or have an investigation ongoing. Substantiated allegations are determined to have occurred based on a preponderance of evidence. Unsubstantiated allegations are defined as having insufficient evidence to make a final determination the event occurred. Unfounded allegations are determined not to have occurred. An allegation that is still under investigation at end of the reporting year are noted as under investigation. The following is a chart of the self-reported data for 2019:

Calendar Year 2019 All Facilities			
Description	State Run	Private Contracted	Total
Youth in residence on December 31, 2019	64	1046	1110
Allegations of youth-on-youth non-consensual sexual acts	0	23	23
Substantiated	0	8	8
Unsubstantiated	0	9	9
Unfounded	0	5	5 ^[SM(1)]
Under Investigation	0	1	1
Allegations of youth-on-youth abusive sexual contacts	1	19	20
Substantiated	0	6	6
Unsubstantiated	0	7	7
Unfounded	1	5	6
Under Investigation	0	1	1
Allegations of youth-on-youth sexual harassment	9	24	33
Substantiated	1	12	13
Unsubstantiated	3	7	10
Unfounded	5	5	10
Under Investigation	0	0	0
Allegations of staff-on-youth sexual misconduct	1	22	23
Substantiated	0	5	5
Unsubstantiated	1	7	8
Unfounded	0	9	9
Under Investigation	0	1	1
Allegation of staff-on-youth sexual harassment	0	3	3
Substantiated	0	2	2
Unsubstantiated	0	0	0
Unfounded	0	1	1
Under Investigation	0	0	0
Total of all types of allegations per 100 youth in population			9.1
Total allegations substantiated			34
Percent of allegations substantiated			33%

Reporting & Allegation Comparison Statistics for years 2016-2018

Calendar Year 2018 All Facilities				
				Total
Youth in residence on December 31, 2018				984
Allegations of youth-on-youth non-consensual sexual acts and abusive sexual contact				31
Substantiated: 18	Unsubstantiated: 10	Unfounded: 1	Under Investigation: 2	
Allegations of youth-on-youth sexual harassment				8
Substantiated: 1	Unsubstantiated: 4	Unfounded: 3	Under Investigation: 0	
Allegations of staff-on-youth sexual misconduct				25
Substantiated: 9	Unsubstantiated: 11	Unfounded: 4	Under Investigation: 1	
Allegations of staff-on-youth sexual harassment				1
Substantiated: 0	Unsubstantiated: 0	Unfounded: 1	Under Investigation: 0	
Total of all types of allegations per 100 youth in population				6.6
Total allegations substantiated				28
Percent of allegations substantiated				43%
Calendar Year 2017 All Facilities				
				Total
Youth in residence on December 31, 2017				1,109
Allegations of youth-on-youth non-consensual sexual acts and abusive sexual contact				32
Substantiated: 16	Unsubstantiated: 12	Unfounded: 4	Under Investigation: 0	
Allegations of youth-on-youth sexual harassment				3
Substantiated: 0	Unsubstantiated: 2	Unfounded: 1	Under Investigation: 0	
Allegations of staff-on-youth sexual misconduct				13
Substantiated: 4	Unsubstantiated: 6	Unfounded: 2	Under Investigation: 1	
Allegations of staff-on-youth sexual harassment				9
Substantiated: 2	Unsubstantiated: 5	Unfounded: 1	Under Investigation: 1	
Total of all types of allegations per 100 youth in population				5
Total allegations substantiated				22
Percent of allegations substantiated				39%
Calendar Year 2016 All Facilities				
				Total
Youth in residence on December 31, 2016				1,133
Allegations of youth-on-youth non-consensual sexual acts and abusive sexual contact				54
Substantiated: 13	Unsubstantiated: 23	Unfounded: 18	Under Investigation: 0	
Allegations of youth-on-youth sexual harassment				15
Substantiated: 2	Unsubstantiated: 4	Unfounded: 9	Under Investigation: 0	
Allegations of staff-on-youth sexual misconduct				11
Substantiated: 1	Unsubstantiated: 7	Unfounded: 2	Under Investigation: 1	
Allegations of staff-on-youth sexual harassment				8
Substantiated: 0	Unsubstantiated: 4	Unfounded: 4	Under Investigation: 0	

Total of all types of allegations per 100 youth in population	8
Total allegation substantiated	16
Percent of allegations substantiated	18%

Data Analysis

The goal of PREA is to eradicate all sexual abuse in juvenile facilities. There was an increase in the number of allegations reported in 2019, possibly indicating an increasing awareness with both staff and youth to report allegations. Youth, staff or third parties can make allegations. There was also an increase overall of substantiated incidents, but a decrease in the percentage of allegations substantiated, likely due an improved understanding regarding reporting, investigation and effective response to allegations. This can be see as the number of youth-on-youth sexual harassment allegations tripled since last year and the substantiations of sexual harassment also increased, a sign that sexual harassment is being properly trained, understood, reported and substantiated when it has occurred. This has produced improvements in the accuracy of reporting and effective intervention.

In review of these cases, it appeared that facility staff were receiving training, screening employment applications, and enforcing the PREA juvenile standards. Recommendations for improving prevention include ensuring staff are following guidelines related to line of sight of youth; youth to youth boundaries; and monitoring for grooming behaviors. MDHHS continues to recommend that facility leadership practice vigorous supervision of staff and intervene quickly when it appears that a staff person is not maintaining professional boundaries.

Conclusion

MDHHS is committed to working with our federal, state and local partners to reduce and eliminate sexual abuse and sexual harassment in our juvenile justice residential facilities. The agency works diligently to engage facilities, obtain and provide technical assistance. A full listing of the juvenile standards can be found online at the [National PREA Resource Center](#) website.