

ASSESSMENT ADDRESSING SEXUAL ABUSE



**MINNESOTA DEPARTMENT OF
CORRECTIONS**

JULY 1, 2014

Sexual Abuse Annual Assessment

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ADDRESSING SEXUAL ABUSE

Pursuant to standard §115.88 of the Prison Rape Elimination Act (PREA), the Minnesota Department of Corrections (DOC) is required to:

1. Aggregate incident-based sexual abuse data annually from publicly and privately operated facilities.
2. Use the data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by:
 - a. Identifying problem areas;
 - b. Tracking corrective action on an on-going basis; and
 - c. Prepare an annual report of its findings.
3. Compare the current year's data and corrective actions with those from the prior years and provide an assessment of the agency's progress in addressing sexual abuse.
4. Publish the annual report on the DOC website of its findings and corrective actions for each facility, as well as the agency as a whole.

1. DEFINITIONS:

Sexual Abuse Definitions:

Sexual abuse is categorized into two areas of sexual violence. These reflect the definitions provided on the Survey of Sexual Violence by the U.S Department of Justice, Bureau of Justice Statistics.

A. Offender-on-Offender Non-Consensual Sexual Acts:

Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;

OR

- Contact between the mouth and the penis, vagina, or anus;

OR

- Penetration of the anal or genital opening of another person by hand, finger or other object.

B. Offender-on-Offender Abusive Sexual Contacts:

Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person;
- Excludes incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit.

C. Staff Sexual Misconduct:

This definition is provided by the National Institute of Corrections. Staff Sexual Misconduct includes behaviors or acts of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor or other agency representatives, excluding an offender's family, friends or visitors. Sexual relationships of a romantic nature between an offender and a staff are included in this definition:

Consensual or non-consensual sexual acts include:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, gratify sexual desire;
OR
- Completed, attempted, threatened, or requested sexual acts;
OR
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratifications.

Disposition Definitions:

- A. **Substantiated:** The event was investigated and determined to have occurred.
- B. **Unsubstantiated:** Evidence was insufficient to make a final determination that the event occurred.
- C. **Unfounded:** The event was determined not to have occurred.
- D. **Investigation ongoing:** A final determination has not yet been made as to whether the event occurred.

2. AGGREGATE DATA:

During calendar year 2012, the DOC collected the referrals for investigations into allegations of offender-on-offender and staff-on-offender sexual abuse. All allegations are investigated. The data, with dispositions, is broken down as follows:

2012 Offender on Offender Non-consensual Sexual Acts

1) Number Reported	21
2) Dispositions:	
Substantiated:	1
Unsubstantiated:	13
Unfounded:	7

2012 Offender on Offender Abusive Sexual Contacts

1) Number Reported	1
2) Dispositions:	
Substantiated:	0
Unsubstantiated:	1
Unfounded:	0

2012 Staff Sexual Misconduct

1) Number Reported	13
2) Dispositions:	
Substantiated:	3
Unsubstantiated:	6
Unfounded:	4

Where the act violated Minnesota Criminal Statute, the investigation was referred for prosecution. There may have been administrative sanctions imposed where a case was substantiated. Unfounded cases would carry administrative sanctions only if the investigation revealed someone knowingly falsified a written or oral statement with the intent to mislead or misrepresent a fact, or if it was made with malicious intent.

3. ANALYSIS:

There is one key issue inhibiting an analysis for this initial report:

The standards of PREA were not finalized until August 20, 2012. Before then, the efforts made to satisfy what now is required by PREA were not complete and specific to standard language currently written. Further, because the standards were not effective until August 2012, there was no formal requirement to analyze the data by which we would be required to compare (i.e., 2011 data). As a result, there would be no corrective action or efforts toward PREA compliance with the final standards whereby the agency could effectively analyze the data from 2011 for an “apples to apples” comparison. The comparison would be better compared between 2012 and 2013 data. Due to the delay in the 2013 Department of Justice release of the revised version of the reporting tool, the 2013 data has yet to be collected.

The DOC is, in good faith, reporting the data and making available the agency’s efforts toward compliance with the PREA standards. The end result is to move the DOC toward a safer place to live and work.

Pro-Active/Corrective action:

- A. The DOC has implemented a number of training and education tools. Upon intake and transfer, all offenders are receiving information on their rights to be free from sexual abuse while incarcerated. Included is information on how/where to report and the availability of assistance from local advocacy centers and the agency’s behavioral health and medical staff. Offenders have a video and pamphlets. They also receive in-person information at their Reception and Orientation education. Information and telephone numbers are posted in the facilities for reminders. Some facilities continually play the orientation video over the facility’s internal television access.
- B. The agency conducts intake screenings on all offender intakes and transfers, and those returning from court appearances. The screenings allow for a private conversation with competent medical staff for reporting any past abuse. The screening provides information to other staff, on a need to know basis, as to an offender’s risk factors for vulnerability or likely abusiveness. The factors assessed are listed in the PREA standards.
- C. All staff have mandatory training to understand the final PREA standards and their responsibilities in prevention, detection and response to sexual abuse and harassment. All staff, volunteers and contractors receive training; however, contractor and volunteer training is determined by the level of offender supervision required. Although portions of the PREA standards were already being covered in the new staff academy, a specific PREA training component is now being implemented in the academy. All staff, volunteers and contractors must have PREA training, prior to any contact with offenders.
- D. Policies and discipline regulations have been updated to reflect the PREA requirements. Both offenders and staff accountability for sexual abuse and harassment are outlined.

- E. A Sexual Safety Assessment was completed at the Minnesota Correctional Facility-Shakopee. The results are being used to build programs and educational components to assist in changing the views of sexual abuse in female prisons, and building healthier relationships.
- F. The agency is developing a database system to track the care of victims and the management of abusers. This system will allow for a continuity of care for both victim and abusers.
- G. All Investigators, Health Services/Behavioral Health staff have received specialized training in working with victims of sexual abuse.

Given the allegations that have been investigated and responded to, there has been no compelling corrective action. There continue to be reviews and updates needed as the DOC moves toward total compliance with the PREA standards. The efforts listed above will continue in 2014-2015, along with any other corrective action necessary.

The first round of audits is scheduled to begin in August 2014.

4. SUMMARY:

The DOC has taken steps in its efforts to comply with PREA and prevent prison sexual abuse, as well as effectively responding to the reports of abuse.

Although similar data is not available to compare for this initial report, the most current reported data is contained here. Given when the final PREA standards were posted and the availability of similar data to compare, this report provides the basis for future reports, with comparative analysis.

The DOC is committed to being in full compliance with all governmental requirements outlining conditions of confinement. The agency is equally committed to professional development opportunities for the agency's employees. The agency's commitment to offenders and staff will continue to be a driving force moving forward in addressing prison sexual abuse.