



*MINNESOTA DEPARTMENT OF
CORRECTIONS*

**ASSESSMENT
ADDRESSING SEXUAL ABUSE**

October 9, 2015

Sexual Abuse Annual Assessment

Minnesota Department of Corrections

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ADDRESSING SEXUAL ABUSE

Pursuant to standard §115.88 of the Prison Rape Elimination Act (PREA), the Minnesota Department of Corrections (MN 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. Preparing an annual report of its findings.
3. Compare the current year's data and corrective actions with those from the prior year and provide an assessment of the agency's progress in addressing sexual abuse.
4. Publish the annual report on the MN DOC website, including 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 2014, the MN DOC collected the referrals for investigations into allegations of offender-on-offender and staff-on-offender sexual abuse. All allegations are investigated. Comparative data, with dispositions, is broken down as follows:

2014 Offender-on-Offender Non-consensual Sexual Acts:

1) Number Reported:	30
2) Disposition:	
Substantiated:	0
Unsubstantiated:	14
Unfounded:	16

2013 Data:

Number Reported:	25
Dispositions:	
Substantiated:	1
Unsubstantiated:	19
Unfounded:	5

2014 Offender-on-Offender Abusive Sexual Contacts:

- 1) **Number Reported:** 6
- 2) **Disposition:**
 - Substantiated: 0
 - Unsubstantiated: 6
 - Unfounded: 0

2013 Data:

- Number Reported:** 5
- Disposition:**
 - Substantiated: 0
 - Unsubstantiated: 4
 - Unfounded: 1

2014 Staff Sexual Misconduct:

- 1) **Number Reported:** 12
- 2) **Disposition:**
 - Substantiated: 1
 - Unsubstantiated: 9
 - Unfounded: 2

2013 Data:

- Number Reported:** 11
- Disposition:**
 - Substantiated: 2
 - Unsubstantiated: 2
 - Unfounded: 7

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:

The reported data is not significantly different than the previous year. Unsubstantiated investigations are generally due to late reports. The majority of reported non-consensual sexual acts are received at the intake screening. These delayed reports often span years. The agency does investigate all allegations, regardless of time interval. Although criminal prosecution may not be possible, identification of possible predators and targets remains paramount.

If allegations are unfounded and the investigation indicates a malicious intent, the complainant would be held accountable. A portion the of the unfounded investigations in 2014 was due, in part, to a misunderstanding of what constitutes sexual abuse. Education continues to assure the information remains available. The goal is to reduce unfounded allegations due to confusion or misinterpretation.

The MN 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 MN DOC toward a safer place to live and work.

Pro-Active/Corrective Action:

- A) The MN DOC continues using 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. Information is included 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, transfers, and those returning from court appearances. The screenings allow for a private conversation with competent medical staff to report 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 training to understand the PREA Standards and their responsibilities in prevention, detection and response to sexual abuse and harassment. All staff, volunteers and contractors receive training. A specific PREA training component has been implemented in the staff orientation academy. All staff, volunteers and contractors must have PREA training, prior to any contact with offenders.
- D) Policies and discipline regulations reflect the PREA requirements. Both offender and staff accountability for sexual abuse and harassment are outlined.
- E) A Sexual Safety Assessment will be completed at the Minnesota Correctional Facility-Stillwater. Results will be used to build programs and educational components to assist in changing the views of sexual abuse in prisons.
- 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 victims and abusers.
- G) All investigators and Health Services/Behavioral Health staff have received specialized training in working with victims of sexual abuse.

Given the investigated allegations and responses, there has been no compelling corrective action. Ongoing, proactive efforts are being conducted to reduce the number of unsubstantiated allegations and facilitate timelier reporting. Education materials explaining how to report sexual abuse and harassment are available at intake and transfer, and posted in the institutions. Investigators have received training on trauma and victim-centered investigation.

There continue to be reviews and updates as needed as the agency moves toward total compliance with the PREA Standards. The efforts listed above will continue in 2015-2016, along with any other corrective action necessary.

Audits conducted by a Department of Justice-certified auditor have found 6 of the 10 state correctional facilities to be in full compliance with the Federal PREA Standards. The final four facility audits will be conducted in early 2016.

4. SUMMARY:

The MN DOC continues taking steps in improving its efforts to comply with PREA and prevent prison sexual abuse, as well as effectively respond to reports of abuse. Allegations have not significantly increased, as one would expect when awareness increases through the continual delivery of a consistent message. Efforts to reduce unsubstantiated and unfounded allegations are continuing.

The MN 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 as we move forward in addressing prison sexual abuse.