



*MINNESOTA DEPARTMENT OF
CORRECTIONS*

**ASSESSMENT
ADDRESSING SEXUAL ABUSE**

November 1, 2016

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. 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 MNDOC 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 provided 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 2015, the MN DOC collected the referrals for investigations into allegations of offender-on-offender and staff-on-offender sexual abuse from the state run facilities. All allegations are investigated. Comparative data, with dispositions, is broken down as follows:

2015 Offender on Offender Non-consensual Sexual Acts:

1) Number Reported	22
2) Disposition	
Substantiated:	0
Unsubstantiated:	13
Unfounded:	7
Ongoing at reporting:	2

2014 Data:

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

2013 Data

1) Reported	25
2) Dispositions:	
Substantiated:	1
Unsubstantiated:	19
Unfounded:	5

2015 Offender on Offender Abusive Sexual Contacts:

1) Number Reported	6
2) Disposition	
Substantiated:	0
Unsubstantiated:	5
Unfounded:	1

2014 Data:

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

2013 Data

1) Number Reported:	5
2) Disposition:	
Substantiated:	
Unsubstantiated:	4
Unfounded:	1

2015 Staff Sexual Misconduct:

1) Number Reported:	23
2) Disposition:	
Substantiated:	1
Unsubstantiated:	10
Unfounded:	12

2014 Data

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 different, from past years, for the total of Staff Sexual Misconduct; however, the unfounded dispositions constitute the majority of the allegations. The number of unfounded allegations is relatively consistent with the previous year. The unfounded allegations, most often, involve a misunderstanding surrounding proper pat searches. The unsubstantiated allegations are in line with previous years' summary data. The agency continues to work toward zero tolerance through readily available education, policy and training.

The incidents of Offender on Offender non-consensual sexual acts and abusive sexual contacts remain comparable to the previous years. These allegations are still resulting in a number of unsubstantiated allegations. As with previous year data, the unsubstantiated allegations are generally the result of late reports. Although the agency remains attentive to fostering a positive reporting environment, the totality of the summary data continues to be a small percentage of the total offender population.

If allegations are unfounded, and the investigation indicates a malicious intent, the complainant would be held accountable. Education continues to assure the information remains available. Last year's goal was to reduce unfounded allegations due to confusion or misinterpretation. The agency changed the offender education material. The video suggested by the PREA Resource Center has been used since July, 2016. This comes with a detailed facilitator's guide to assist with the offender's understanding of PREA, lawful reporting and their rights to be free from sexual abuse while in confinement.

The MN DOC is, in good faith, reporting the data and making available the agency's efforts toward compliance with the PREA Standards. Although there has not been specific corrective action, per allegation, each facility reviews all allegations for areas of improvement. The PREA Coordinator will continue to monitor these reviews for improvement suggestions. The end result is to move the MN DOC toward a safer place to live and work.

Continued Pro-Active/Corrective action:

- A) The MN DOC continues 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. Offender video and information used in the offender's Reception and Orientation is suggested by the PREA resource center. Information and telephone numbers are posted in the facilities for reminders.
- 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 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. Timely, private follow-ups are conducted to assist in a safe and secure environment.

- 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 pre-service academy. The agency has developed victim response training for staff. The agency continues initiatives to foster a safe and secure environment, while working toward transition from confinement.
- D) Policies and Discipline regulations reflect the PREA requirements. Both offenders and staff accountability for sexual abuse and harassment are outlined.
- E) A Sexual Safety Assessment was completed at MCF/STW. The results provided recommendations on additional steps for achieving sexual safety. Plans are being developed to include recommendations in moving toward zero tolerance.
- F) The agency's new database system has provided for tracking the care of victims and the management of abusers. The information is available for the designated Sexual Abuse Response Team members. This provides an efficient way for management to monitor progress on and response to an allegation.
- G) All new Investigators, Health Services/Behavioral Health staff continue to receive specialized training in working with victims of sexual abuse.

Ongoing, proactive efforts are being done to reduce the number of unsubstantiated allegations and facilitate timelier reporting. The new staff training is aimed at ongoing efforts to create an environment of reporting. Offender education materials are intended to facilitate the acceptance of reporting in a confinement environment.

Audits conducted by a Department of Justice certified auditor have found all the facilities under the Department of Corrections in full compliance with the PREA Standards. Efforts continue to assure continued compliance.

4. SUMMARY:

The MN DOC continues taking steps in improving its efforts in complying with PREA and preventing prison sexual abuse, as well as effectively responding to the reports of abuse. The area of increased allegations has been due, in part, to a lack of understanding as to the application of searches. The continual delivery education and training is in place to assure an understanding of security procedures necessary for a secure living and working environment. Efforts to reduce unsubstantiated allegations continue.

The MN DOC has been found in full compliance with all PREA requirements outlining conditions of confinement. The agency maintains a commitment of professional development opportunities for all employees, contractors and volunteers. The agency's commitment to offenders and staff will continue to be a driving force as we move forward in addressing prison sexual abuse.