

Hennepin County Department of Community Corrections and Rehabilitation: 2018 Annual Prison Rape Elimination Act Report

Purpose

The Prison Rape Elimination Act (PREA) of 2003 was enacted to address sexual abuse, sexual assault and sexual harassment in confinement facilities. The goal of PREA is to prevent, detect and respond to sexual abuse in confinement facilities. The Hennepin County Department of Community Corrections (DOCCR) supports all efforts to detect, report, investigate, and offer victim support services in an effort to prevent sexual assault, sexual abuse and sexual harassment. DOCCR began implementing the PREA Standards in 2012 when the standards were finalized.

This document serves as an annual review to assess and improve the effectiveness of the sexual abuse prevention, detection, and response of the Hennepin County Department of Community Corrections and Rehabilitation to national PREA Standards 115.88 and 115.89. These standards require the department to:

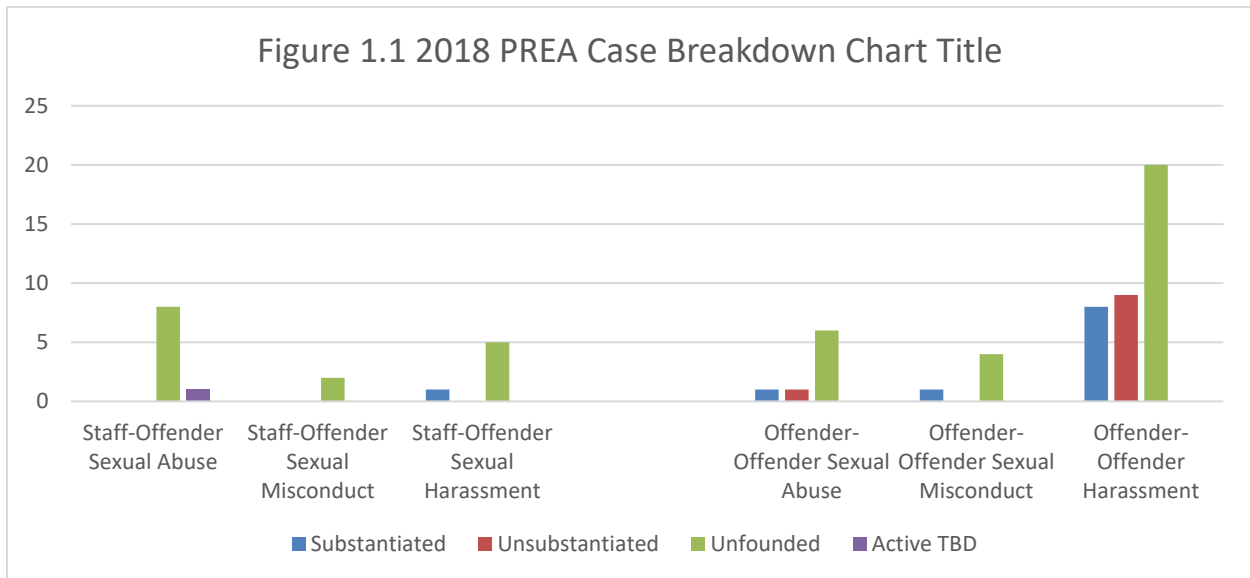
1. Review and aggregate incident-based sexual abuse data annually in order to improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training to include:
 - a. Identifying problem areas
 - b. Taking corrective action on an on-going basis; and
 - c. Preparing an annual report of its findings
2. Compare the current year's data and corrective actions with those from prior year's and provide an assessment of the agency's progress in addressing sexual abuse.
3. Publish the annual report on the DOCCR website with its findings and corrective actions for each facility and the agency as a whole.

Aggregated Data

The DOCCR collects data from the referrals for investigation of sexual abuse, sexual misconduct and sexual harassment; both offender-on-offender and staff on offender. The data listed in this section contains aggregated data as well as a comparison of the number of incidents reported between calendar year 2013 and calendar year 2018.

All allegations are entered and tracked through a secure electronic database by the DOCCR Office of Administrative Services-Professional Standards and Conduct (Investigations) Unit. The following graph shows a breakdown of the 2018 sexual abuse, sexual misconduct and sexual harassment data; staff-on-offender and offender-on-offender. This report is comprised of data from all DOCCR facilities to include: Juvenile Detention Center, County Home School and the Adult Corrections Facility (Figure 1.1).

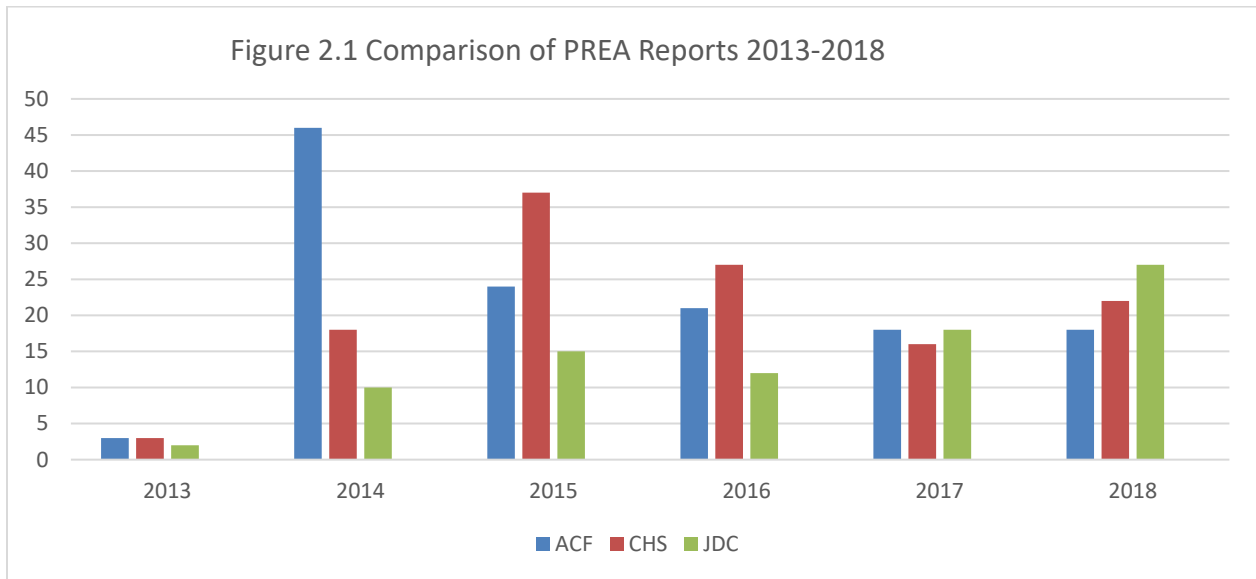
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Comparative Data Analysis

The following graph (Figure 2.1) represents a comparison between CY 2013 through CY 2018 agency reports of sexual abuse, sexual misconduct and sexual harassment. The agency had not fully centralized the Professional Standards and Conduct Unit (Investigation) in 2013 so the data gathered for that year is incomplete. The totals in the graph are reports received, regardless of their case dispositions. In CY 2013, the agency institution total was 8, the 2014 total was 74 incidents, the 2015 total was 76, the 2016 total was 67 and the 2017 total was 52 incidents. In 2018, 67 sexual abuse, sexual misconduct and sexual harassment incidents were reported. One of the 67 incidents was determined to be substantiated 'Offender on Offender Sexual Abuse', one was unsubstantiated 'Offender on Offender' sexual abuse, one was a substantiated sexual misconduct incident, eight were substantiated 'Offender on Offender' sexual harassment and nine were unsubstantiated sexual harassment. The substantiated and unsubstantiated incidents were reviewed by the DOCCR Incident Review Team per policy. In addition to the 67 incidents of sexual abuse, sexual misconduct and sexual harassment incidents reported, there were 4 strip search incidents reported: 2 were exonerated, 1 was unfounded and 1 is still active. There was also a pat search incident reported, however, the incident investigation designated the incident as exonerated. There were also three Contractor on Offender incidents reported; two of these were unfounded and one incident was 'information gathering only'. The corrective actions that were identified are reported in the 'Corrective Action' section of this report.

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When aggregating the 2013-2014 data, a disproportionate breakdown of reports between facilities was noted. There seem to be a large number of reports generated from the Adult Corrections Facility and a smaller number from the Juvenile Detention Center and County Home School. The increase in the total reports was attributed to the fact that the agency had not fully centralized the Professional Standards and Conduct Unit (Investigation) in 2013 so the data gathered for that year is incomplete.

Since its full implementation, the Professional Standards and Conduct Unit is viewed by the staff and residents as a professional and impartial unit. As a result, staff and residents are comfortable communicating their concerns. This, in part, may explain some of the increase in reported incidents in 2014 and 2015. Also, in 2014, each institution implemented the PREA Resident Orientation. Any increase in incidents reported could be attributed to the fact that staff and residents were better informed on what to report, the multiple methods of reporting and timeliness of reporting.

The 2015 data shows an increase of only two incidents over the 2014 data across all three institutions. The Juvenile Detention Center had a slight increase in reporting incidents in the Juvenile Detention Center. This increase was due, in part, to more frequent reporting of sexual harassment incidents most of which were determined to be 'unfounded'. The County Home School had a significant increase in reporting of 'resident on resident' incidents, the majority of which were determined to be 'unfounded'. The Adult Corrections Facility reported significantly fewer incidents. At least 10 of the 24 incidents reported at the Adult Corrections Facility were determined 'unfounded' or staff were 'exonerated' at the conclusion of the investigation. The Adult Corrections Facility has a heightened level of awareness throughout the facility that may account for the dramatic decrease in the number of PREA-related reports in 2015.

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2016 PREA data shows a decline in PREA incidents in each of the Institutions. The majority of the incidents reported were 'Offender-on-Offender' incidents most of which were designated as sexual abuse, sexual misconduct or sexual harassment unsubstantiated or unfounded. The 'Offender-on-Offender' sexual abuse incidents designated as either substantiated or unsubstantiated incidents has decreased slightly as compared to 2015 data. All of the 'Staff on Offender' incidents reported were designated as unfounded, exonerated or information gathering only. 'Staff-on-Offender' incidents showed a decrease compared to 2015 data.

2017 PREA data shows a decline in the number of PREA incidents in two of the Institutions. All of the reported 'Staff on Offender' sexual abuse, sexual misconduct and sexual harassment incidents reviewed were determined to be 'unfounded'. The majority of 'Offender-on-Offender' sexual abuse or sexual misconduct incidents were designated as unfounded.

2018 shows a slight overall decline in sexual abuse and sexual misconduct incidents. Sexual harassment incidents reported at the two juvenile institutions increased since 2017. However, the majority of these incidents were unfounded. Reports of sexual harassment incidents also increased at the Adult Correction's Facility as compared to previous years. The majority of these incidents were determined to be 'unfounded'.

The Adult Corrections Facility, County Home School and Juvenile Detention Center continue to work on and attribute the decline to several influences:

1. Through policy and procedure changes, staff are more aware of their role to proactively take preventative measures on each shift to deter and spot potential PREA issues, and then respond swiftly and appropriately when allegations surface.
2. Staff and residents are better educated about the intent and application of PREA law. Individuals within our organization have a better understanding of performance expectations and their role with regard to PREA law.
3. The DOCCR Office of Administrative Services-Professional Standards and Conduct Unit investigators promptly, thoroughly, and impartially investigate allegations and communicate verdicts to parties effected.
4. Residents fully understand that the facility swiftly enforces its 'Zero Tolerance' policy through the internal discipline process.

The Department of Community Corrections and Rehabilitation (DOCCR) has continued a firm commitment to ensuring that strategies to prevent, detect and respond to sexual abuse and harassment. In 2015, the department developed a 'blended learning' *PREA Boundaries Refresher* training for staff. This training included scenarios that staff might encounter in their daily interactions with residents. DOCCR continues to reinforce professional and ethical behaviors throughout our institutions and field operations. The culture of PREA and therefore, 'zero tolerance' is ever present throughout our department.

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Corrective Actions

The DOCCR continues to implement the requirements of the PREA standards in order to address allegations of sexual abuse, sexual misconduct and sexual harassment of offenders. DOCCR Leadership is committed to the on-going monitoring and corrective action to ensure full PREA compliance. DOCCR has achieved full PREA compliance in the Juvenile Detention Center in 2014 and again in 2017. The Adult Corrections Facility and the County Home School achieved full PREA compliance in 2015 and again in 2018. As an agency, DOCCR has been committed to creating a culture of PREA department-wide.

The following are corrective actions completed by each DOCCR correctional facility:

Adult Corrections Facility

- No corrective actions were identified.

County Home School

- Anytime there is a PREA allegation, County Home School managers/supervisors conduct follow-up conversations with staff and residents.

Juvenile Detention Center

- No corrective actions were identified.

The Hennepin County Department of Community Corrections and Rehabilitation is committed to a culture of Zero Tolerance of sexual abuse and sexual harassment and continues to reinforce the requirements of the PREA Standards. All three DOCCR Institutions are fully PREA compliant. Juvenile Detention Center recently achieved full PREA compliance during the second round of the PREA Audit in 2017. The Adult Corrections Facility and the County Home School are also completed a second round of PREA Audits in 2018 and achieved full PREA compliance. DOCCR has sustained PREA compliance beginning in 2013 and extending through 2018 which is a testament to the department's commitment to the highest level of sexual safety.



Catherine Johnson, Department Director
Department of Community Corrections and Rehabilitation
300 South Sixth Street
Minneapolis, MN 55415

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Date