

DIVISION OF JUVENILE CORRECTIONS

Prison Rape Elimination Act (PREA) 2015 Annual Report



April 2017

Office of the Secretary
PREA Office

State of Wisconsin
Department of Corrections

WISCONSIN DEPARTMENT OF CORRECTIONS

PREA:

2015 Annual Report

Division of Juvenile Corrections

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State of Wisconsin

Department of Corrections

INTRODUCTION

The Wisconsin Department of Corrections (WIDOC or Department) has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. Wisconsin is committed to preventing, detecting and responding to sexual abuse and sexual harassment. This report is an overview of aggregated data; facility and agency achievements; and corrective action within the Department and Division of Juvenile Corrections as it pertains to the Prison Rape Elimination Act (PREA).

BACKGROUND

The Prison Rape Elimination Act was signed into law in 2003 after unanimous support from Congress. PREA was the first federal law to address sexual abuse in confinement facilities. The law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment in confinement.

The federal PREA standards were published on June 20, 2012, and became effective on August 20, 2012. The standards address sexual abuse and sexual harassment of inmates and youth perpetrated by other inmates or youth or staff, contractors or volunteers. There are four sets of standards which encompass adult prisons and jails, lockups, juvenile facilities, and community confinement facilities.

PURPOSE

The Prison Rape Elimination Act requires that each agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency shall, then, aggregate the incident-based sexual abuse data at least annually [§115.387(a)(b)]. In addition to the required data, WIDOC compiles data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for each facility and the agency;
- Describe corrective action taken on an ongoing basis for each facility and the agency;
- Compare the current year's data and corrective actions to previous year(s); and
- Assess the facility and agency's progress in addressing sexual abuse and sexual harassment.

DEFINITIONS

YOUTH ON YOUTH SEXUAL ABUSE

Sexual abuse of a youth by another youth includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

YOUTH ON YOUTH HARASSMENT

Sexual harassment includes:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

STAFF, CONTRACTOR OR VOLUNTEER ON YOUTH SEXUAL ABUSE

Sexual abuse of a youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the youth:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

DEFINITIONS

- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a youth; and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a youth by staff for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her cell to perform bodily functions; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

STAFF, CONTRACTOR OR VOLUNTEER ON YOUTH SEXUAL HARASSMENT

Sexual harassment includes:

Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

DEFINITIONS | CASE DISPOSITIONS

SUBSTANTIATED

An allegation that was investigated and determined to have occurred.

UNSUBSTANTIATED

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

UNFOUNDED

An allegation that was investigated and determined not to have occurred.

OTHER

An allegation in which the case is still under investigation and no disposition has been assigned or the allegation did not fall under the definitions of sexual abuse or sexual harassment, as defined by PREA.

AGENCY ACHIEVEMENTS

The Wisconsin Department of Corrections has been working on preventing, detecting and responding to sexual abuse and sexual harassment in confinement for many years; long before the federal standards became effective. Since 2007, WIDOC has employed a full time PREA Director to coordinate and oversee the agency's implementation and compliance efforts. Additionally, each facility has a designated staff member who, in addition to their regular duties, is assigned as the PREA Compliance Manager and is responsible for the compliance efforts of the facility. Each facility has also designated a staff member who, in addition to their regular duties, is assigned as the PREA Victim Services Coordinator. The Victim Services Coordinator is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WIDOC and its PREA Office. For many years, WIDOC has educated staff, contractors and volunteers as well as outside stakeholders, including sexual assault service providers, law enforcement and prosecutors, on PREA and related policy application. The Department provides comprehensive education to inmates and youth on PREA, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods and support resources. Further, WIDOC has encouraged staff members to participate in the PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 23 staff members since the training's inception.

The Department has created multiple methods for staff, inmates and youth to report imminent harm and incidents of sexual abuse and sexual harassment; two of those methods include internal and external reporting hotlines. Following a report of sexual abuse, WIDOC has implemented coordinated response protocols, which includes supplying all facilities with evidence preservation kits, creating a database to house agency incident based data and collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with agency-wide and facility-based policies. Each related policy is rooted in an effort to prevent, detect and respond to incidents of sexual abuse and sexual harassment.

Finally, as both an affirmation of WIDOC's PREA compliance progress and acknowledgment of its room to grow, the Department implemented a system of internal mock audits to prepare facilities for US Department of Justice/PREA Resource Center audits.

2015 ACHIEVEMENTS

In 2015, Wisconsin Department of Corrections continued to build upon implementation and compliance efforts.

The accomplishments of 2015 include:

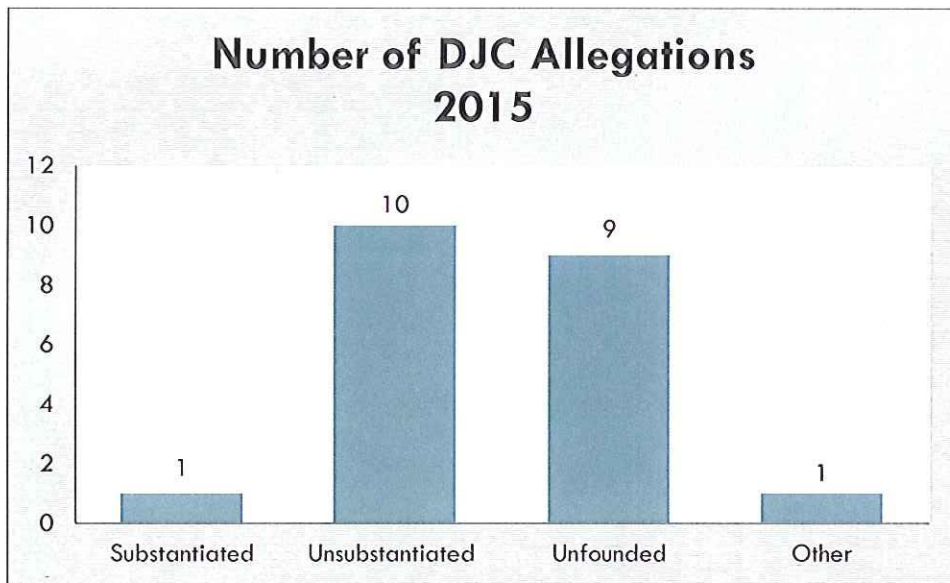
- Revised Executive Directive 72 [Sexual Abuse and Sexual Harassment in Confinement (PREA)];
- Regularly trained new employees, pre-service staff, agents, investigators and health service staff;
- Developed mandatory online training for all-staff;
- Revised inmate education to include a PREA video, inmate/youth handbook and facility-specific dialogue;
- Initiated a partnership with FORGE, a national transgender training and technical assistance organization;
- Continued participation on county-based sexual assault response teams;
- Facilitated sexual abuse emergency response workshops at various institutions;
- Fourteen staff members participated in PREA Resource Center Auditor Training;
- Hired a PREA Research Analyst-Advanced to lead data collection efforts, in addition to other PREA compliance activities;
- Analysis of research and preliminary development of a risk screening tool;
- Centralized training of PREA Compliance Managers;
- Regional cross-trainings of Victim Services Coordinators and local sexual assault service providers;
- Created a process to monitor and document inmate/youth reporters and victims of sexual abuse for retaliation;
- Partnered with an external agency to accept anonymous reports of sexual abuse and sexual harassment (this external reporting hotline compliments the internal reporting hotline);
- Hosted a Field Training Program cohort on behalf of the PREA Resource Center;
- Updated volunteer and contractor training materials;
- Convened a workgroup to develop an incident tracking database;
- Distributed local advocacy contact information to all inmates and youth;
- Reviewed facility staffing plans, in consultation with PREA Coordinator;
- Developed preliminary agency-advocate organization MOU language; and
- Audited 12 facilities.

DIVISION OF JUVENILE CORRECTIONS DATA

TOTAL ALLEGATIONS

In calendar year 2015 there were 21 allegations of sexual abuse or sexual harassment reported, as defined under PREA. The total number of allegations equates to:

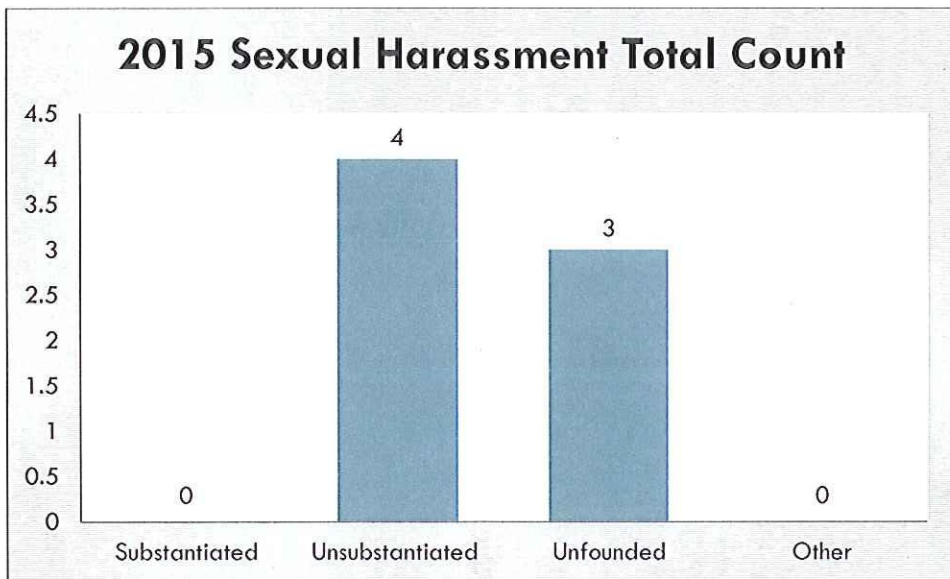
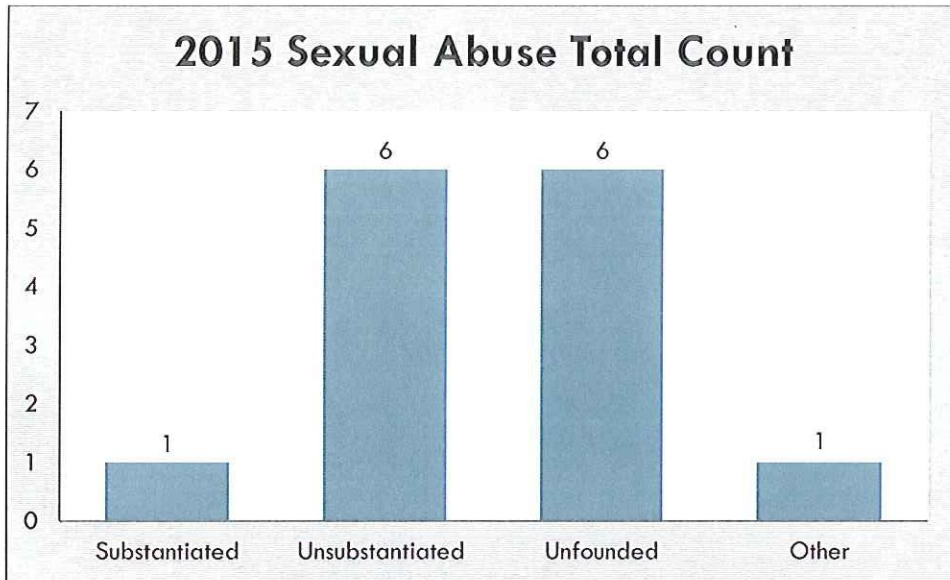
- 1 Substantiated case
- 10 Unsubstantiated cases
- 9 Unfounded cases
- 1 Other case



DIVISION OF JUVENILE CORRECTIONS DATA

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

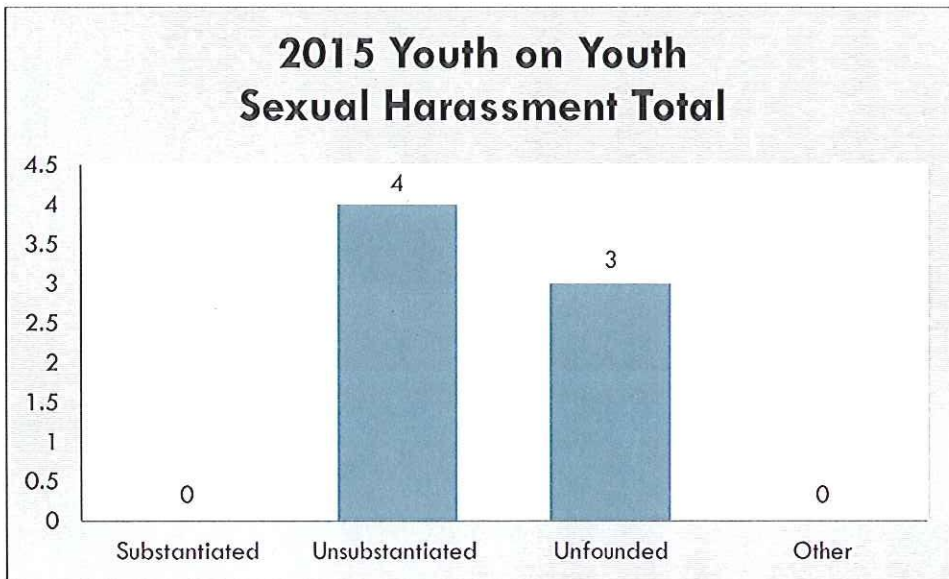
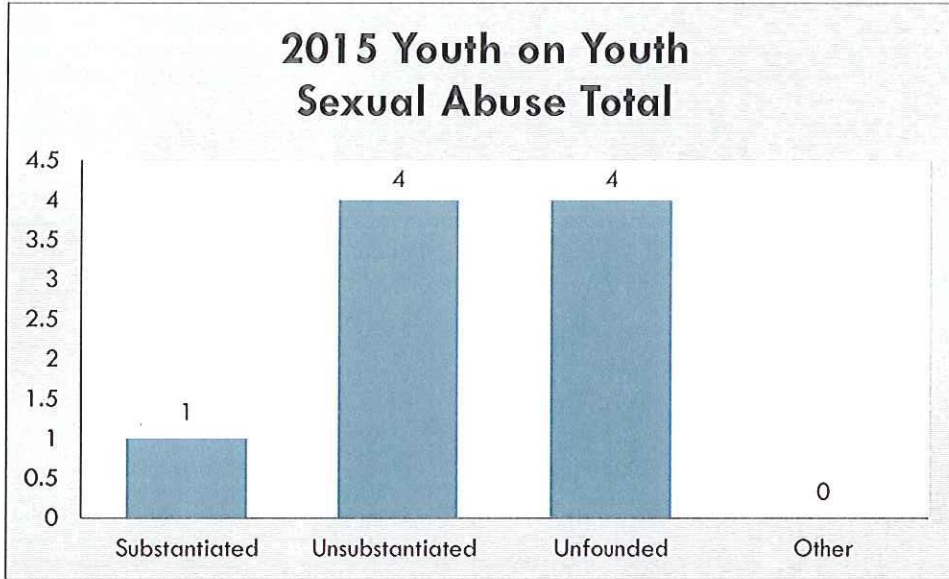
The following two charts illustrate 2015 data, which highlights, by disposition, the reported incidents of alleged sexual abuse and the reported incidents of alleged sexual harassment.



DIVISION OF JUVENILE CORRECTIONS DATA

YOUTH ON YOUTH SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

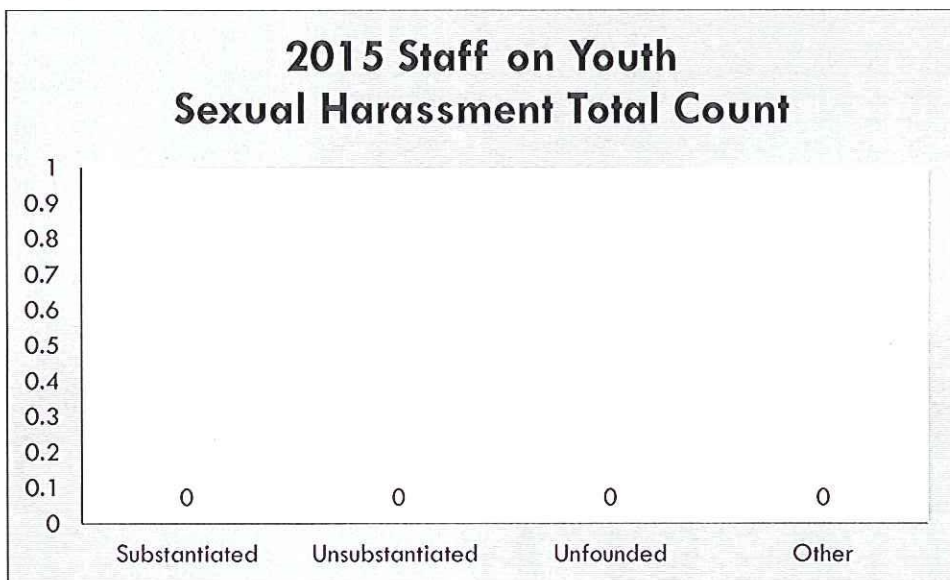
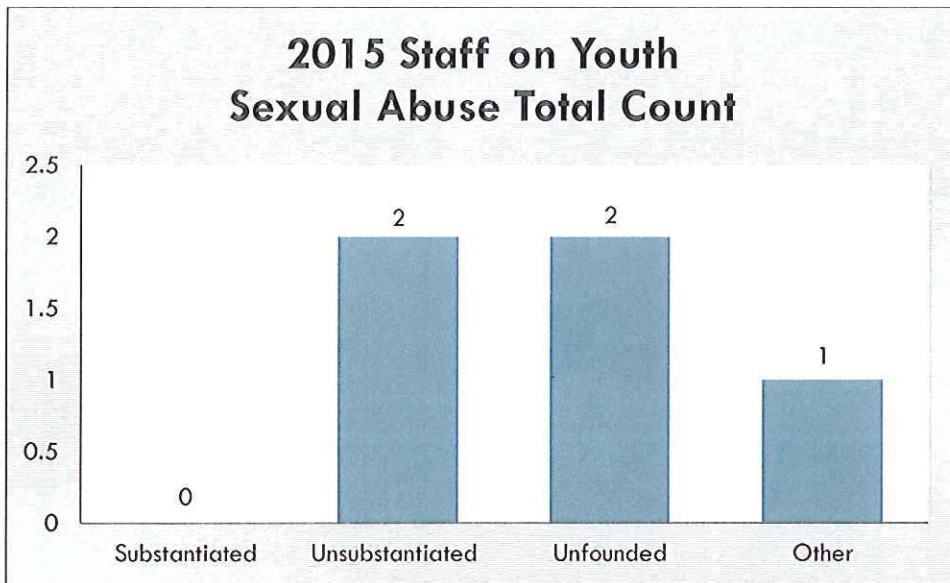
The following two charts illustrate 2015 data, which highlights, by disposition, the reported incidents of alleged youth on youth sexual abuse and youth on youth sexual harassment.



DIVISION OF JUVENILE CORRECTIONS DATA

STAFF, CONTRACTOR OR VOLUNTEER ON YOUTH SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

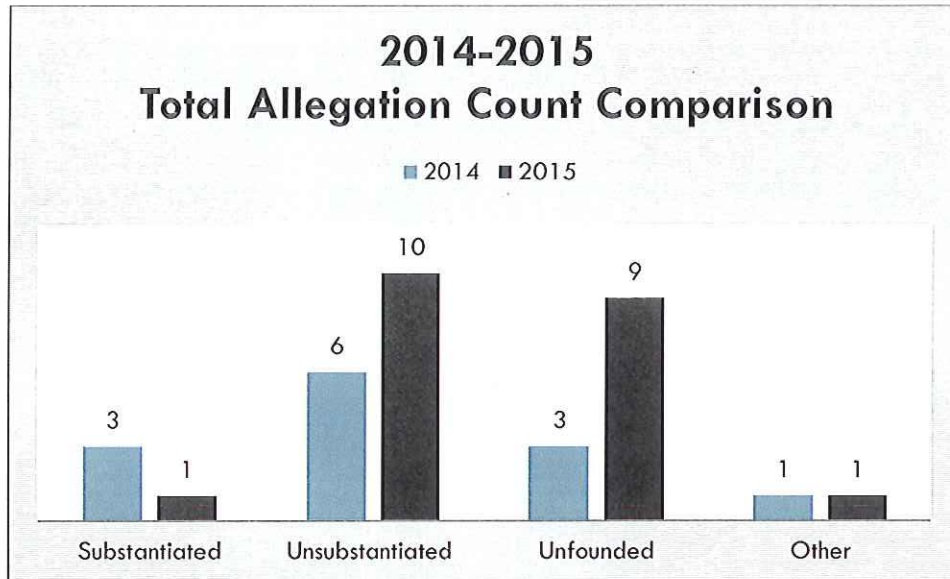
The following two charts illustrate 2015 data, which highlights, by disposition, the reported incidents of alleged staff, contractor or volunteer on youth sexual abuse and staff, contractor or volunteer on youth sexual harassment.



COMPARISON

2015 TO PREVIOUS YEAR ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

The following chart compares the total number of allegations, by disposition, of sexual abuse and sexual harassment from 2015 to previous year data¹



The changes made in each category (all allegations) are as follows:

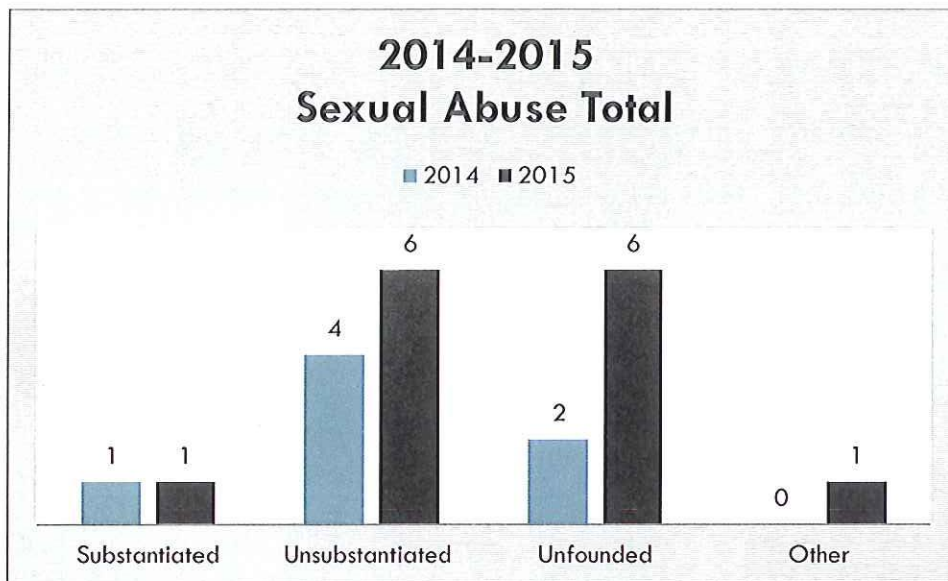
- Substantiated: -2
- Unsubstantiated: +4
- Unfounded: +6
- Other: 0

¹ Please note previous year data (total and by disposition) referenced in this report is slightly different than the figures published in the Wisconsin Department of Corrections, Division of Juvenile Corrections, Prison Rape Elimination Act, Annual Report, Calendar Year 2014. Ongoing investigations at 2014 year-end have since been closed; these allegations were moved from the "Other" category and given a proper disposition.

COMPARISON

2015 TO PREVIOUS YEAR ALLEGATIONS OF SEXUAL ABUSE

The following chart compares the total number of sexual abuse allegations, by disposition, from 2015 to previous year data.



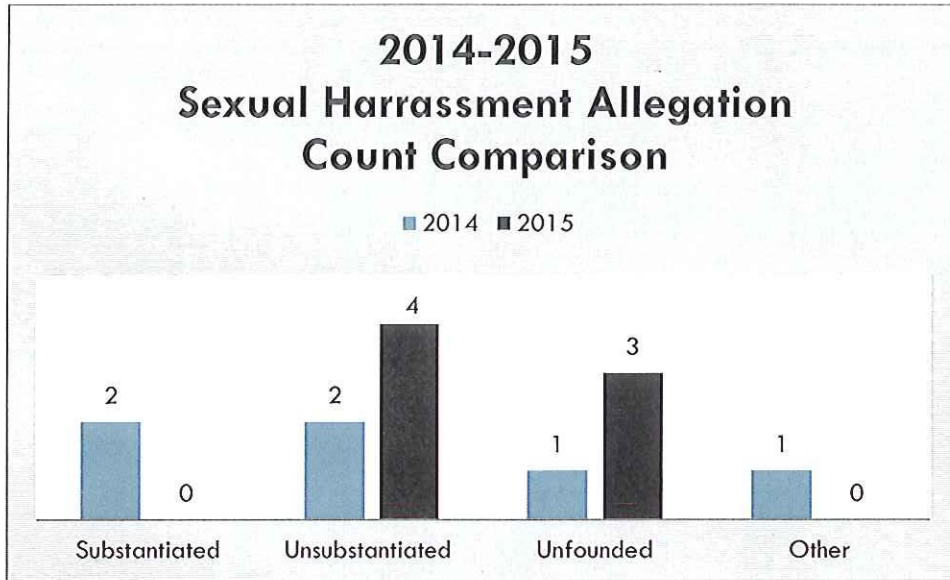
The changes made in each category (all allegations) are as follows:

- Substantiated: 0
- Unsubstantiated: +2
- Unfounded: -2
- Other: +1

COMPARISON

2015 TO PREVIOUS YEAR ALLEGATIONS OF SEXUAL HARASSMENT

The following chart compares the total number of sexual harassment allegations, by disposition, from 2015 to previous year data.



The changes made in each category (all allegations) are as follows:

- Substantiated: -2
- Unsubstantiated: +2
- Unfounded: +2
- Ongoing: -1

DISCUSSION

WIDOC hypothesizes that the increase in total allegations from 2014 to 2015 has less to do with actual increases in sexual abuse or sexual harassment incidents and more to do with enhanced youth education, more accessible reporting methods, timely and thorough investigations and improved supportive services. With increased awareness, feelings of fear or stigmatization towards reporting may slowly be decreasing, thus increasing the level of reporting. The small increase in allegations is a reflection of WIDOC's robust commitment to the Prison Rape Elimination Act and its evolving policies and procedures; it would not be a surprise to see this upward trend continue in the immediate future.

DIVISION OF JUVENILE CORRECTIONS DATA

VISION STATEMENT

The Division of Juvenile Corrections will reduce delinquent behavior and restore a sense of safety to victims and the community.

To achieve this vision we will build on our Mission Statement in the following ways:

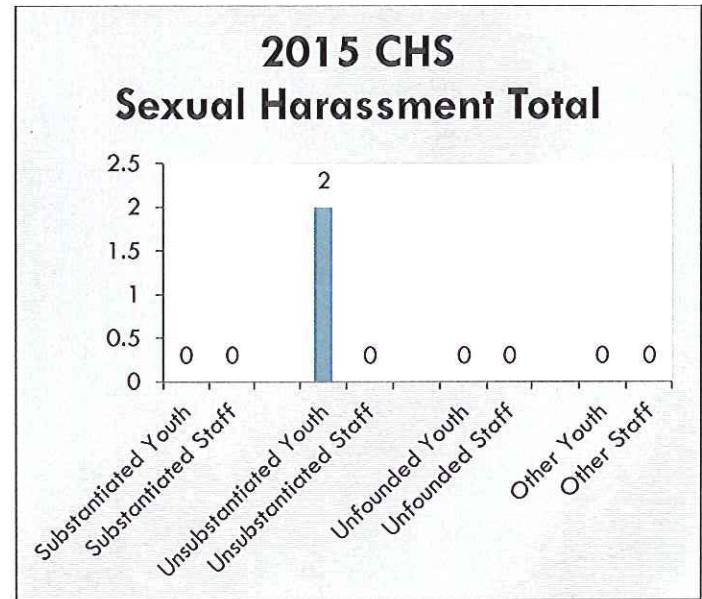
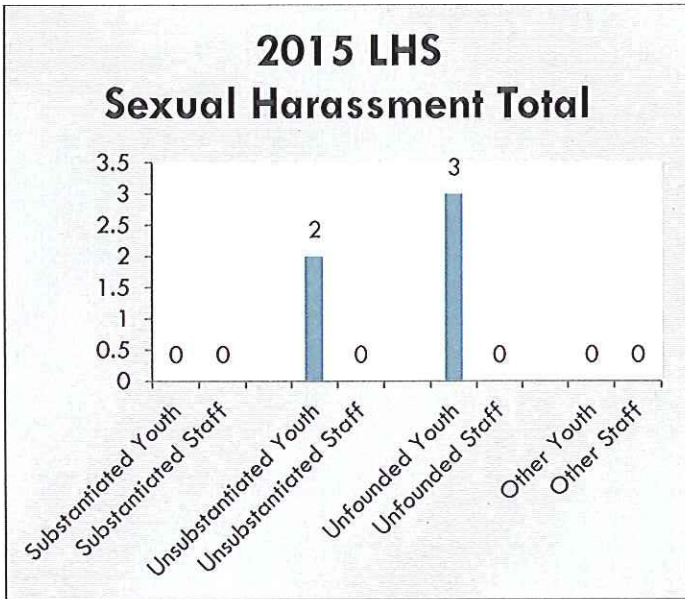
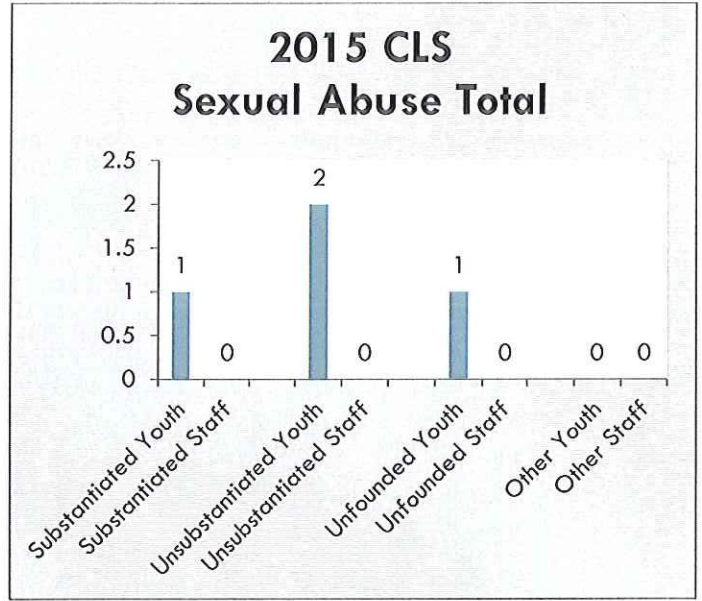
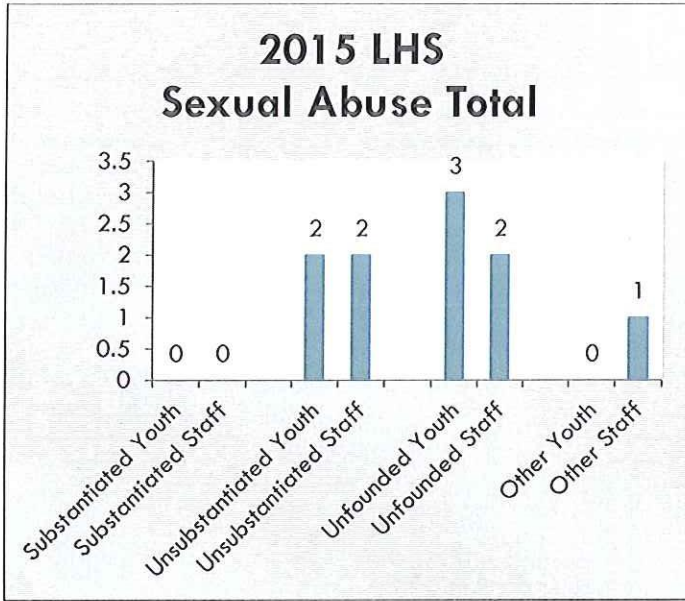
- Share ownership for justice through partnerships with the juvenile justice system and the community.
- Learn from the community and promote opportunities for the community to learn from us.
- Hold youth accountable by requiring them to contribute to the recovery of victims and the community.
- Work with the community to assist youth in becoming productive members in the community.
- Create a sense of community and mutual responsibility in the workplace.

The mission of the Division of Juvenile Corrections is to promote a juvenile justice system that balances protection of the community, youth accountability and competency building for responsible and productive community living.

The following charts show the total allegations from 2015 of youth on youth and staff, contractor or volunteer on youth sexual abuse and sexual harassment, shown by facility, type and disposition.

LINCOLN HILLS AND COPPER LAKE SCHOOLS DATA (LHS & CLS)

Lincoln Hills and Copper Lake Schools provides community protection and holds youth fully responsible for their behaviors while offering them skill-building opportunities that contribute to victim and community restoration.



Highlights of corrective action and achievements towards PREA compliance in 2015 for LHS and CLS were:

- Unannounced rounds conducted on each shift;
- Documentation of unannounced rounds;
- Updated background checks on all staff;

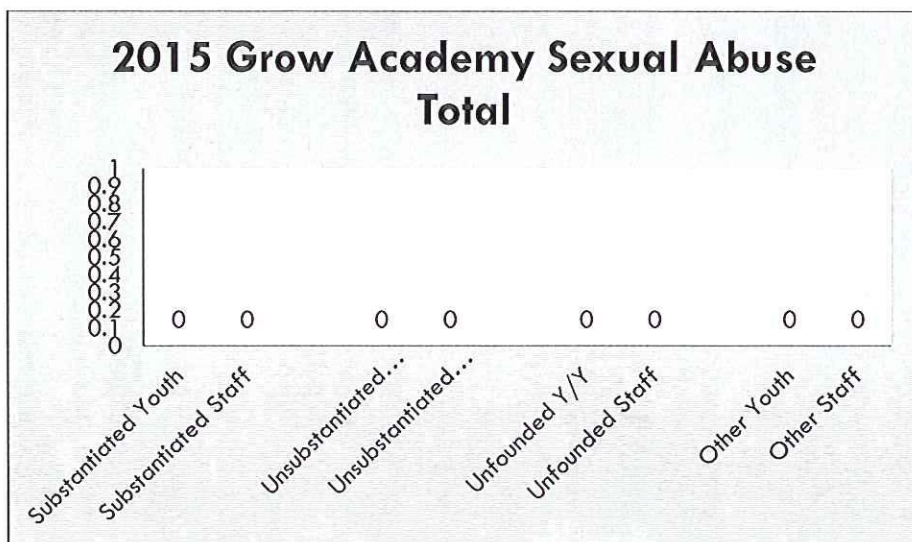
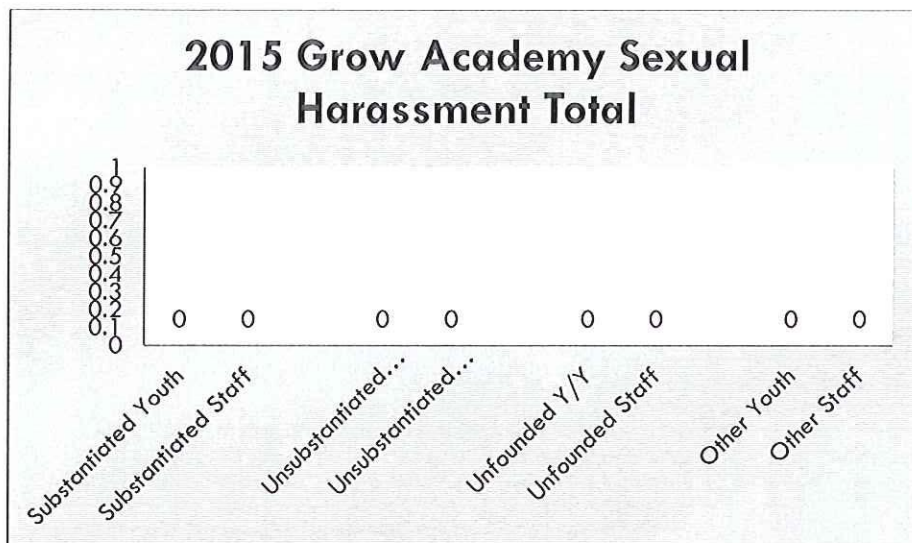
LINCOLN HILLS AND COPPER LAKE SCHOOLS (LHS & CLS) (CONTINUED)

- Revised volunteer and contractor education acknowledgment form and process;
- Improved documentation procedure of youth education sessions;
- Improved documentation procedure of medical and mental health training sessions;
- Modified risk screening tool to include gender responsive language;
- Screened all existing youth for risk of sexual abusiveness and victimization;
- Developed a risk screening and housing placement tracking system;
- Posted written education materials, which include an external reporting agency hotline;
- Implemented a sexual abuse incident review team;
- Audit conducted on June 15, 2015.

THE GROW ACADEMY

The Division of Juvenile Corrections (DJC) recognizes the expanding need for out of home placement for delinquent, high school credit deficient youth. The Grow Academy is designed to meet this need by offering an evidence-based, correctional program consisting of an agriculturally-based educational curriculum, community partnerships, and cognitive-behavioral treatment to reduce recidivism among youth.

As an alternative to juvenile incarceration, a direct county commitment, or for youth returning from a Juvenile Correctional placement, the Grow Academy will teach youth the skills to successfully reintegrate into and be productive members of their communities.



CONCLUSION

In 2015, the Wisconsin Department of Corrections made comprehensive strides towards meeting each PREA standard. The Department's summary of annual achievements (page 8) serves as evidence of this effort. Agency and facility solutions alike strengthened the foundation of compliance this year; all of which prepared the department for external PREA audits.

Looking forward, the Department anticipates building on this momentum by:

- Implementing a risk screening tool;
- Developing an integrated investigation tracking database;
- Formalizing facility and support service agency partnerships;
- Training additional investigators;
- Installing cross gender announcing systems in all facilities;
- Reviewing contracts for the confinement of offenders;
- Implementing a sight and sound separation solution for youthful inmates; and
- Completing facility audits by the close of the first PREA Audit Cycle.

These action items, in concert with the Wisconsin Department of Correction's commitment to zero tolerance will improve our ability to prevent, detect, and respond to sexual abuse and sexual harassment in our confinement facilities.



Jon E. Litscher
Secretary

Wisconsin Department of Corrections