

Wisconsin Department of Corrections Prison Rape Elimination Act 2020 Annual Report



DIVISION OF ADULT INSTITUTIONS
DIVISION OF JUVENILE CORRECTIONS



June 2021

Office of the Secretary
PREA Office

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State of Wisconsin
Department of Corrections

WISCONSIN DEPARTMENT OF CORRECTIONS
PREA: 2020 Annual Report

Division of Adult Institutions

Division of Juvenile Corrections

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INTRODUCTION

The State of Wisconsin is committed to preventing, detecting, and responding to sexual abuse and sexual harassment in confinement. The Wisconsin Department of Corrections (WI DOC or agency) has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. This report is an overview of agency and facility aggregated data, achievements, and corrective action 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 federal law created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of sexual abuse and sexual harassment of inmates and youth in confinement.

The federal PREA standards were published on June 20, 2012 and became effective on August 20, 2012. There are four sets of standards which provide direction for adult prisons and jails, lockups, juvenile facilities, and community confinement facilities. The prisons and jails standards apply to the agency's 36 adult facilities while the juvenile facilities standards apply to the agency's two youth 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 and review it in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. In addition to data pertaining to sexual abuse, WI DOC also compiles and publishes data pertaining to sexual harassment allegations.

This report is intended to:

- Identify any problem areas for the agency and facilities;
- Describe corrective action implemented by the agency and facilities;
- Compare the current year's sexual abuse and sexual harassment allegation data and corrective actions to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement¹.

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.

SEXUAL ABUSE

OFFENDER ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by another offender 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.

STAFF, CONTRACTOR, OR VOLUNTEER² ON OFFENDER SEXUAL ABUSE

Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

- 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 has the intent to abuse, arouse, or gratify sexual desire;
- 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 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 has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
- 8) Voyeurism by a staff member.

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

SEXUAL HARASSMENT

OFFENDER ON OFFENDER SEXUAL HARASSMENT

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

STAFF ON OFFENDER SEXUAL HARASSMENT

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

AGENCY AND FACILITY ACHIEVEMENTS

HISTORICAL

The Wisconsin Department of Corrections has been working to prevent, detect, and respond to sexual abuse and sexual harassment in confinement for many years. Since 2007, WI DOC has employed a full time PREA director to coordinate and oversee the agency's implementation and compliance efforts. To complement this effort, 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 facility-level compliance. Each facility also has a victim services coordinator who, in addition to their regular duties, is responsible for connecting victims to internal and external emotional support services and monitoring them for retaliation.

Training and technical assistance is fundamental to WI DOC and its PREA Office. For many years, WI DOC 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 agency provides comprehensive PREA education to inmates and youth, which includes the distribution of a handbook detailing their rights, strategies to stay safe, a description of reporting methods, and support resources. Further, WI DOC has encouraged staff members to participate in the National PREA Resource Center Auditor Trainings; the agency has sponsored the attendance of 31 staff members since the training's inception.

The agency has created multiple methods for staff and offenders 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, WI DOC has implemented coordinated response protocols, which includes maintaining evidence preservation kits, documenting in an integrated allegation and investigation tracking database, and

collaborating with outside sexual assault service providers to provide emotional support to victims. All protocols and procedures are consistent with the PREA standards. Each policy is rooted in an effort to prevent, detect, and respond to incidents of sexual abuse and sexual harassment and aligns with the agency's zero tolerance mission.

2020 ACHIEVEMENTS

In 2020, Wisconsin Department of Corrections continued to strengthen implementation and compliance efforts.

Agency accomplishments during 2020 include:

- Processed at least 790 sexual abuse and sexual harassment hotline calls;
- Updated posted inmate education materials to include updated report hotline dialing instructions;
- Trained 1,162 new employees, pre-service staff, youth counselors, agents, and health service staff;
- Received investigation-related technical assistance from the National PREA Resource Center;
- Published a sexual abuse and sexual harassment investigation manual;
- Trained investigators for the newly created Internal Affairs Office;
- Conducted one classroom-based investigator training for sergeants before the COVID-19 pandemic;
- Created a virtual investigations refresher training module and materials for a series of eight trainings scheduled in 2021;
- Published bi-annual *PREA PAGE* newsletters;
- Recorded virtual train-the-PREA-trainer content for WI DOJ and county jails;
- Included five DOC staff in DOJ PREA auditor training;
- Analyzed best practices for housing transgender inmates and developed a draft policy;
- Created or modified various Division of Adult Institution policies as they relate to PREA;
- Conducted compliance monitoring of county jails serving in a contracted capacity;
- Finalized and posted the *PREA 2019 Annual Report*;
- Completed the annual Bureau of Justice Statistics Survey of Sexual Victimization;
- Reviewed facility staffing plans, in consultation with the PREA Director;
- Participated in the National PREA Coordinator Working Group;
- Completed two facility PREA audits (10 postponed due to the COVID-19 pandemic);
- Joined West Coast Consortium for future PREA audits;
- Received an award for a two year federal grant to create a regional PREA Compliance Manager (PCM) in Dodge County;
- Began federal grant coaching with Just Detention International as part of the federal grant award;
- Created a PCM Manual for the grant-funded position;
- Developed a new advocacy request form to be compliant with Marsy's Law; and
- Submitted a Governor's PREA assurance for Audit Cycle III, Year II.

Facility accomplishments and corrective action during 2020 include:

- Modified physical plant (i.e. windows, mirrored bubbles, office/bathroom structures) for greater visibility;
- Adapted showering areas (i.e. added curtains/privacy film, remodeled physical structure) for greater privacy between inmates and to prevent cross-gender staff viewing;
- Opened or removed window coverings and/or doors from closets, offices, rooms, and hallways;
- Improved privacy, while balancing safety, in observation cells;
- Outfitted staff assigned to restrictive housing units with body worn cameras;
- Modified staffing patterns, traffic patterns, and movement schedules;
- Installed additional locking mechanisms on doors and outbuildings;
- Adjusted camera angles, increased video recording retention periods, and installed new cameras;
- Reviewed planned physical plant modifications/projects for compliance;
- Provided first responder refresher training and resources;
- Formalized relationships between the facility and sexual assault service provider (i.e. MOU);
- Collaborated with local sexual assault service provider to enhance partnership and support service delivery;
- Reassigned victim services coordinator and PREA compliance manager responsibilities;
- Circulated cross-gender and transgender search procedure reminders;
- Reviewed opposite gender announcing expectations;
- Offered in-house PREA training booster sessions;
- Developed a tracking mechanism for contractor background checks and training;
- Strengthened inmate education procedures;

- Updated facility-specific information within inmate education and refreshed posted materials;
- Improved timeliness of risk screening;
- Developed a procedure to consider potential risk of victimization or abusiveness during work release placement screening process;
- Implemented a supervisory unannounced round logbook;
- Prioritized outstanding investigations and improved process to ensure future investigations are completed promptly;
- Created facility-level procedures for SINC (Sensitive Information Network Communication) workflow and documentation;
- Engaged staff in the audit preparation process by playing PREA Jeopardy;
- Supported agency award of federal grant for regional PCM by participating in meetings and submitting time sheets for match requirements;
- Updated facility-specific, PREA-related procedures; and
- Enhanced and reiterated respective coordinated response plans.

ANNUAL COMPARISON DATA

TOTAL ALLEGATIONS 2020 TO PREVIOUS YEAR³

The following tables display the changes in total allegations, total sexual abuse allegations, and total sexual harassment allegations, by disposition and division, from 2020 to previous year data.

CHANGES IN TOTAL ALLEGATIONS (2019 TO 2020)		
Disposition	DAI	DJC
Substantiated	+12	+3
Unsubstantiated	-9	-3
Unfounded	-27	-12
Ongoing ⁴	-11	0

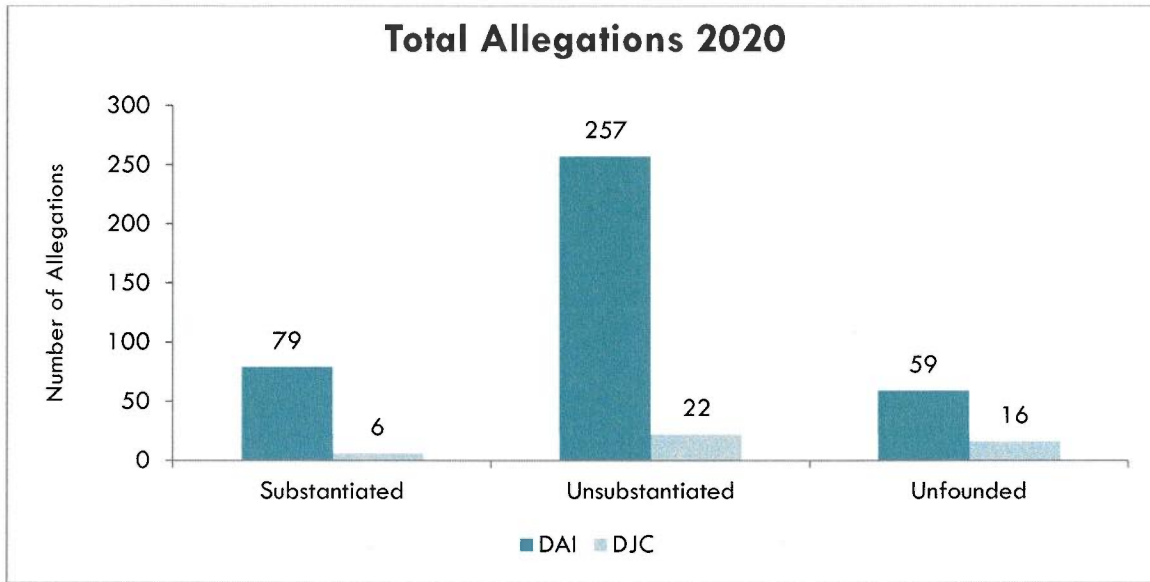
CHANGES IN SEXUAL ABUSE ALLEGATIONS (2019 TO 2020)		
Disposition	DAI	DJC
Substantiated	0	+3
Unsubstantiated	-23	-6
Unfounded	-7	-12
Ongoing ⁴	-4	0

CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2019 TO 2020)		
Disposition	DAI	DJC
Substantiated	+12	+5
Unsubstantiated	+14	+4
Unfounded	-20	0
Ongoing ⁴	-7	0

2020 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

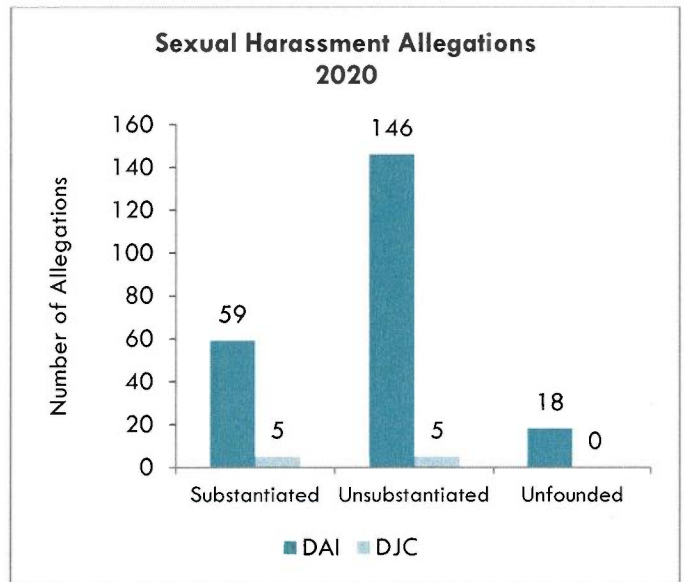
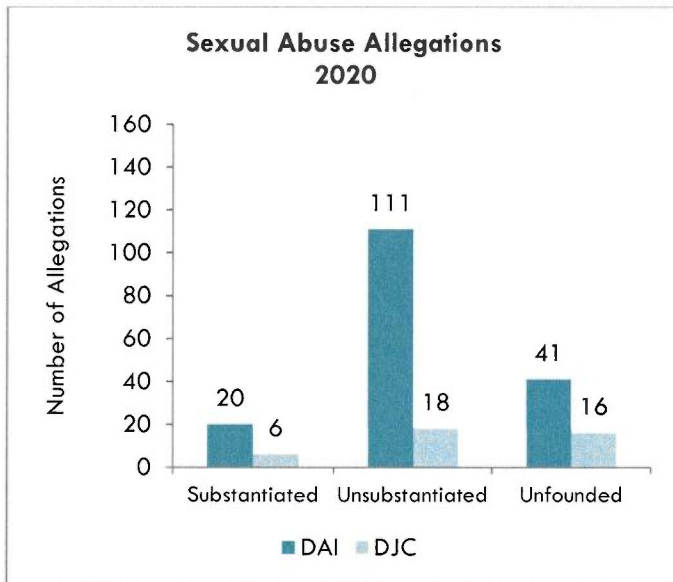
TOTAL 2020 ALLEGATIONS

In calendar year 2020 there were 442^s allegations of sexual abuse or sexual harassment reported, as defined under PREA, within Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC). The total number of allegations by disposition are:



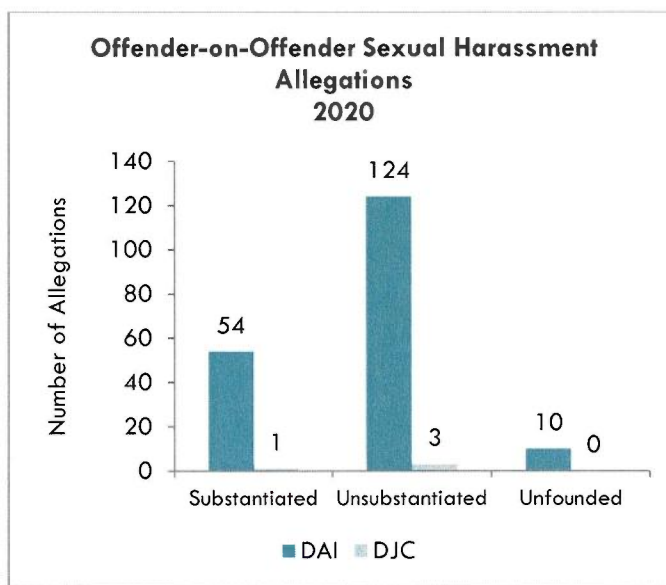
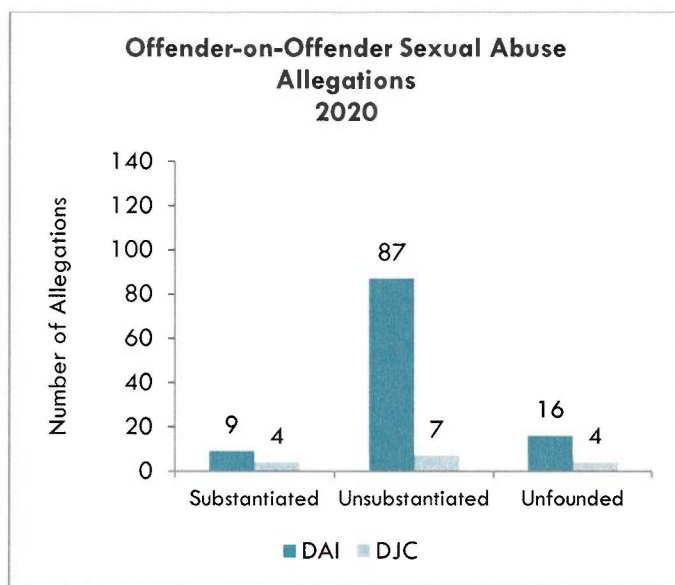
TOTAL SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

The following two graphs illustrate the 442^s reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2020.



OFFENDER-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 442⁵ allegations that were reported in 2020, 72% (320) were offender-on-offender incidents. The following two graphs illustrate the reported incidents of alleged offender-on-offender sexual abuse and alleged offender-on-offender sexual harassment, by disposition and division, in 2020.



STAFF-ON-OFFENDER SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS

Of the 442⁵ allegations that were reported in 2020, 28% (122) were staff-on-offender incidents. The following two graphs illustrate the reported incidents of alleged staff-on-offender sexual abuse and alleged staff-on-offender sexual harassment, by disposition and division, in 2020.

