

Wisconsin Department of Corrections

# PRISON RAPE ELIMINATION ACT

## 2022 Annual Report



October 2023  
Office of the Secretary  
PREA Office

# Wisconsin Department of 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 zero tolerance 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 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<sup>1</sup>.

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 sexual abuse/sexual harassment allegation data and corrective actions of the current year to the previous year; and
- Assess facility and agency progress in addressing sexual abuse and sexual harassment in confinement.

## DEFINITIONS

### Case Disposition

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**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

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**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 Volunteer<sup>2</sup>-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

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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

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**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's PREA Director is Co-Chair of the agency's Investigation Committee and Chair of the National PREA Coordinator's Working Group.

In 2021, the agency shifted responsibility of staff-on-offender sexual abuse and sexual harassment investigations from facility-based investigators to the Internal Affairs Office. 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 implements a coordinated response protocol, which includes maintaining evidence preservation kits, documenting the report 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.

### 2022 Achievements

In 2022, Wisconsin Department of Corrections continued to strengthen implementation and compliance efforts. The task was especially heavy as the agency continued to modify operations in response to the COVID-19 health pandemic. Although the manner in which compliance was achieved shifted at times in some facilities, throughout, PREA compliance remained a priority.

Agency accomplishments during the year included:

- Processed at least 885 PREA hotline calls;
- Investigated 480 allegations of sexual abuse and sexual harassment;
- Updated the agency's sexual abuse and sexual harassment investigation manual;
- Conducted four virtual investigations refresher trainings for existing specialized investigators;
- Trained 113 new specialized investigators (six sessions);
- Enhanced SINC to include auto-generated inmate investigation documentation;
- Provided classroom and virtual instruction to over 1,000 new non-uniform staff, pre-service staff, youth counselors, agents, and health service staff;
- Facilitated eight new PREA-specific virtual training topics (i.e. inmate education, risk screening, first responder, PCM role, VSC role, SINC use, etc.) and hosted PCM and VSC in person workshops;
- Three staff participated in PRC and DOJ PREA Management Office Field Training Program;

- Presented PREA topics at Jail Administrators Conference, Juvenile Superintendents Conference; Lockup Administrator Meeting; and Wisconsin Juvenile Detention Association Conference;
- Nominated (PREA Director) as Chair of National PREA Coordinator Working Group;
- Planned 4<sup>th</sup> Annual National PREA Coordinator's Conference held in New Orleans, LA;
- Partnered with JDI on Words of Hope project;
- Analyzed best practices for housing transgender inmates and finalized housing placement policy;
- Updated Executive Directive 72 *Sexual Abuse and Sexual Harassment in Confinement (PREA)*;
- Created or modified various Division of Adult Institution policies as they relate to PREA;
- Reviewed facility staffing plans, in consultation with the PREA Director;
- Expanded facility upgrade project review process to include consideration of prevention efforts;
- Remained a member of Western States PREA Auditing Consortium (PREA Director co-chair);
- Audited 14 adult facilities in California and Oregon as part of Western States PREA Auditing Consortium;
- Conducted compliance monitoring of contracted county jails and community confinement facilities;
- Completed 17 WI DOC facility PREA audits;
- Received no cost extension on 2020 federal compliance grant and continued federal grant coaching with Just Detention International (JDI) as part of award;
- Finalized and posted the *PREA 2021 Annual Report*;
- Completed the annual Bureau of Justice Statistics Survey of Sexual Victimization; and
- Submitted a Governor's PREA assurance for Audit Cycle III, Year III.

Facility accomplishments and corrective action during the year included:

- 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;
- Modified staffing patterns, traffic patterns, and movement schedules;
- Installed additional or new locking mechanisms on doors and outbuildings;
- Adjusted camera angles, increased video recording retention periods, and installed new cameras, including body worn and vehicle;
- Reviewed planned physical plant modifications/projects for compliance;
- Modified and/or reviewed opposite gender announcing expectations and procedures, including for those who are deaf or have limited hearing;
- Expanded unannounced supervisor rounds to non-housing areas;
- Provided refresher trainings and resources on topics including fraternization, first responder, VSC, audit, investigations, search, opposite-gender announcing, etc.
- Participated in local Sexual Assault Response Teams;
- Reviewed timeliness and process of fingerprinting for staff, volunteers, and contractors;
- Strengthened inmate education procedures and practices, including refreshing posted materials;
- Improved timeliness of risk screening and education;
- Increased monitoring of placement for those at risk of victimization or abusiveness;
- Improved mental health referral process following risk screening;
- Updated or developed facility procedures to align with division policies;
- Enhanced facility-level procedures for investigation database (SINC) workflow and documentation;
- Collaborated with local sexual assault nurse examiner to enhance service delivery, trained transportation staff, and restocked evidence collection kits;
- Convened PREA workgroups for audit preparation and beyond;
- Refocused sexual abuse incident reviews for greater impact; and
- Enhanced and recirculated respective coordinated response plans; trained staff.

## ANNUAL COMPARISON DATA

Total Allegations 2021 to 2022<sup>3</sup>

The following tables display the changes in total allegations, total sexual abuse allegations, and total sexual harassment allegations, by disposition and division, from 2022 to previous year data.

CHANGES IN TOTAL ALLEGATIONS (2021 TO 2022)		
DISPOSITION	DAI	DJC
Substantiated	-3	-3
Unsubstantiated	+54	+5
Unfounded	+2	-14
Ongoing <sup>4</sup>	0	0

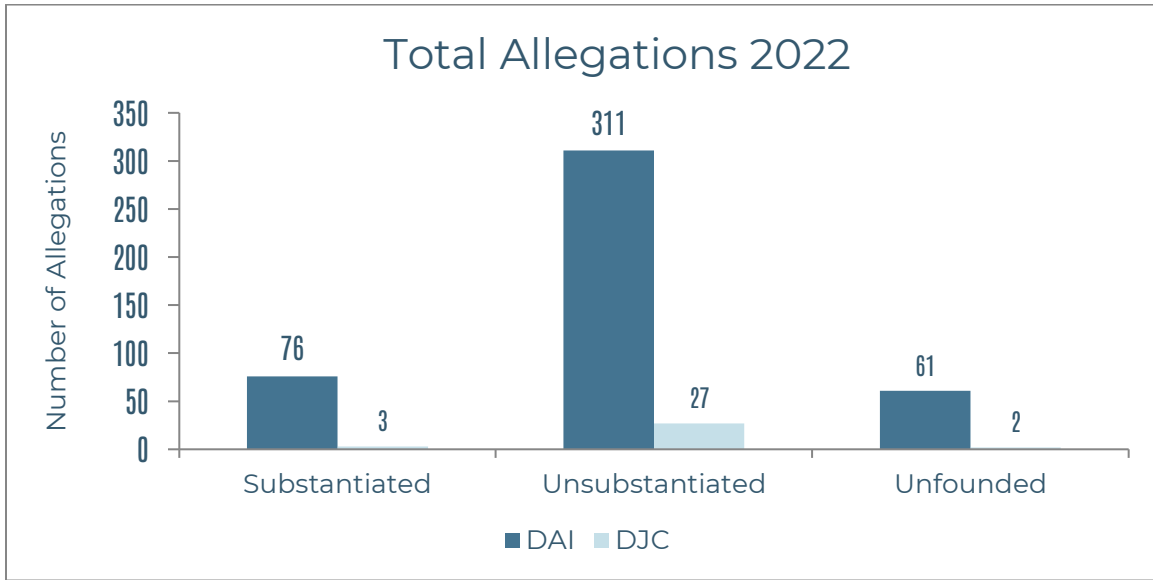
CHANGES IN SEXUAL ABUSE ALLEGATIONS (2021 TO 2022)		
DISPOSITION	DAI	DJC
Substantiated	+3	-4
Unsubstantiated	+51	+4
Unfounded	+3	-15
Ongoing <sup>4</sup>	0	0

CHANGES IN SEXUAL HARASSMENT ALLEGATIONS (2021 TO 2022)		
DISPOSITION	DAI	DJC
Substantiated	-6	+1
Unsubstantiated	+3	+1
Unfounded	-1	+1
Ongoing <sup>4</sup>	0	0

## 2022 SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

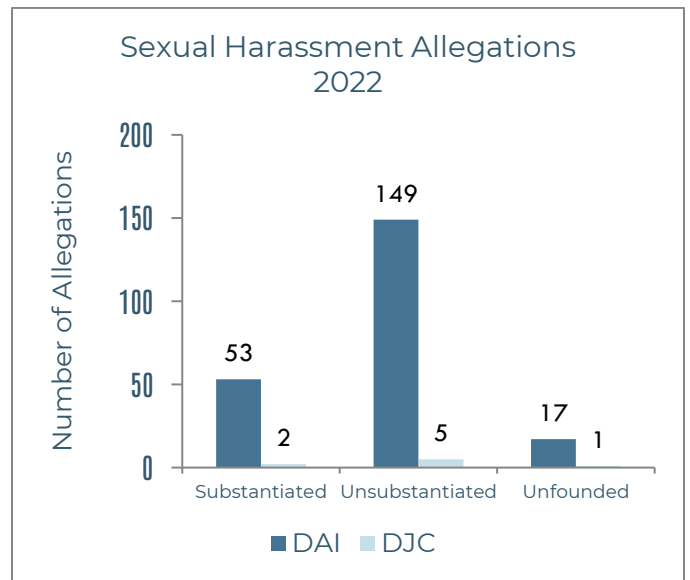
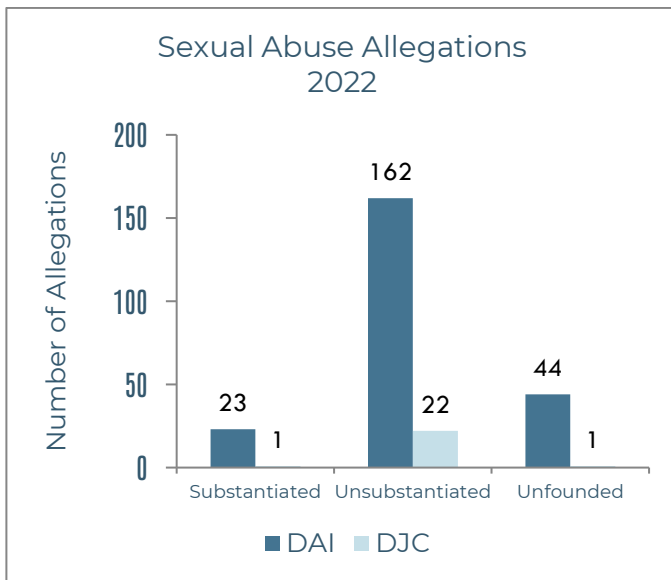
### Total Allegations

In calendar year 2022 there were 480 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

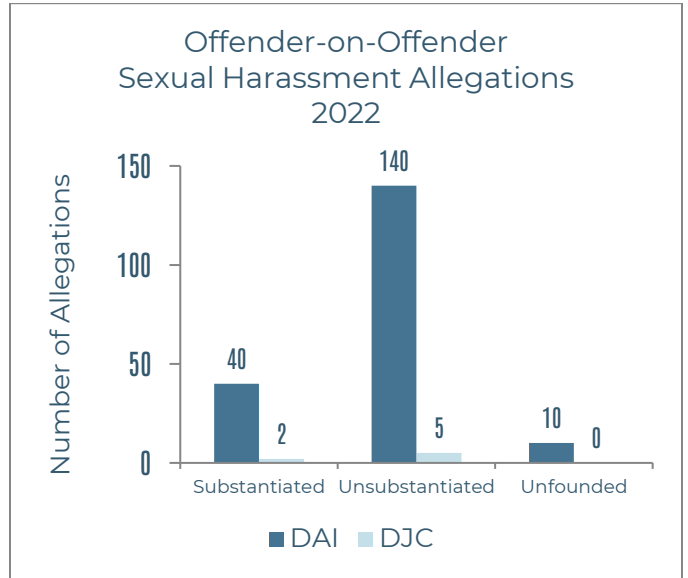
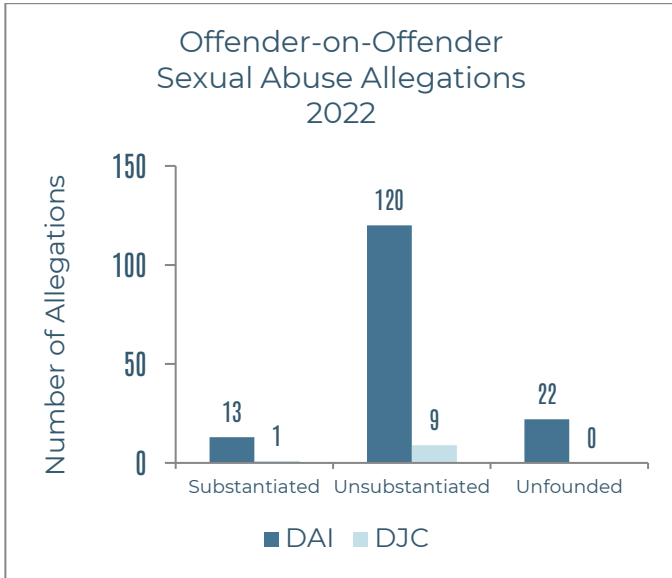
The following two graphs illustrate the 480 reported incidents of alleged sexual abuse and alleged sexual harassment, by disposition and division, in 2022.





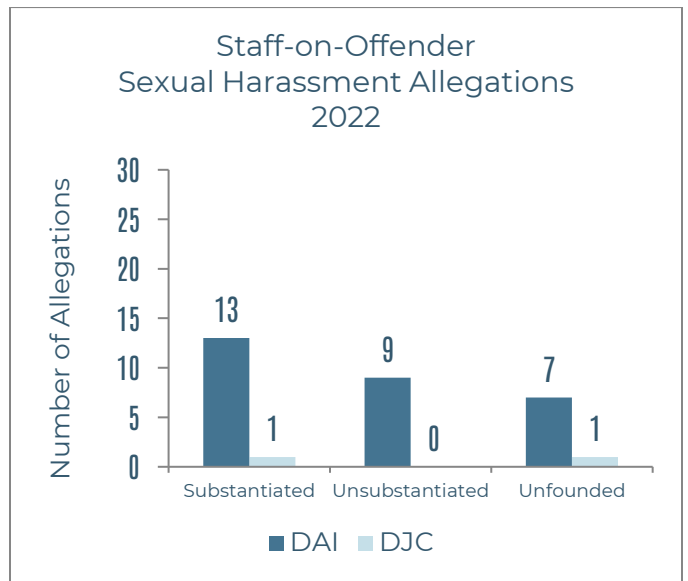
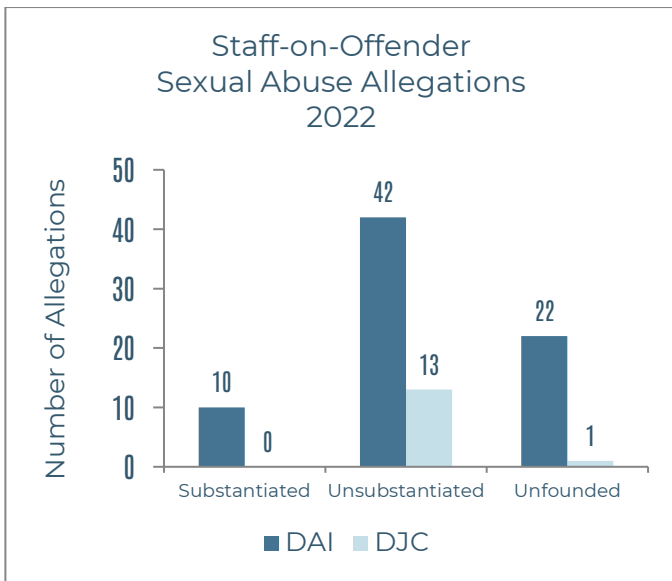
Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations

Of the 480 allegations that were reported in 2022, 75% (362) 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 2022.



Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations

Of the 480 allegations that were reported in 2022, 25% (118) 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 2022.



### Sexual Abuse and Sexual Harassment Allegations by Facility

The following two tables illustrate the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and facility, in 2022. Security level and composition varies.

2022 Total Offender-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	2	1	1	0
Columbia Correctional Institution	20	1	16	3
Dodge Correctional Institution	22	1	21	0
Drug Abuse Correctional Center	1	1	0	0
Ethan Allen School <sup>5</sup> <sup>6</sup>	0	0	0	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	0	0	0	0
Fox Lake Correctional Institution	9	1	8	0
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	21	6	14	1
Grow Academy <sup>5</sup>	1	1	0	0
Jackson Correctional Institution	9	3	6	0
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	9	2	7	0
Lincoln Hills/Copper Lake School <sup>5</sup>	16	2	14	0
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	3	0	3	0
Milwaukee Women’s Correctional Center	1	0	0	1
New Lisbon Correctional Institution	18	4	14	0
Oakhill Correctional Institution	7	1	6	0
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	61	14	33	14
Prairie du Chien Correctional Institution	3	0	3	0
Racine Correctional Institution/ Sturtevant Transitional Facility	41	2	39	0
Racine Youthful Offender Correctional Facility	7	0	7	0
Redgranite Correctional Institution	17	0	12	2
Robert E. Ellsworth Correctional Center	12	3	9	3
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	0	0	0	0
Stanley Correctional Institution	4	0	3	1
Taycheedah Correctional Institution	34	0	29	3
Thompson Correctional Center	0	2	0	0
Waupun Correctional Institution	30	0	22	2
Winnebago Correctional Center	1	6	1	0
Wisconsin Resource Center <sup>7</sup>	13	0	6	2
Wisconsin Secure Program Facility	0	5	0	0
<b>Total</b>	<b>362</b>	<b>56</b>	<b>274</b>	<b>32</b>

2022 Total Staff-on-Offender Sexual Abuse and Sexual Harassment Allegations by Facility and Disposition				
Facility	Total	Substantiated	Unsubstantiated	Unfounded
Black River Correctional Center	0	0	0	0
Chippewa Valley Correctional Treatment Facility	0	0	0	0
Columbia Correctional Institution	8	2	6	0
Dodge Correctional Institution	1	0	1	0
Drug Abuse Correctional Center	2	1	1	0
Ethan Allen School <sup>5 6</sup>	4	0	4	0
Felmers O. Chaney Correctional Center	0	0	0	0
Flambeau Correctional Center	1	0	1	0
Fox Lake Correctional Institution	18	11	1	6
Gordon Correctional Center	0	0	0	0
Green Bay Correctional Institution	9	1	5	3
Grow Academy <sup>5</sup>	0	0	0	0
Jackson Correctional Institution	3	1	2	0
John C. Burke Correctional Center	0	0	0	0
Kenosha Correctional Center	0	0	0	0
Kettle Moraine Correctional Institution	3	0	3	0
Lincoln Hills/Copper Lake School <sup>5</sup>	11	0	9	2
Marshall E. Sherrer Correctional Center	0	0	0	0
McNaughton Correctional Center	0	0	0	0
Milwaukee Secure Detention Facility	7	0	7	0
Milwaukee Women’s Correctional Center	0	0	0	0
New Lisbon Correctional Institution	1	0	1	0
Oakhill Correctional Institution	6	0	1	5
Oregon Correctional Center	0	0	0	0
Oshkosh Correctional Institution	1	0	0	1
Prairie du Chien Correctional Institution	4	1	3	0
Racine Correctional Institution/ Sturtevant Transitional Facility	14	1	7	6
Racine Youthful Offender Correctional Facility	2	1	1	0
Redgranite Correctional Institution	3	2	1	0
Robert E. Ellsworth Correctional Center	1	1	0	0
Sanger B. Powers Correctional Center	0	0	0	0
St. Croix Correctional Center	2	0	1	1
Stanley Correctional Institution	0	0	0	0
Taycheedah Correctional Institution	4	0	2	2
Thompson Correctional Center	0	0	0	0
Waupun Correctional Institution	8	1	5	2
Winnebago Correctional Center	0	0	0	0
Wisconsin Resource Center <sup>7</sup>	3	0	1	2
Wisconsin Secure Program Facility	2	0	1	1
<b>Total</b>	<b>118</b>	<b>23</b>	<b>64</b>	<b>31</b>

## CONTRACT FACILITY SEXUAL ABUSE AND SEXUAL HARASSMENT DATA

WI DOC contracts for the confinement of offenders who are in the custody of DAI and for offenders who are on community supervision. The following table illustrates the reported incidents of alleged offender-on-offender and staff-on-offender sexual abuse and sexual harassment, by disposition and contracted agency, in 2022.

2022 Total Sexual Abuse and Sexual Harassment Allegations By Contract Facility and Disposition				
Contract Facility	Total	Substantiated	Unsubstantiated	Unfounded
ARC Community Services	3	1	2	0
Attic Correctional Services	10	6	4	0
Bethany Recovery Services	1	1	0	0
Fond du Lac County Jail	5	1	2	2
Genesis	3	1	2	0
Jefferson County Jail	10	1	1	8
Joshua Glover Residential Reentry Center (WCS)	1	1	0	0
Juneau County Jail	10	5	0	5
Lutheran Social Services	7	2	4	1
Marquette County Jail	1	0	1	0
Meta House	6	2	3	1
Milwaukee County Community Reintegration Center	6	1	1	4
Oneida County Jail	4	2	0	2
Ozaukee County Jail	0	0	0	0
Portage House	0	0	0	0
Racine County Jail	42	1	9	32
Ryan Community	1	1	0	0
Rock County Jail	8	4	2	2
Rock Valley Community Programs	4	1	3	0
Sauk County Jail	10	1	4	5
Spirit of the North, Inc.	0	0	0	0
Vernon County Jail	0	0	0	0
Vilas County Jail	6	0	3	3
<b>Total</b>	<b>138</b>	<b>32</b>	<b>41</b>	<b>65</b>

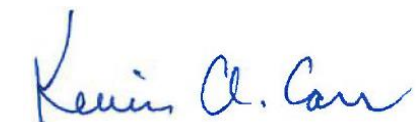
## LOOKING FORWARD

In 2022, Wisconsin Department of Corrections continued its operational recovery efforts following the COVID-19 health pandemic. As movement and access increased so, too, did allegations of sexual abuse and sexual harassment. While the agency received and responded to an uptick of allegations from 2021 to 2022, we remain committed to prevention. WI DOC takes great care to implement conventional and unconventional sexual abuse and sexual harassment prevention and intervention strategies. This commitment allows us to tend to safety and security in all of its forms. As a result, WI DOC holds perpetrators responsible for harming others at a rate unlike many agencies of similar size and scope. We consider this a reflection of a healthy reporting culture, skilled investigators, and effective video monitoring technology. In addition to holding perpetrators responsible, we value restoring wellbeing to survivors. Both actions affect the culture, strength, and welfare of our facilities and communities.

Looking forward to the coming year, in addition to maintaining existing implementation activities, the agency will evolve with best practice and, specifically, enrich compliance efforts in the following ways:

- Facilitate regular PREA-related orientation and booster trainings for compliance managers, supervisors, investigators, victim services coordinators, screeners, and educators;
- Circulate biennial refresher training to all staff;
- Audit partner state (i.e. consortium) correctional facilities;
- Participate in DOJ Bureau of Justice National Inmate Survey;
- Learn from colleagues and stakeholders at the 5<sup>th</sup> Annual National PREA Coordinator Conference;
- Merge scanned paper investigative files into electronic investigation tracking database;
- Update and create policy where applicable; and
- Measure facility compliance efforts formally through the USDOJ audit process.

These specific actions are reflective of the agency's commitment to zero tolerance. The compilation of new and existing compliance approaches will move the agency closer to our vision of preventing sexual abuse and sexual harassment in our confinement facilities.



Kevin A. Carr  
Secretary  
Wisconsin Department of Corrections

<sup>1</sup> Inmates and youth are collectively referred to herein as “offenders,” unless noted, at which time they will be referred to as inmate or youth. As an agency, WI DOC is moving away from the term “inmate,” in favor of “person in our care,” in an effort to dignify the humanity of confined people. This report continues to use “offender” and “inmate” to align with federal PREA legislation.

<sup>2</sup> Staff, contractors, and volunteers are referred to herein as “staff” or “staff members.”

<sup>3</sup> As a result of closing ongoing cases, 2021 data (total and by disposition) presented in this report (p. 7) may be slightly different than the figures published in the preceding 2021 WI DOC Annual Report.

<sup>4</sup> Ongoing investigations at 2020 year-end have since been closed; these allegations were moved from the “Ongoing” category and given a proper disposition.

<sup>5</sup> A youth facility managed by WI DOC Division of Juvenile Corrections. The remaining facilities are adult facilities managed by WI DOC Division of Adult Institutions.

<sup>6</sup> Ethan Allen School, operated by WI DOC, closed in 2011. Alleged incidents of sexual abuse or sexual harassment reflected in the table occurred while the facility was operational; the allegations were received and investigated in 2021.

<sup>7</sup> An adult confinement facility managed by Wisconsin Department of Health Services. This facility serves WI DOC inmates and is, in part, staffed by WI DOC security staff.