

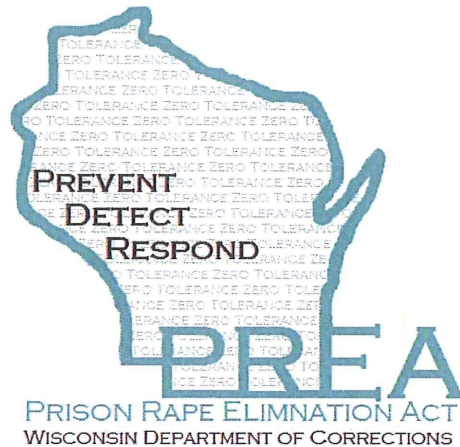
# Wisconsin Department of Corrections

## Division of Juvenile Corrections

# PRISON RAPE ELIMINATION ACT (PREA)

## ANNUAL REPORT

### Calendar Year 2014



*The mission of the Wisconsin Department of Corrections is to*

- Protect** the public, our staff and those in our charge.
- Provide** opportunities for positive change and success.
- Promote** inform and educate others about our programs and successes.
- Partner** and collaborate with community service providers and other criminal justice entities.

# PRISON RAPE ELIMINATION ACT (PREA) Annual Report

WISCONSIN DEPARTMENT OF CORRECTIONS – DIVISION OF JUVENILE CORRECTIONS

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## *Introduction*

The Wisconsin Department of Corrections has a zero tolerance policy for sexual abuse and sexual harassment in all of its confinement facilities. The Wisconsin Department is committed to preventing, detecting and responding to sexual abuse and sexual harassment. This report is an overview of data, corrective action taken and achievements for the Division of Juvenile Corrections under the Prison Rape Elimination Act (PREA).

## *Background*

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

The federal PREA standards were published on June 20, 2012, and became effective on August 20, 2012. The federal PREA standards address sexual abuse and sexual harassment of inmates and youth perpetrated by other inmates or youth or staff, contractors or volunteers. The four sets of standards include: Adult Prisons and Jails, Lockups, Juvenile Facilities, and Community Confinement Facilities.

## *Purpose*

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

This overview is intended to:

- Identify any problem areas on an ongoing basis for each facility and the agency;
- Identify any 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 an inmate, detainee, or youth by another inmate, detainee, or 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 Sexual 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 inmate, detainee, or youth directed toward another.

### Staff, Contractor or Volunteer on Youth Sexual Abuse

Sexual abuse of an inmate, detainee, or youth by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or 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 (continued)*

(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 an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

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

### **Staff, Contractor or Volunteer on Youth Sexual Harassment**

Sexual harassment includes:

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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 (continued)*

**CASE DISPOSITIONS**

**Substantiated**

Substantiated allegation means an allegation that was investigated and determined to have occurred.

**Unsubstantiated**

Unsubstantiated allegation means 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**

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

**Other**

Other means an allegation in which either the case is still under investigation and no disposition has been assigned or that 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 (WIDOC) has been working on preventing, detecting and responding to sexual abuse and sexual harassment in confinement for several years, long before the federal standards became effective. This section will highlight some of the achievements WIDOC had made in PREA implementation and compliance. Since 2007, WIDOC had 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, who 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 the victims to inside and outside emotional support services and monitoring the victim for retaliation.

For many years, the WIDOC has educated staff, contractors and volunteers as well as outside stakeholders on PREA, including sexual assault service providers, law enforcement and prosecutors. Furthermore, the WIDOC has trained inmates and youth on PREA and provided them with handbooks on how to report sexual abuse and sexual harassment and tools on how inmates and youth can keep themselves safe. WIDOC also created a reporting hotline available to all inmates and youth as another way to report sexual abuse and sexual harassment. WIDOC has implemented policies and procedures to direct staff on prevention, detection and response to incidents of sexual abuse and sexual harassment.

Finally, WIDOC has implemented response protocols for reports of sexual abuse, including 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.

## **2014 Achievements**

In 2014, WIDOC continued their efforts towards implementation and compliance with the PREA standards. WIDOC trained new employees, pre-service staff, new agents, investigators, and health service staff on the PREA standards and WIDOC policies. Additionally, a new, full-time PREA Program and Policy Analyst – Advanced position was created and filled to assist WIDOC in PREA policies and other PREA implementation and compliance activities.

WIDOC participated in statewide Sexual Assault Response Team meetings and also facilitated PREA tabletop exercises at several institutions. The PREA Director and several other WIDOC staff attended PREA Auditor training, and became United States Department of Justice certified PREA auditors.

## 2014 Achievements (continued)

WIDOC partnered with the Wisconsin Coalition Against Sexual Assault to create a PREA webinar and to provide sexual assault service providers an overview of best practices for providing services to inmates and youth in confinement.

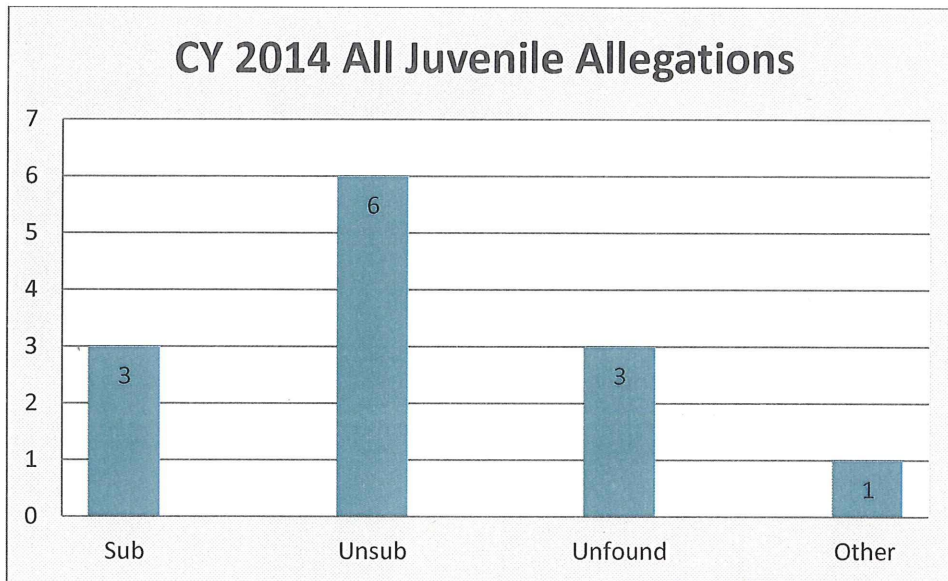
Finally, 13 facilities were selected to undergo an internal mock PREA audit. The mock audits were conducted by trained PREA auditors and were designed to assess the facility's compliance with the federal PREA standards, identify the need for corrective action and direct the priorities of implementation and compliance activities for the PREA Office.



## 2014 Division of Juvenile Corrections Data

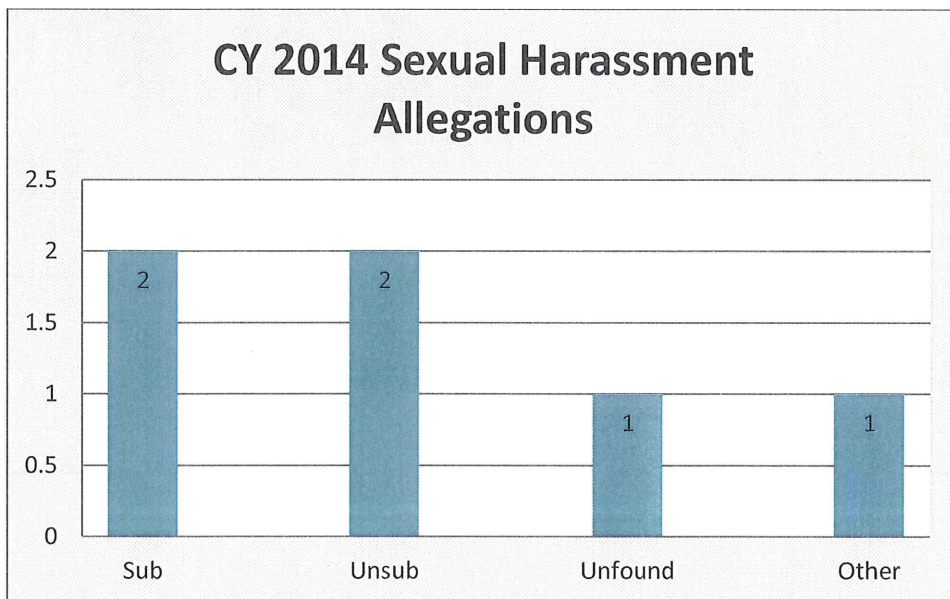
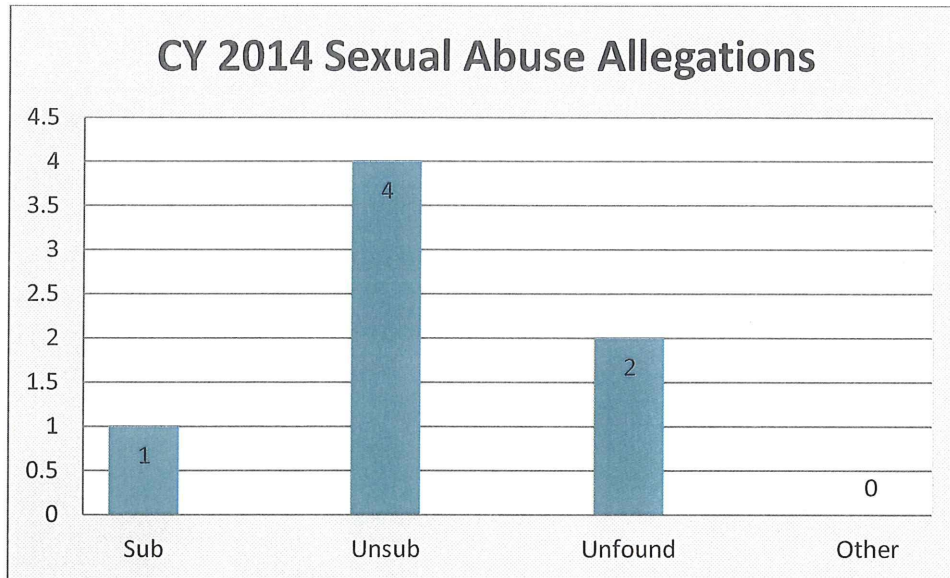
In calendar year 2014 there were 13 allegations of sexual abuse or sexual harassment, as defined under PREA. The total number of allegations equates to:

- 3 Substantiated cases
- 3 Unfounded cases
- 6 Unsubstantiated cases
- 1 Other case



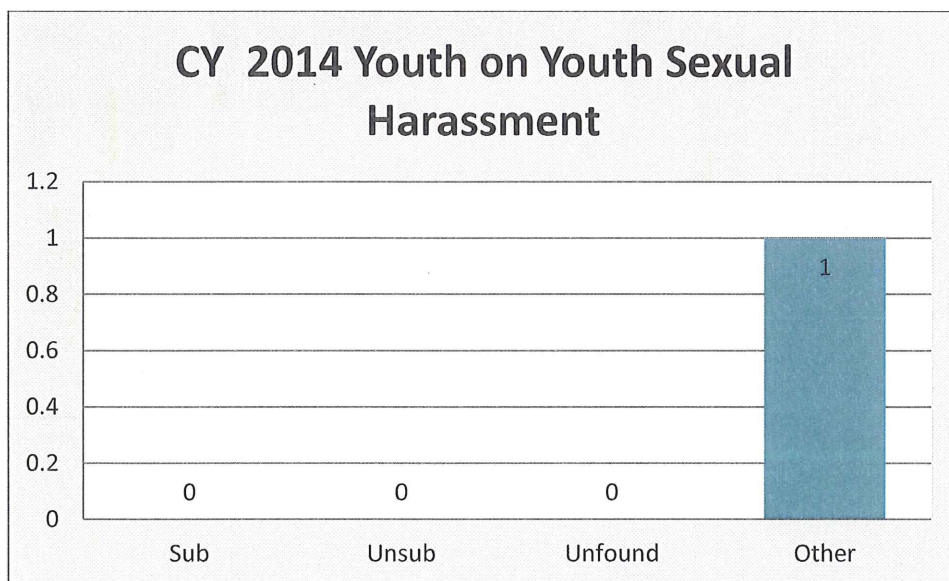
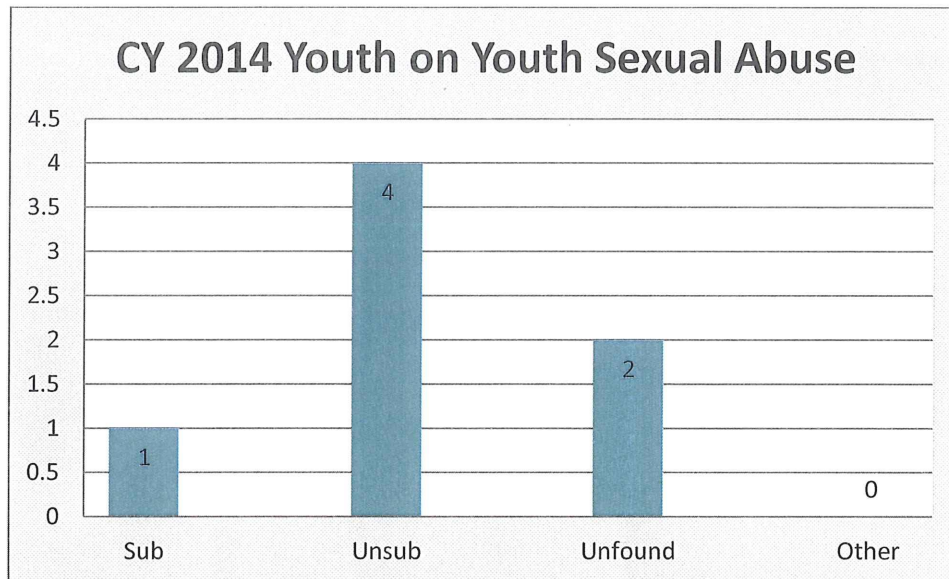
## 2014 Sexual Abuse and Sexual Harassment Allegations

The following two charts illustrate the 2014 data to highlight, by disposition, the reported incidents of alleged sexual abuse and the reported incidents of alleged sexual harassment.



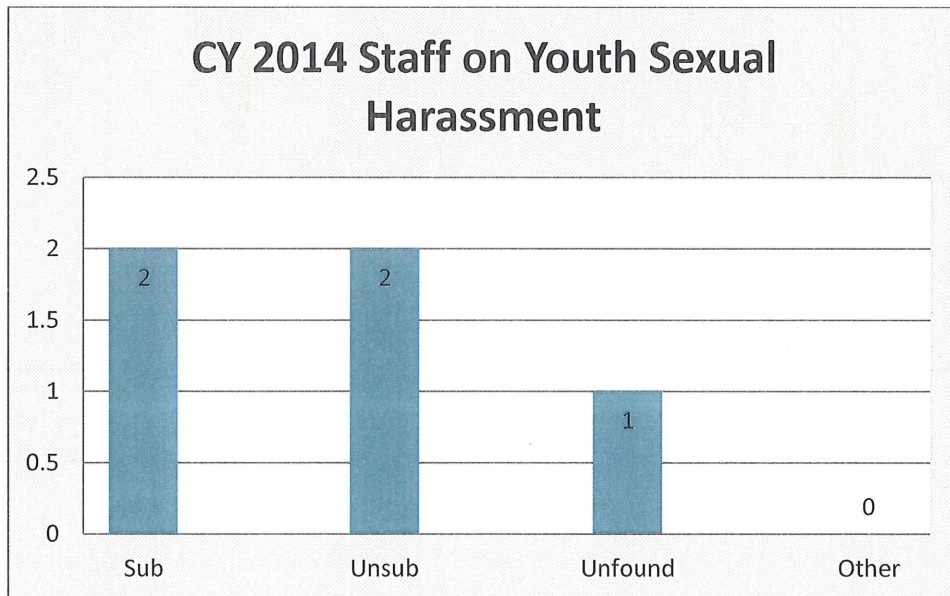
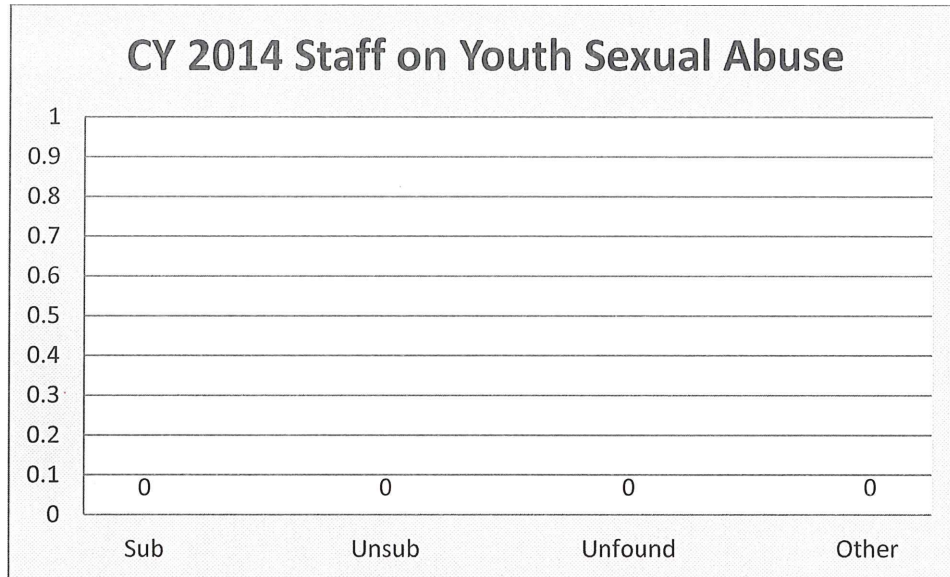
## 2014 Youth on Youth Sexual Abuse and Sexual Harassment Allegations

The following two charts illustrate the 2014 data to highlight, by disposition, the reported incidents of alleged youth on youth sexual abuse and youth on youth sexual harassment.



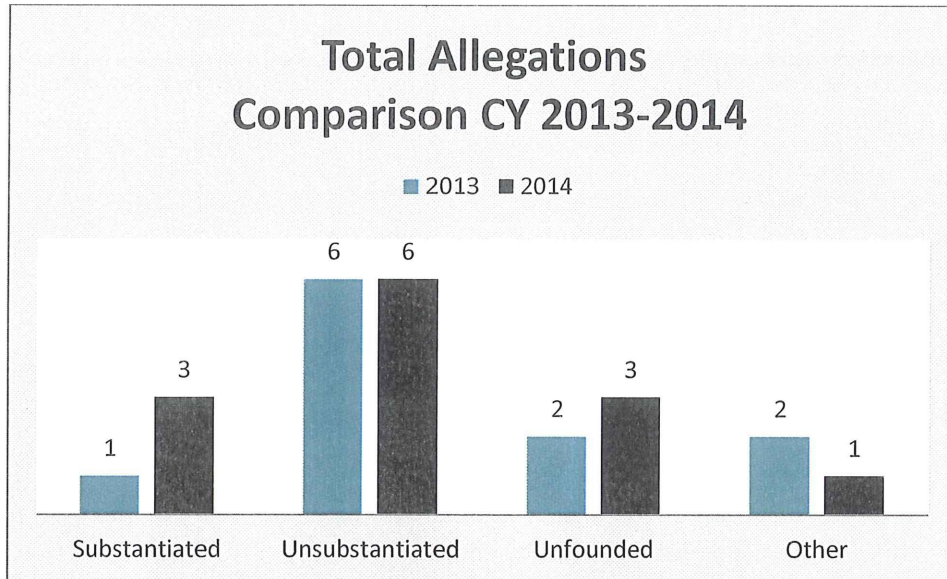
## 2014 Staff, Contractor or Volunteer on Youth Sexual Abuse and Sexual Harassment Allegations

The following two charts illustrate the 2014 data to highlight, 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 of 2014 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 2014 to previous year data.

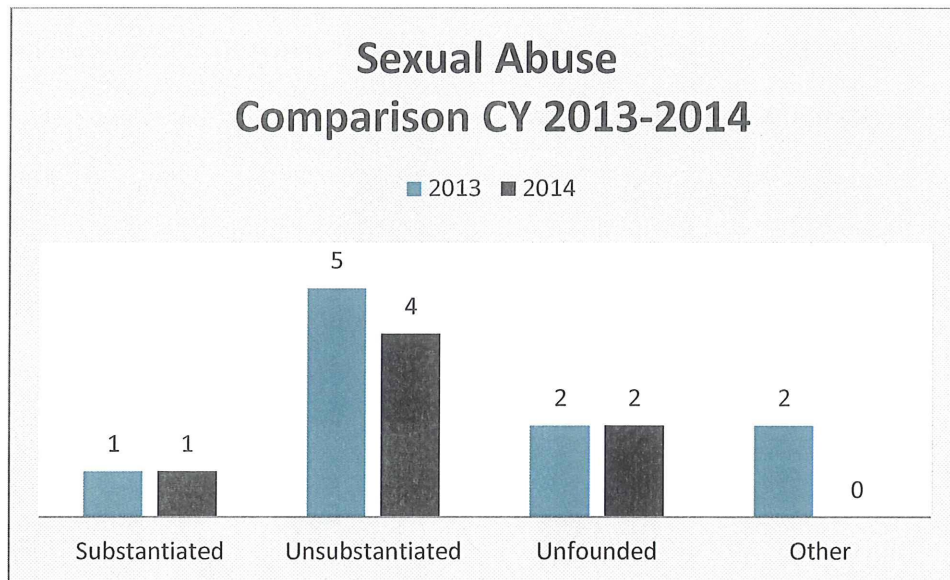


The changes made in each category (all allegations) are as follows:

- Substantiated:+3
- Unsubstantiated: 0
- Unfounded:+1
- Other:-1

### *Comparison of 2014 to Previous Year Allegations of Sexual Abuse*

The following chart compares the total number of sexual abuse allegations, by disposition, from 2014 to previous year data.

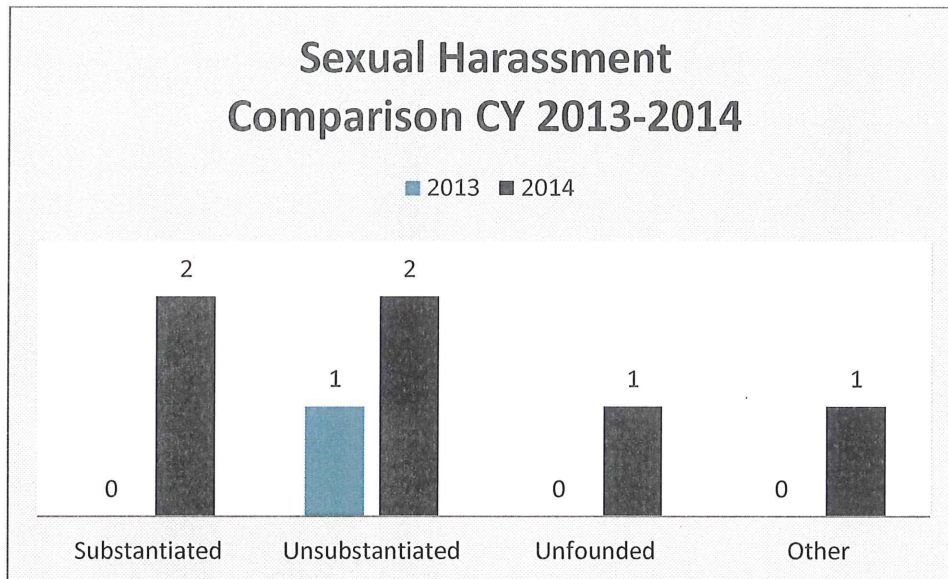


The changes made in each category (all allegations) are as follows:

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

## *Comparison of 2014 to Previous Year Allegations of Sexual Harassment*

The following chart compares the total number of sexual harassment allegations, by disposition, from 2014 to previous year data.



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

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

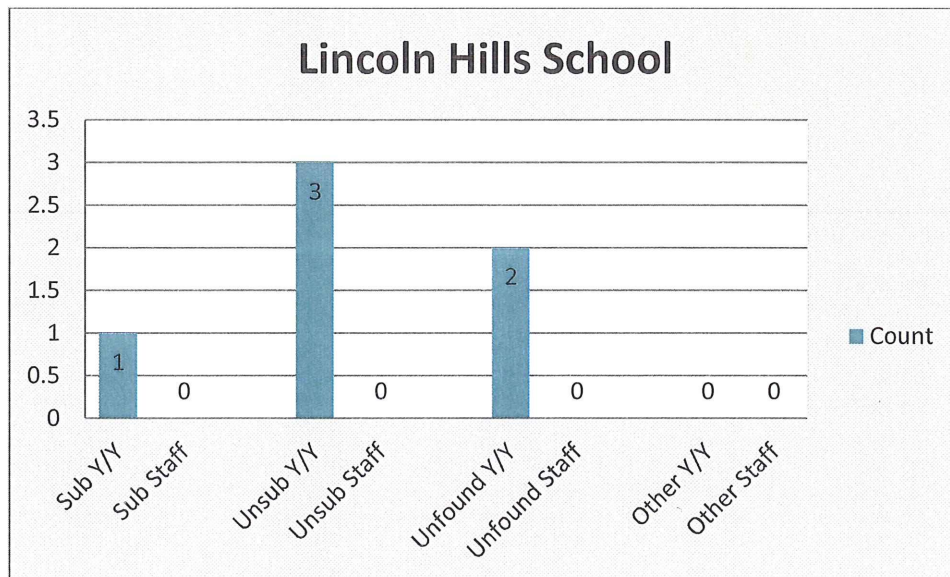
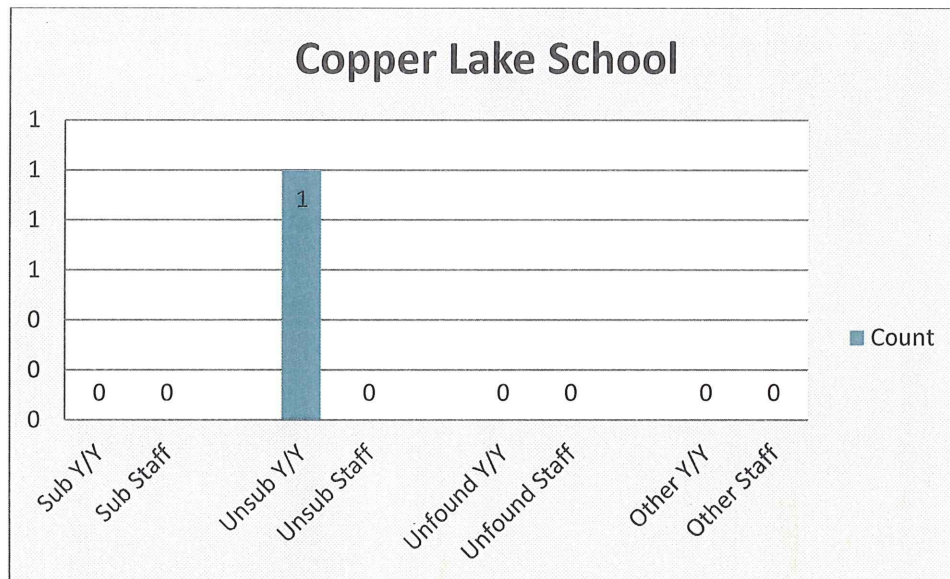
### *Discussion*

WIDOC surmises that the increase in total allegations from 2013 to 2014 has less to do with actual increases in sexual abuse or sexual harassment and more to do with enhanced inmate and youth education, more accessible reporting methods, and improved supportive services. With increased awareness, feelings of fear or stigmatization towards reporting by victims may slowly be decreasing, thus increasing the comfort level to report. 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.

### Copper Lake School/Lincoln Hills School Data

Copper Lake School and Lincoln Hills School are secure facilities that provide community protection and hold youth fully responsible for their behaviors while offering them skill-building opportunities that contribute to victim and community restoration. Copper Lake School is a secure facility for girls housed within the secure Lincoln Hills School grounds and has an average daily population of 30 youth. Lincoln Hills School is a secure facility for boys and has an average daily population of 221 youth.

The following charts show the allegations from 2014 of youth on youth and staff, contractor or volunteer on youth sexual abuse and sexual harassment, shown by disposition.





### *Copper Lake School / Lincoln Hills School Corrective Action*

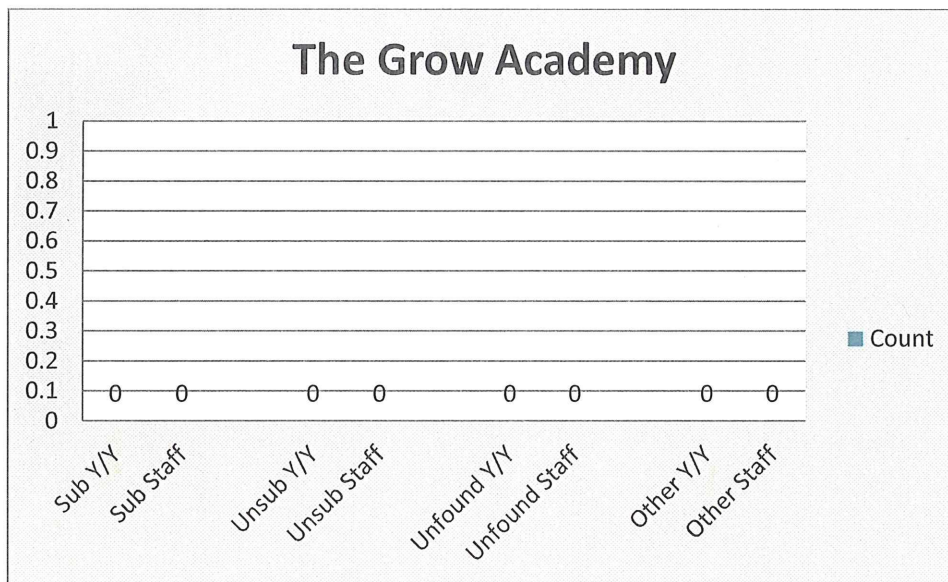
The following highlights some of the corrective action taken at Copper Lake School and Lincoln Hills School:

- One Corrections Unit Supervisor received 40 hours of training in July to be certified as a PREA auditor;
- Two Supervising Youth Counselor's received 32 hours of training in October to be certified as PREA investigators;
- All employees received a one hour annual PREA refresher training in January and February;
- All youth receive a PREA information session quarterly;
- Internal mock PREA audit conducted by trained USDOJ PREA auditors;
- Installed the '777' hotline for all youth to report PREA cases.

### *The Grow Academy Data*

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. The Grow Academy’s residential program will serve up to 12 male youth ages 14-18 in a 120-day program. The Grow Academy is a new facility that opened in mid-2014.

The following chart shows the allegations, by disposition, from 2014 of youth on youth and staff, contractor or volunteer on youth sexual abuse and sexual harassment.



### *The Grow Academy Corrective Action*

The following highlights some of the corrective action taken at The Grow Academy:

- Assigned a staff member to be the PREA Compliance Manager;
- Assigned a staff member to be the PREA Victim Services Coordinator

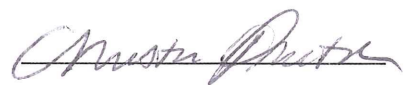
## *Conclusion*

The Wisconsin Department of Corrections is dedicated to building upon implementation efforts and, ultimately, complying with the federal PREA standards. In late 2014, WIDOC was awarded a two year federal PREA Demonstration grant to aid implementation and compliance efforts. The WIDOC outlined objectives for 2015 that included: policy development; staff, contractor and volunteer training; inmate education and literature updates; and facility audits. A brief glance at 2015 activities reveals the WIDOC successfully created and deployed an overarching agency-wide PREA Executive Directive, trained all agency staff on PREA and the Executive Directive, distributed an inmate education package, and began undergoing PREA audits. The culmination of this work aligns with the WIDOC's commitment to ensuring strategies to prevent, detect and respond to sexual abuse and sexual harassment are omnipresent within all confinement facilities.



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Edward F. Wall  
Secretary



Christine Preston  
PREA Director