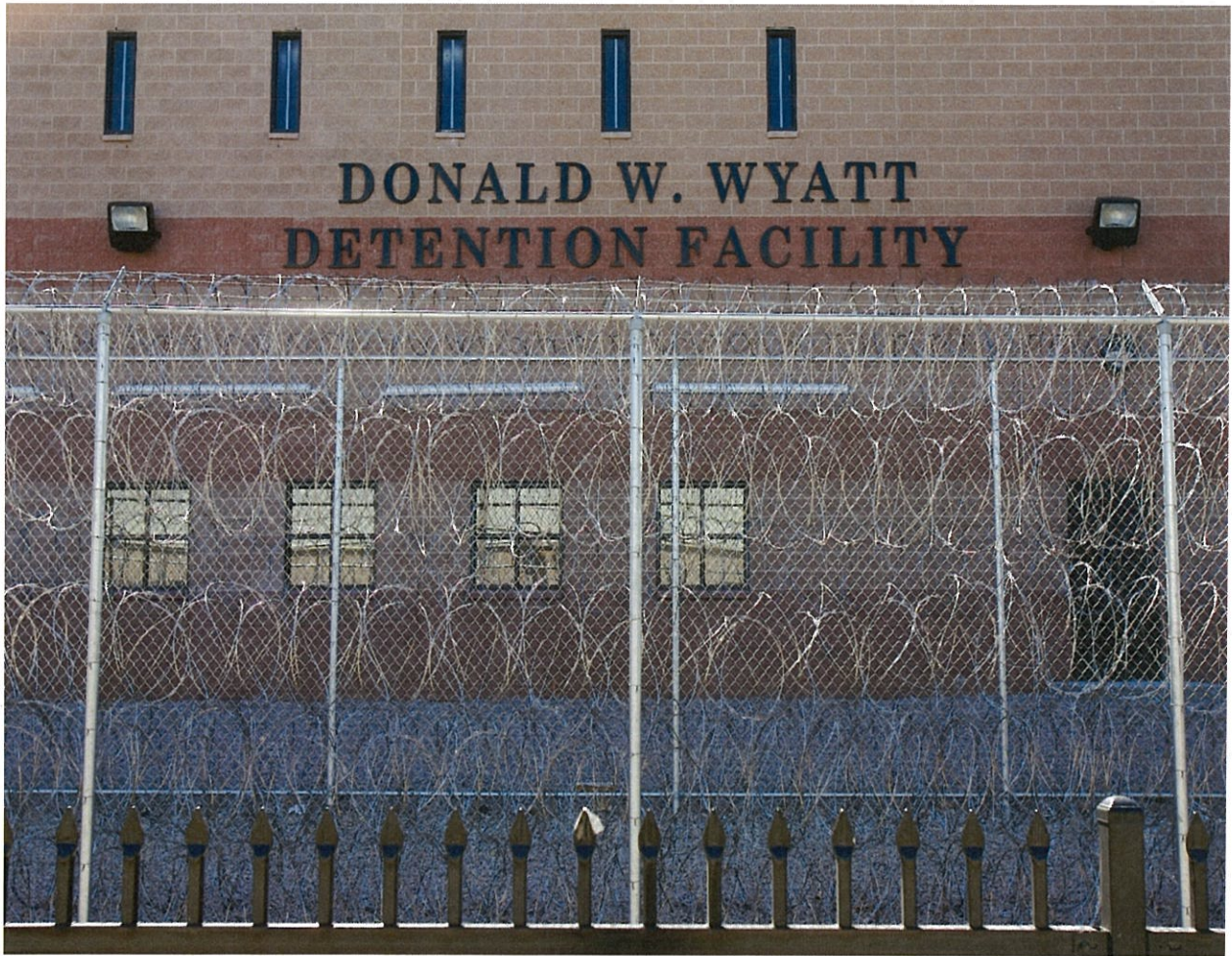


# DONALD W. WYATT DETENTION FACILITY

## PRISON RAPE ELIMINATION ACT (PREA)

### ANNUAL REPORT – 2020



Approved: \_\_\_\_\_

*Daniel W. Martin* *Warden* *2/16/21*

Daniel W. Martin, Warden

## **Background**

The Prison Rape Elimination Act (PREA) was signed into federal law in 2003 following unanimous support from both parties in the United States Congress. The purpose of the law was to provide information, resources, recommendations and funding to protect individuals from prison rape. PREA seeks to establish a “zero-tolerance” policy regarding rape, sexually abusive behavior and sexual harassment in federal, state and municipal correctional systems. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection, and response strategies in addressing rape, sexually abusive behavior and sexual harassment. In 2012, the United States Department of Justice (DOJ) issued the final PREA standards for: Prisons and Jails, Lock-ups, Community Confinement Facilities and Juvenile Facilities. These standards required DOJ audits of all facilities housing inmates every three (3) years.

The Donald W. Wyatt Detention Facility (DWWDF) underwent its first PREA audit in September 2014 and a subsequent audit was conducted in October 2017. The facility was found to be 100% compliant with all PREA standards during both audits. The facility was scheduled to undergo its third PREA audit in October 2020; however, due to travel restrictions and the high positivity rate for COVID-19 across the country, the audit was postponed until February 2021.

## **Facility Achievements in 2020**

The Donald W. Wyatt Detention Facility continued to maintain compliance with the PREA Jail standards as well as its internal policy #411 - Sexual Abuse and Sexual Harassment - Prevention and Intervention. Sexual Assault Forensic Examiners (SAFE)/Sexual Assault Nurse Examiners (SANE) and forensic examination services are provided by Rhode Island Hospital. The facility also renewed the Memorandum of Understanding (MOU) with Day One Crisis Intervention Center of Providence, Rhode Island to provide advocacy services to detainees for emotional support services related to sexual abuse. Detainees can contact Day One Crisis Intervention Center in writing or via the use of a dedicated hotline (both English and Spanish services are provided). All communication with Day One Crisis Intervention Center is confidential, unless the Center determines that the alleged victim is a danger to themselves or a third party. During 2020, Day One Crisis Intervention Center did not receive any hotline calls from detainees housed at this facility.

Detainees also have access to our Professional Standards Unit (PSU) via a dedicated hotline number and may also contact the Office of the Inspector General (OIG) via telephone or in writing. During 2020, the PSU and the OIG did not receive any telephone calls via the facility dedicated hotline.

The Donald W. Wyatt Detention Facility ensures that all current employees, contracted staff and volunteers receive a criminal background record check, at least every four (4) years which exceeds the PREA standard requirement.

Training and education of all employees, contract staff, volunteers, and detainees on the DWWDF's zero tolerance toward all forms of sexual abuse and sexual harassment and the commitment to prevent, detect and respond to such conduct were ongoing throughout 2020.

The Compliance Captain has been assigned as the PREA Manager/PREA Coordinator since October 2016 and continues to fulfill the requirements and responsibilities of this position.

An annual review of the staffing plan and video monitoring system were conducted to ensure adequate staffing levels and surveillance equipment are in place and maintained to protect detainees from sexual abuse. The staffing plan and staff deployment rosters did not reveal any deviations to the staffing plan during the past twelve (12) months with the exception of temporary deviations such as emergency/unexpected hospital details. Supervisory staff are visible throughout the facility and are available and approachable to all staff and detainees.

### **Purpose**

The DOJ PREA standards require our facility to collect a defined set of data for every allegation of sexual abuse and sexual harassment. These standards further require the DWWDF to collect and review that data in order to assess and improve our effectiveness at preventing, detecting and responding to PREA allegations.

The facility has developed and maintained a database to collect and record a uniformed set of data (and definitions) for each allegation investigated. PREA standard §115.87 requires collecting, at a minimum, the data necessary to answer questions contained in annual "Survey of Sexual Violence" report conducted by the DOJ. The database also provides an ability to draw comparisons on various aspects of sexual assault and harassment incidents. Some of those comparisons will be found in this report on the aggregated data.

### **Aggregated Data on Sexual Abuse Allegations and Comparison to Prior Years**

The DWWDF has a zero tolerance policy for sexual abuse that is covered in detail in Policy #411 - Sexual Abuse and Sexual Harassment - Prevention and Intervention. As such, every allegation, report and/or discovery of sexual activity is investigated as if a sexual assault or sexual harassment event occurred. Only after a full investigation is completed is an event defined as a PREA violation or otherwise. It should be noted that unauthorized, but consensual sexual activity between detainees does not qualify as a PREA incident. The PREA Jail standards provide definitions that guide the facility in determining the outcome of allegations investigated. The following are a few of those key definitions:

<b>DEFINITIONS</b>	
Evidentiary Standard:	The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
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	An allegation that was investigated and determined not to have occurred.

The following charts reflect aggregated data absent any events investigated that did not constitute a PREA violation:

Category	2020 - Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Total
Detainee-on-Detainee nonconsensual sexual acts	0	0	0	0
Detainee-on-Detainee abusive sexual contact	0	0	6	6
Detainee-on-Detainee sexual harassment	0	1	0	1
Staff-on-Detainee sexual misconduct	0	0	0	0
Staff-on-Detainee sexual harassment	0	1	3	4
Total	0	2	9	11

Category	2019 - Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Total
Detainee-on-Detainee nonconsensual sexual acts	0	0	1	1
Detainee-on-Detainee abusive sexual contact	0	1	2 (I-ICE)	3
Detainee-on-Detainee sexual harassment	0	0	0	0
Staff-on-Detainee sexual misconduct	0	1	3 (I-ICE)	4
Staff-on-Detainee sexual harassment	0	0	1	1
Total	0	2	7	9

Category	2018 - Investigative Outcome			
	Substantiated	Unsubstantiated	Unfounded	Total
Detainee-on-Detainee nonconsensual sexual acts	0	0	0	0
Detainee-on-Detainee abusive sexual contact	0	0	1	1
Detainee-on-Detainee sexual harassment	3	0	3	6
Staff-on-Detainee sexual misconduct	0	0	11	11
Staff-on-Detainee sexual harassment	0	0	5	5
Total	3	0	20	23

### **Comparison of PREA Cases – 2019 - 2020**

The number of PREA allegations increased slightly from nine (9) cases in 2019 to eleven (11) cases in 2020. Of the eleven (11) cases investigated in 2020, two were unsubstantiated and nine (9) were unfounded. There were no allegations of sexual abuse or sexual harassment by ICE detainees in 2020.

### **Comparison of Investigative Outcomes – 2019 - 2020**

The continued low number of incidents can be attributed to the facility's continued educational efforts for staff, contractors, volunteers, and detainees. Investigative techniques and training and a strict adherence to the definitions established under the PREA standards are contributing factors to the sustained number of incidents from the previous year.

### **Identified Problem Areas and Corrective Action for 2020**

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based on the statistical data alone, incidents within the facility are low compared to a review of available national data. There were no obvious problem areas identified in which corrective action was required.

Although not a significant problem area, a high percentage of the facility sexual abuse allegations pertained to voyeurism. All allegations have been thoroughly investigated and have been determined to be unfounded. Investigative reviews have determined that allegations due to voyeurism have been identified as staff conducting their duties in accordance with facility policy and PREA standards. Additional measures have been put in place to reduce the number of voyeurism allegations.

### **Assessment of Progress in Addressing Inmate Sexual Abuse Allegations**

The DWWDF continues to improve in all aspects of the PREA process and continues to make great strides in the prevention, detection and response to detainee sexual assaults, sexually abusive behaviors and sexual harassment.

The Donald W. Wyatt Detention Facility is confident that it has maintained and will continue to maintain 100% compliance with the DOJ Jail Standards.

DWM/dcd