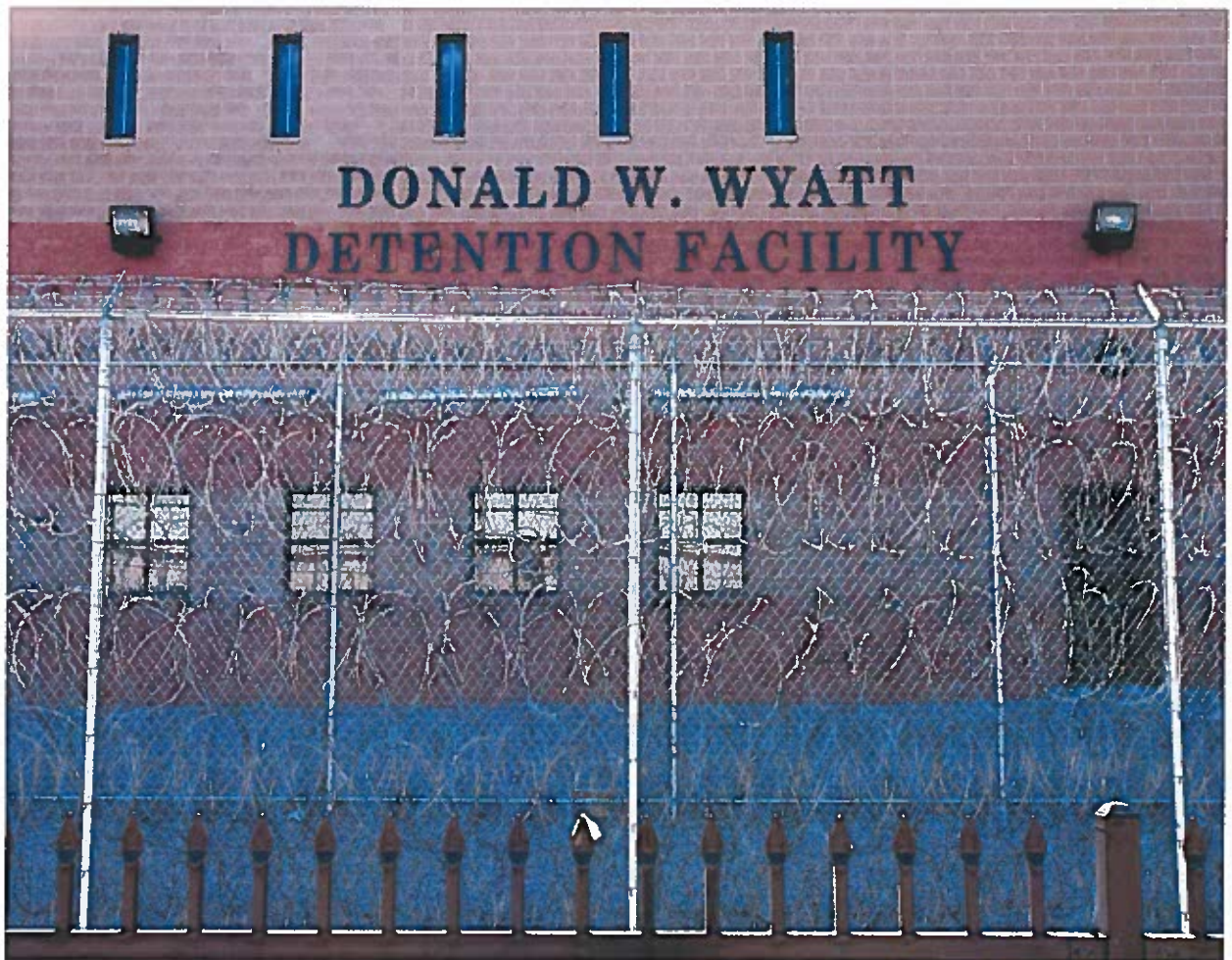


DONALD W. WYATT DETENTION FACILITY
PRISON RAPE ELIMINATION ACT (PREA)
ANNUAL REPORT – 2016



Approved: 

Daniel W. Martin, Warden

Background

The Prison Rape Elimination Act (PREA) was signed into federal law in September 2014 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 inmates (detainees) from prison rape.” PREA seeks to establish a zero-tolerance policy regarding rape, sexual abusive behavior and sexual harassment in federal, state and correctional systems. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection, and response strategies in addressing rape, sexual abusive behavior and sexual harassment. In August 2012, the United States Department of Justice (DOJ) issued the final PREA standards for: Prison and Jails, Lock-ups, Community Confinement Facilities and Juvenile Facilities. These standards required DOJ audits of all facilities housing inmates.

The Donald W. Wyatt Detention Facility (DWWDF) underwent its first PREA Audit in August of 2014 which resulted in the achievement of 100% compliance with no corrective action plans required.

Facility Achievements in 2016

The DWWDF continued to maintain compliance with the PREA Jail standards as well as its internal policy #411 - Sexual Assault and Sexual Harassment - Prevention and Intervention. The facility continued to contract with Rhode Island Hospital to provide mental health services, including Sexual Assault Forensic Examiners (SAFE)/Sexual Assault Nurse Examiner (SANE) and forensic examinations. Day One Crisis Intervention Center of Providence, Rhode Island was available to provide advocacy services to detainees for emotional support services related to sexual abuse. Detainees can contact in writing or via the use of a dedicated hotline service provided by Day One Crisis Intervention Center (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 2016, Day One Crisis Intervention Center did not receive any hotline calls from this facility.

Detainees also have access to our Professional Standards Unit (PSU) via a dedicated hotline number and may contact the Office of the Inspector General via telephone or in writing. During 2016, the PSU received two phone calls via the facility dedicated hotline. Both phone calls were alleged complaints against staff. After reviewing both complaints, the PSU determined that both alleged incidents were unsubstantiated.

The Donald W. Wyatt Detention Facility ensures that all current employees, contracted staff and volunteers receive a criminal background records check, at least every four years, to meet the PREA standards.

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 2016.

The Chief of Support Services (formerly Deputy Warden) was assigned as the PREA Manager/PREA Coordinator in 2015. The Compliance Captain was assigned as the PREA Manager/PREA Coordinator in October 2016 upon the retirement of the Chief of Support Services.

An annual review of the staffing plan and video monitoring system was conducted to ensure adequate levels and 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 support staff, line staff and detainees. A review of the video monitoring system confirmed that adequate systems are in place and working properly. The system is sufficient to ensure staff and detainee safety. There were no deficiencies noted during the review. However, the system is older and some images are grainy. The video monitoring system is being further reviewed and upgrades will possibly begin in calendar year 2017. Some upgrades would include 292-400 high-definition cameras with a resolution of 2048 by 2048 or higher. The cameras can be at 180 degrees or even 360 degrees giving even better viewing angles. Recordings for this system would be stored for ninety (90) days and a full redundant recording system would also be used. The facility would obtain licensures for thirty (30) users and full control of camera access.

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 aggregate 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" reports 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 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 Assault 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 inmates 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:

| DEFINITIONS | |
|------------------------------|--|
| 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. |

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

| Category | 2016 - Investigative Outcome | | |
|---|------------------------------|---------------|-------|
| | Alleged | Substantiated | Total |
| Detainee-on-Detainee nonconsensual sexual acts. | 0 | 0 | 0 |
| Detainee-on-Detainee abusive sexual contact. | 0 | 0 | 0 |
| Staff-on-Detainee sexual misconduct. | 4 | 0 | 4 |
| Staff-on-Detainee sexual harassment. | 0 | 0 | 0 |

- In July, 2016 a male detainee alleged that a staff member touched him inappropriately and made inappropriate gestures to him. The incident was investigated and was found to be unsubstantiated.
- In June, 2016 a male detainee alleged that a staff member touched him inappropriately while conducting a pat search. The incident was investigated and was found to be unsubstantiated.
- In August 2016, a male detainee alleged that a staff member touched him inappropriately while conducting a pat search. The incident was investigated and was found to be unsubstantiated.
- In October 2016, a male detainee alleged that a staff member touched him inappropriately while conducting a pat search. The incident was investigated and was found to be unsubstantiated.

| Category | 2015 - Investigative Outcome | | |
|---|------------------------------|---------------|-------|
| | Alleged | Substantiated | Total |
| Detainee-on-Detainee nonconsensual sexual acts. | 1 | 0 | 1 |
| Detainee-on-Detainee abusive sexual contact. | 1 | *1 | 1 |
| Staff-on-Detainee sexual misconduct. | 0 | 0 | 0 |
| Staff-on-Detainee sexual harassment. | 0 | 0 | 0 |

- In January, 2015 a female detainee alleged that another female detainee touched her buttocks. The incident was investigated and substantiated.

A review of the statistical data demonstrated a reduction of incidents involving Detainee-on-Detainee nonconsensual sexual acts and Detainee-on-Detainee abusive sexual contact. In 2015, there were one (1) alleged incident of Detainee-on-Detainee nonconsensual sexual act that was found unsubstantiated and one (1) incident of Detainee-on-Detainee abusive sexual contact which was substantiated. In 2016, both of these categories had no alleged incidents. There was an increase from zero (0) to four (4) in regards to alleged incidents of Staff-on-Detainee sexual misconduct. Of these four (4) incidents, three (3) were investigated for allegations of inappropriate pat searches that resulted in sexual misconduct. The investigations concluded that all three (3) incidents were due to thorough pat searches and that no staff misconduct was found. The other alleged incident was in regards to a staff member entering a detainee's cell. The detainee alleged that due to the staff member touching his shoulder that it could be considered inappropriate. An investigation was conducted and through an interview with the detainee, the detainee retracted his sexual misconduct complaint and stated that he called it a PREA complaint to get someone's attention. As a result of this interview and an investigation, the incident was found to be unsubstantiated.

Identified Problem Areas and Corrective Action

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon statistical data alone, the rate of incidents within the facility is extremely low. There are no obvious problem areas to address in assuring continued compliance with PREA Jail standards. However, the facility continues to review, enhance and improve its current policies/procedures in an effort to not only continue to meet the DOJ standards, but to exceed them.

Resolved Problem Areas from 2016

Although there were no specific problem areas to be addressed, the facility continued to provide comprehensive PREA education and training to all staff, contractors, volunteers, vendors and detainees on the facility's zero tolerance on all forms of sexual assault and sexual harassment. Viewing of the PREA video and signed acknowledgement is mandatory for all new detainees. Additionally, the facility continued to work with outside stakeholders, such as the Rhode Island

Hospital, Day One Crisis Intervention Center, and User Agencies in an effort to work collaboratively to ensure it meets and/or exceeds the standards set forth by the DOJ Jails standards.

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, abusive behaviors and sexual harassment.

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

DWM/dcd/lks