

DONALD W. WYATT DETENTION FACILITY
PRISON RAPE ELIMINATION ACT (PREA)
ANNUAL REPORT – 2018



Approved: _____

Daniel W. Martin 4/7/19

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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.

Facility Achievements in 2018

The Donald W. Wyatt Detention Facility (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. Although the facility doesn't have a contract with an outside hospital that provides (SAFE)/Sexual Assault Nurse Examiner (SANE) and forensic examinations, detainees that become victims of sexual assault will be sent to Rhode Island Hospital where it was confirmed that they provide (SAFE)/Sexual Assault Nurse Examiner (SANE) and forensic examinations. In September of 2017 the facility entered into an agreement with Day One Crisis Intervention Center of Providence, Rhode Island that they would 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 2018, 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 2018, the PSU received zero (0) phone 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 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 2018.

The Compliance Captain remains as the PREA Manager/PREA Coordinator since October 2016.

An annual review of the staffing plan and video monitoring system were 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. The facility camera system is in the final stages of a complete upgrade and will be completed by June 1, 2019.

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.
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	2018 - Investigative Outcome			
	Alleged	Substantiated	Unsubstantiated	Unfounded
Detainee-on-Detainee nonconsensual sexual acts.	0	0	0	0
Detainee-on-Detainee abusive sexual contact.	1	0	0	1
Detainee-on-Detainee sexual harassment	6	3	0	3
Staff-on-Detainee sexual misconduct.	11	0	0	11
Staff-on-Detainee sexual harassment.	5	0	0	5

In 2018, there were a total of twelve (12) allegations that were made against staff. Seven (7) of the incidents were reviewed for sexual abuse. One (1) of the incident were reviewed for Sexual Harassment. Four (4) of the incidents were reviewed for sexual abuse and sexual harassment. All twelve (12) of the incidents were determined to be unfounded. Below is a breakdown of the twelve (12) incidents:

1. There were seven (7) allegations that were reviewed for voyeurism. All seven (7) were in regards to staff watching detainees utilizing the restroom. The incidents were investigated and they were all determined to be unfounded. Review of cameras, interviews with staff and interviews with detainees concluded that carried out their duties in accordance with facility policies and post orders.
2. There was one (1) allegation where a detainee stated that he was sexually abused during a routine pat search. The incident was investigated and it was determined that the staff member performing the search was carrying out his duties in accordance with facility policies and post orders. The incident was unfounded.
3. There were four (4) allegations where detainees alleged that staff made comments or gestures towards them. The four (4) allegations were investigated for sexual abuse/sexual harassment. The facility cameras were reviewed, body cameras were reviewed and interviews were conducted. All four incidents were unfounded.

In 2018, there were a total of seven (7) allegations made by detainees against other detainees. Six (6) allegations were reviewed for sexual harassment and one (1) of the allegations was reviewed for sexual abuse. Three (3) of the six (6) allegations of sexual harassment were substantiated and

the remaining three (3) were unfounded. The incident regarding sexual abuse was unfounded. Below is a breakdown of the (7) seven incidents:

1. There were three (3) substantiated allegations of sexual harassment that were investigated. The allegations involved comments and gestures. A review of facility cameras, staff interviews and detainee interviews revealed that the allegations did in fact occur. The staff addressed each substantiated incident in accordance with the facility policy.
2. There were three (3) allegations of sexual harassment that were unfounded during an investigation. The three (3) allegations involved either comments, gestures and/or both. A review of facility cameras, staff interviews or detainee interviews revealed that the allegations were unfounded.
3. There was one (1) allegation of sexual abuse investigated. Staff interviews, detainee interviews and a review of facility cameras revealed were conducted. The allegation was determined to be unfounded.

Category	2017 - Investigative Outcome			
	Alleged	Substantiated	Unsubstantiated	Unfounded
Detainee-on-Detainee nonconsensual sexual acts.	0	0	0	0
Detainee-on-Detainee abusive sexual contact.	0	0	0	0
Detainee-on-Detainee sexual harassment	0	0	0	0
Staff-on-Detainee sexual misconduct.	3	1	1	1
Staff-on-Detainee sexual harassment.	1	0	0	1

- In January 2017, a male detainee in restrictive housing filed a third party complaint that a staff member groped a detainee while conducting a pat search. The incident was investigated and determined to be unfounded.
- In March 2017, two (2) detainees filed complaints of sexual harassment as a result of an unclothed search being conducted on them. The incident was investigated and it was determined not to be a PREA violation as staff were found to be conducting their job duties within facility policy.
- In March 2017, through telephone and mail monitoring, it was determined that a facility staff member who had resigned, had an inappropriate relationship with a male detainee when employed by the facility. An investigation was completed and the incident was determined to be substantiated.
- In June 2017, a detainee made a complaint against a facility staff member. The detainee claimed that the staff member was making statements that he wanted to sexually assault him. The incident was investigated and found to be unsubstantiated. The detainee making the accusation had departed the facility prior to being interviewed. The investigation concluded that the staff member was in violation of facility rules and regulations however, the staff member didn't violate a PREA standard.

A review of the statistical data from 2017 to 2018 revealed the following:

In 2017 there were a total of four (4) allegations made. In 2018 there were a total of nineteen (19) allegations made. Below is a breakdown of the incidents from 2017 to 2018:

Detainee-on-Detainee nonconsensual acts - There were no reported incidents in 2017 or 2018.

Detainee-on-Detainee abusive sexual contact – There were no reported incidents in 2017 and one (1) reported incident in 2018. The incident was investigated and unfounded.

Detainee-on-Detainee sexual harassment – There were no incidents in 2017. In 2018, there were six (6) allegations in which three (3) were substantiated and three (3) were unfounded. As detainees become more aware of PREA regulations, it appears that more incidents are brought forward to the attention of staff. Fifty percent (50%) of the allegations were substantiated. Each substantiated incident was handled in accordance with facility policy. The unfounded incidents revealed the detainee to either welcome the comments and/or an attempt to have detainees that weren't like removed from the unit.

Staff-on-Detainee sexual misconduct – There was a significant increase of allegations from 2017 three (3) to 2018 eleven (11). Seven (7) of the eleven (11) allegations were in regards to voyeurism where detainees alleged that staff were watching them while utilizing the restroom. Each allegation revealed that the staff members were conducting their duties in accordance with policies and post orders. These allegations appear to be made due to the detainee not understanding the definition of voyeurism or to have housing unit officers removed as the unit officer. In 2017 there was one (1) substantiated incident of sexual abuse and in 2018 there were zero (0).

Staff-on-Detainee sexual harassment – There was a slight increase from 2017 one (1) to 2018 five (5). The allegations were mainly staff making comments or gestures towards detainees. Each incident was investigated and unfounded.

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. After reviewing the PREA allegations and findings for 2018, one area that was identified as a concern and corrected were blind spots. The facility is in the final stages of an extensive upgrade to the facility cameras. Two of the alleged incidents for voyeurism were determined to be unfounded, however camera angles made it slightly difficult to come to this conclusion. Once the camera project is finalized, designated staff will rechecked these areas to ensure that the unit is completely covered. 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 2018

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 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.

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