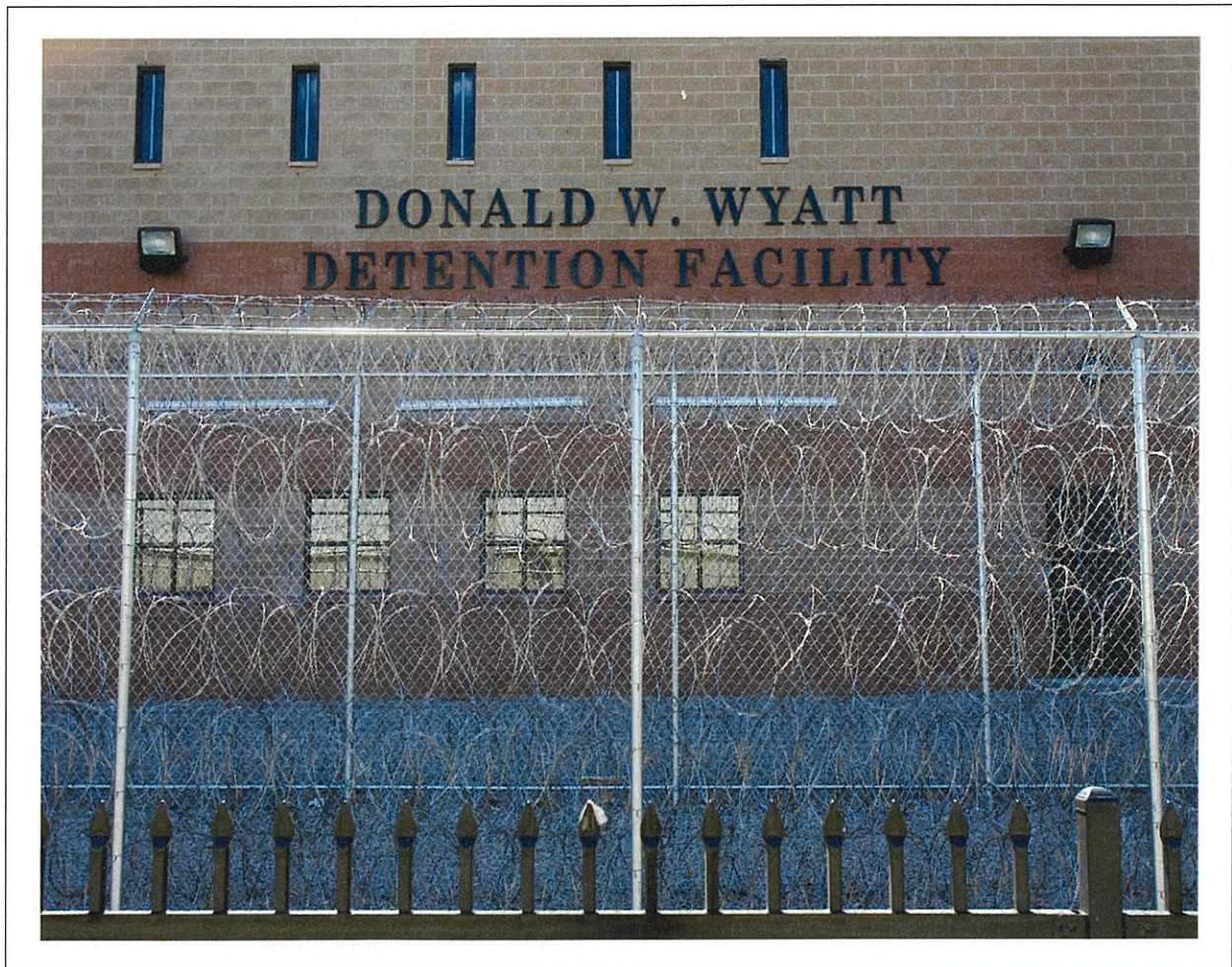


**DONALD W. WYATT DETENTION FACILITY
PRISON RAPE ELIMINATION ACT (PREA)**

ANNUAL REPORT – 2023



Approved: *Michael Nessinger*
Michael Nessinger, 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 subsequent audits were conducted in October 2017 and February 2021. In December 2023, the facility underwent its fourth PREA audit. The facility was found to be 100% compliant with all PREA standards during this audit.

Facility Achievements in 2023

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 continues to maintain a 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.

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 2023, PSU did not receive a call via the facility dedicated hotline for a PREA related incident.

In 2023, the facility added the Rhode Island State Police (RISP) as a hotline. Detainees now have the ability to report sexual abuse/harassment via this hotline. The RISP did not receive a phone call in 2023.

The facility also added the hotlines listed above to the back of each detainee’s identification card. This allows every detainee to have the hotline numbers readily available at all times.

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 2023.

The Director of Compliance 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 PREA jail 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 uniform 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 abuse and harassment incidents. Some of those comparisons will be found in this report in the aggregated data section.

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 abuse or sexual harassment event occurred. Only after a full investigation has been completed, is the 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:

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.
Ongoing:	An allegation that is currently being investigated and a finding has not been determined.

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

Category	2023 - INVESTIGATIVE OUTCOME				
	Substantiated	Unsubstantiated	Unfounded	Ongoing	Total
Detainee-on-Detainee nonconsensual sexual acts	0	0	0	0	0
Detainee-on-Detainee abusive sexual contact	0	0	3	0	3
Detainee-on-Detainee sexual harassment	0	0	1	0	1
Staff-on-Detainee sexual misconduct	1	0	6	1	8
Staff-on-Detainee sexual harassment	0	1	9	0	10
Total	1	1	19	1	22

Category	2022 - INVESTIGATIVE OUTCOME				
	Substantiated	Unsubstantiated	Unfounded	Ongoing	Total
Detainee-on-Detainee nonconsensual sexual acts	0	0	0	0	0
Detainee-on-Detainee abusive sexual contact	0	0	0	0	0
Detainee-on-Detainee sexual harassment	0	1	1	0	2
Staff-on-Detainee sexual misconduct	0	1	9	1	11
Staff-on-Detainee sexual harassment	0	0	1	0	1
Total	0	2	11	1	14

Category	2021 - INVESTIGATIVE OUTCOME			
	Substantiated	Unsubstantiated	Unfounded	Total
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	1	1	1	3
Staff-on-Detainee sexual misconduct	0	1	7	8
Staff-on-Detainee sexual harassment	0	0	4	4
Total	1	2	12	15

Comparison of PREA Cases – 2022 - 2023

The number of PREA allegations increased from fourteen (14) cases in 2022 to twenty-two (22) cases in 2023. Of the twenty-two (22) cases investigated in 2023, one (1) was unsubstantiated, nineteen (19) were unfounded, one (1) was substantiated and one (1) is currently an ongoing investigation. There was one allegation of sexual abuse by an ICE detainee which was determined to be unfounded.

There was a significant increase of allegations pertaining to staff sexually harassing detainees. The majority of these cases were unfounded; however, the PREA Coordinator is going to ensure that during 2023 training, staff are reminded that what they say to, and around, detainees may be misconstrued as sexually harassing comments.

Comparison of Investigative Outcomes - 2022 – 2023

The continued low number of incidents that pertain to staff-on-detainee sexual misconduct 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 comparable number of incidents from the previous year.

Identified Problem Areas and Corrective Action for 2023

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.

A review of the physical plant was completed and did not reveal any "blind spots" or areas where staff or detainees may be isolated. 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 housing units are staffed with one (1) correctional officer; however, if the detainee count exceeds seventy-two (72), a second officer may be posted in the unit for additional support. Each housing unit is equipped with cameras covering all areas of the unit. The unit officer along with the cameras ensures that there are no blind spots within the housing unit.

In 2023, the facility had a substantiated case of sexual abuse involving a staff member. In accordance with PREA standard 115.86, a committee met to review the investigative report and determine if there was a need for policy change, additional video monitoring equipment or staffing level adjustment. Although not directly tied to the allegation, the committee did conclude that there was a need for a change of policy that would eliminate staff from being with a detainee alone in a room. In addition, if an employee was in an area with a detainee and there were no other staff members around, the employee could not be alone in the room with the detainee unless the door was open and the Shift Commander and Central Control were notified. There were no identified blind spots; however, minor camera adjustments and the addition of another camera enhanced coverage. Other than the policy change, staffing levels remain adequate.

In 2023, the facility Information Technology (IT) Department had commenced a surveillance system enhancement project in each housing unit and additional areas of the facility. Unfortunately, there was not a lot of progress made with this project. The IT Department has started installing 360 degree cameras, but only two areas have been finished. In 2024, it is anticipated that this project will be completed by July 1st. This will enhance visual coverage in the housing units. These cameras have the capability of continuously recording every angle that is covered by the camera.

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 PREA jail standards.

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