



**Greg Gianforte, Governor | Brian M. Gootkin, Director**

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Feb. 9, 2021.

The Montana Department of Corrections respectfully submits the following information in response to questions posed by members of the Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement and Justice on Monday, Feb. 1, 2021. Please let us know if there is any additional information we can provide on these issues.

As you review the following, you will note that manual review of individual cases would be necessary for the department to respond to some of the questions most accurately. To address this in the future, the department is developing a module within its Offender Management Information System (OMIS) database to address offender placements. This enhancement of OMIS will allow the department to better track and measure offender success.

**Provide additional information on the evidence based practices and the risk/needs assessment for placement in treatment centers**

In 2017, the Council of State Governments' Justice Center recommended the DOC rely on ASAM criteria for placement in treatment facilities. (That group continues to urge more states to adopt this model.) After concerns were raised by the Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement and Justice, and treatment providers in the correctional arena, that an over-reliance on ASAM criteria did not address other critical criminogenic domains, the DOC adopted a behavioral health framework for placement that heavily takes into account an offender's risk assessment. The department is actively researching other state models, including that of Nevada, where risk level determines the level of care and clinical need determines the hours of dosage within that level of care. The department's Clinical Services Division and Programs and Facilities Bureau continue to work with stakeholders in correctional treatment around the state to develop the most appropriate placement criteria for its population.

**The number of referrals to treatment off of the MIIG**

See Attachment 1 for more information.

**Provide evidence on the policy/information on the 30-45 days of prescreening**

Attachment 2 includes information about the prescreening process for offenders. Prescreening is not currently tracked in OMIS in a manner that connects with location or length of time. To access the information, employees would need to individually access chronological notes within files.



**Provide information on the number of offenders that had been sentenced the last two years to NEXUS/Elkhorn**

The committee asked for information regarding the number of offenders that fit the criteria for placement at a methamphetamine treatment center under the previous statute related to second or subsequent offense of criminal possession of methamphetamine. OMIS does not allow for tracking of the specific type of drug associated with the offense. The committee also asked for the number of referrals to Nexus/Elkhorn. Those are represented in the charts below.

<b>Elkhorn Treatment Center Referrals (FY 2017 through 12/31/2020)</b>				
<b>FY</b>	<b>Accepted</b>	<b>Denied</b>	<b>Hold</b>	<b>Total Referred</b>
2017	39	19	0	58
2018	34	14	0	48
2019	83	6	9	98
2020	61	20	12	93
2021	25	8	3	36

<b>Nexus Referrals (FY 2017 through 12/31/2020)</b>				
<b>FY</b>	<b>Accepted</b>	<b>Denied</b>	<b>Hold</b>	<b>Total Referred</b>
2017	68	33	0	101
2018	129	25	0	154
2019	149	23	0	172
2020	105	18	1	124
2021	47	9	9	65

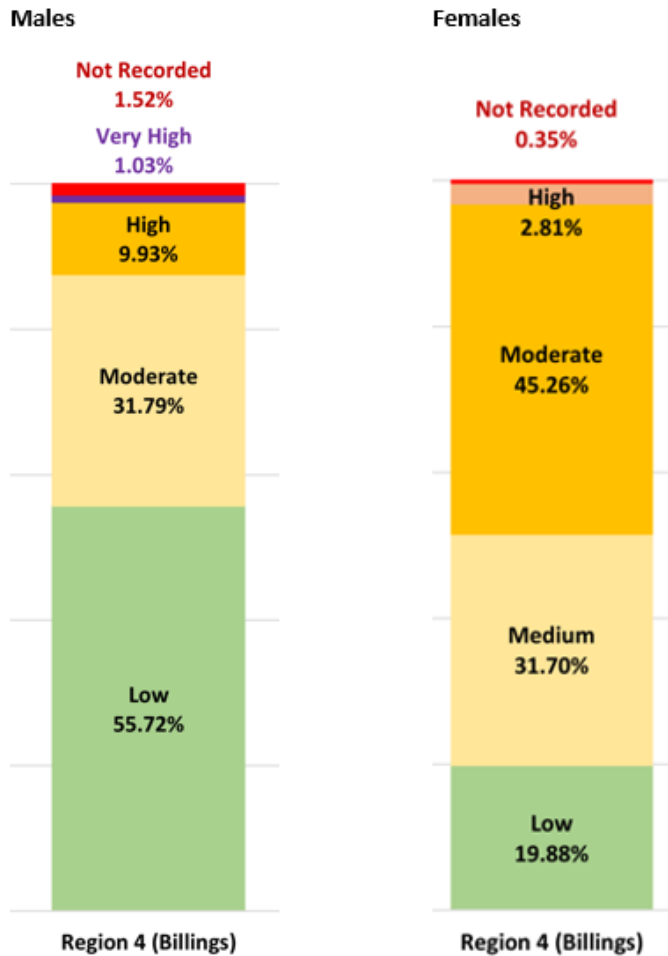
**Data on the number offenders that received new felony charges while on the MIIG**

Since the DOC started tracking this information in OMIS in July 2018, 1,332 offenders out of 21,631 on community supervision have received new felony convictions.

**Number of offenders charged and the number of offenders moved out of the treatment placement as a result of that new charge since the implementation of the MIIG**

Because this information is not directly tracked in the DOC's Offender Management Information System (OMIS), staff members would need to compile the information manually by reviewing pdfs uploaded into individual files since the MIIG was implemented. Anecdotally, the Probation and Parole Division staff believe the number of offenders removed from treatment as a result of a new pending felony is relatively small. Probation and Parole officers work with county attorneys in these cases to determine whether a solution exists in which the offender may remain in treatment.

**Number of low, medium, and high risk offenders on supervision in Billings.**



**Provide a copy of the organizational chart prior to the Probation & Parole reorganization and the current Probation & Parole organizational chart**

Please refer to Attachment 3 which depicts Probation & Parole structure in 2014, 2015 and 2021.

**Provide the excel document referenced by Kevin Olson for the data on contacts for Probation & Parole by region**

Please refer to Attachment 4.

**Provide the training materials on PREA compliance for contractors**

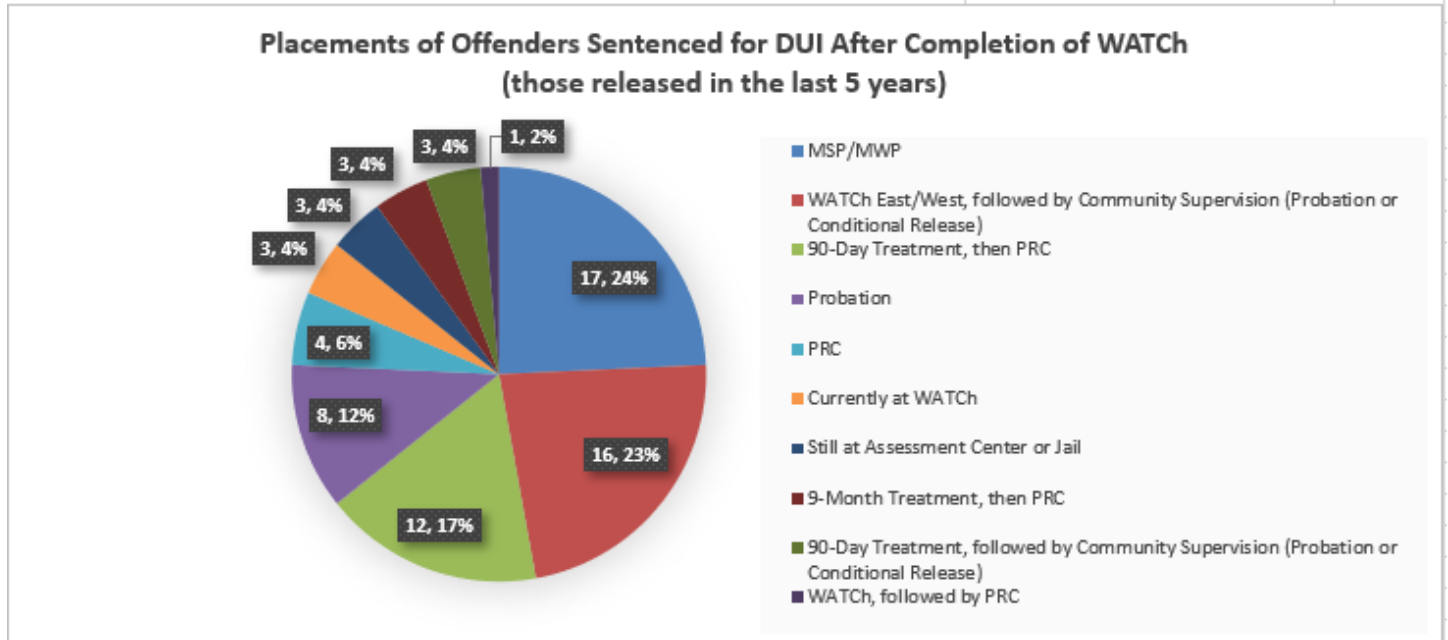
Please refer to Attachment 5.

**Provide additional information on the tool used for PREA compliance checks**

Please refer to Attachment 6. The department also has included its 2019 Prison Rape Elimination Act Annual Report for the committee's review (Attachment 7).

**Data on those that went to WATCH and then had a subsequent DUI and where that subsequent placement occurred**

In the past five years, 70 offenders were sentenced for DUI after completing the WATCH program. The following chart represents how they were placed upon committing the offense.

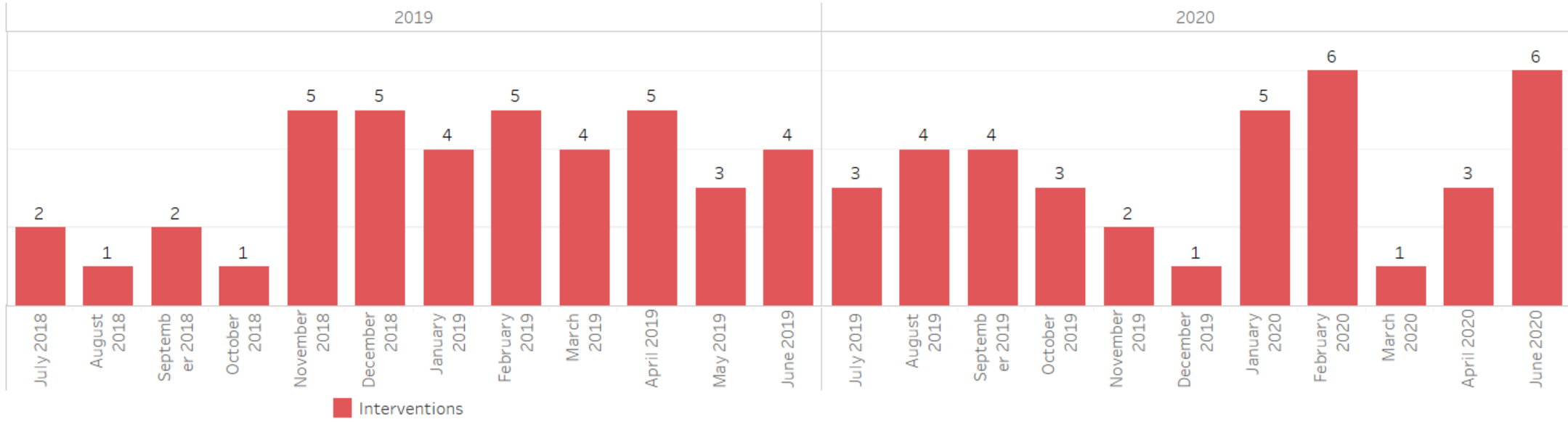


**Outcomes of WATCH and NEXUS programs—What happened after offenders were released?**

As discussed in other responses in this document, long-term outcomes for this population of offenders are not available due to limitations within the department’s OMIS system. The OMIS module implementation mentioned above will improve the efficiency by which the department is able to retrieve that data. However, a review of only the first placement following release from WATCH or NEXUS indicates the top two placements of individuals are return to the community (at least 36 percent) and prerelease centers (at least 25 percent).

# Attachment 1

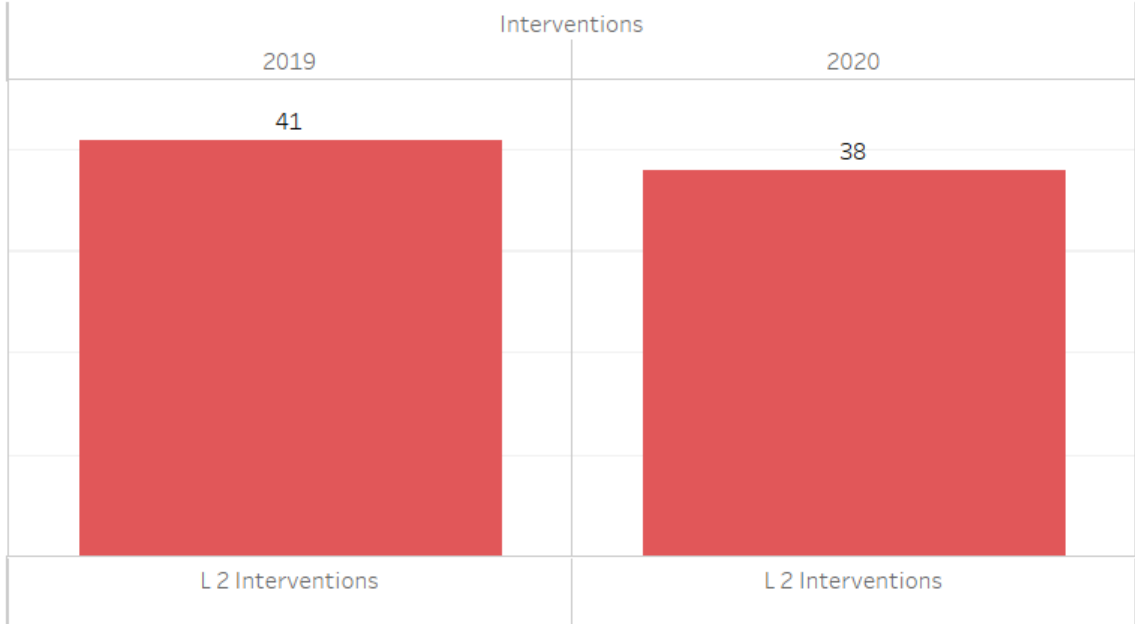
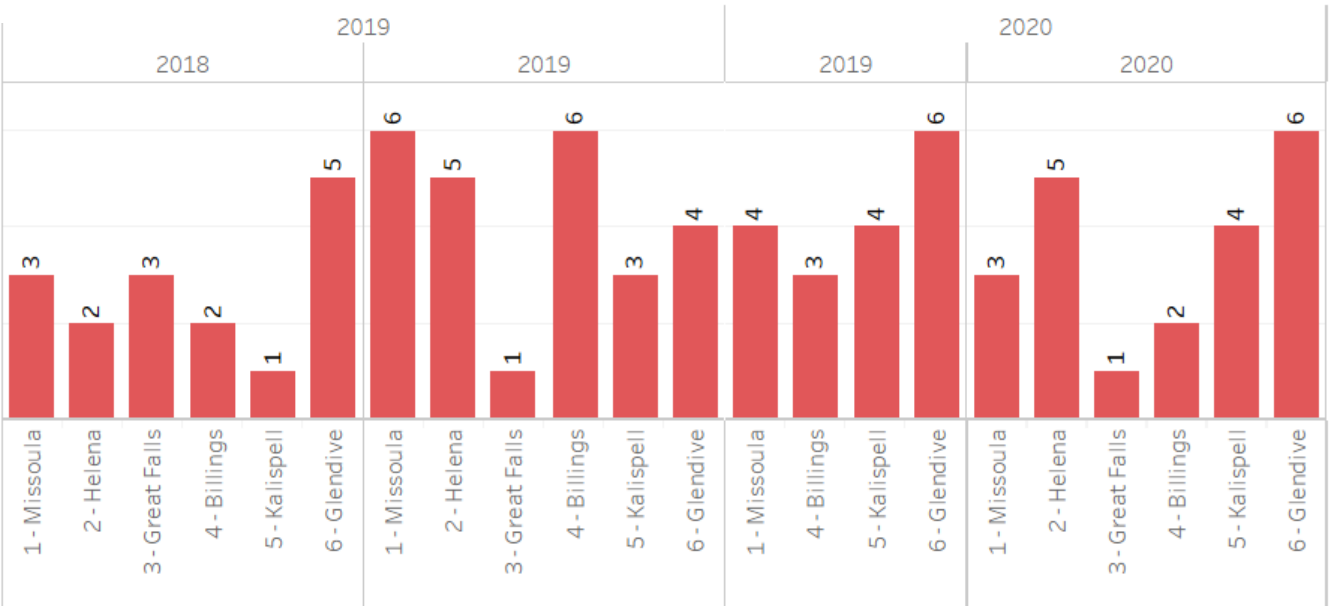
### Referral To Treatment Court



### Usage by Month and Year

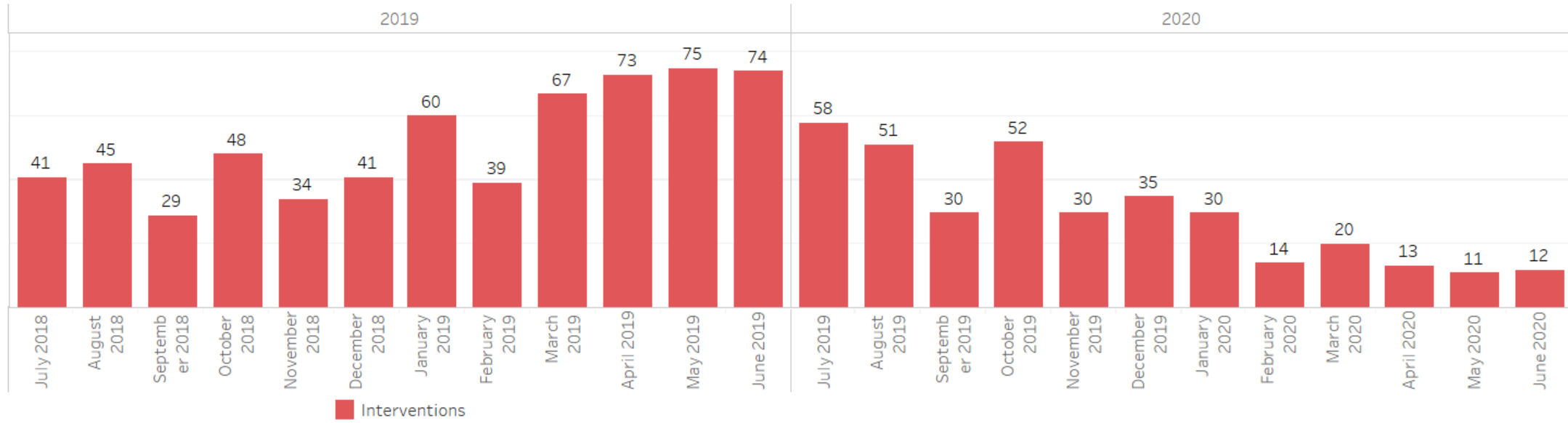
### Usage by Year and Region

### Usage by MIIG Group and Year



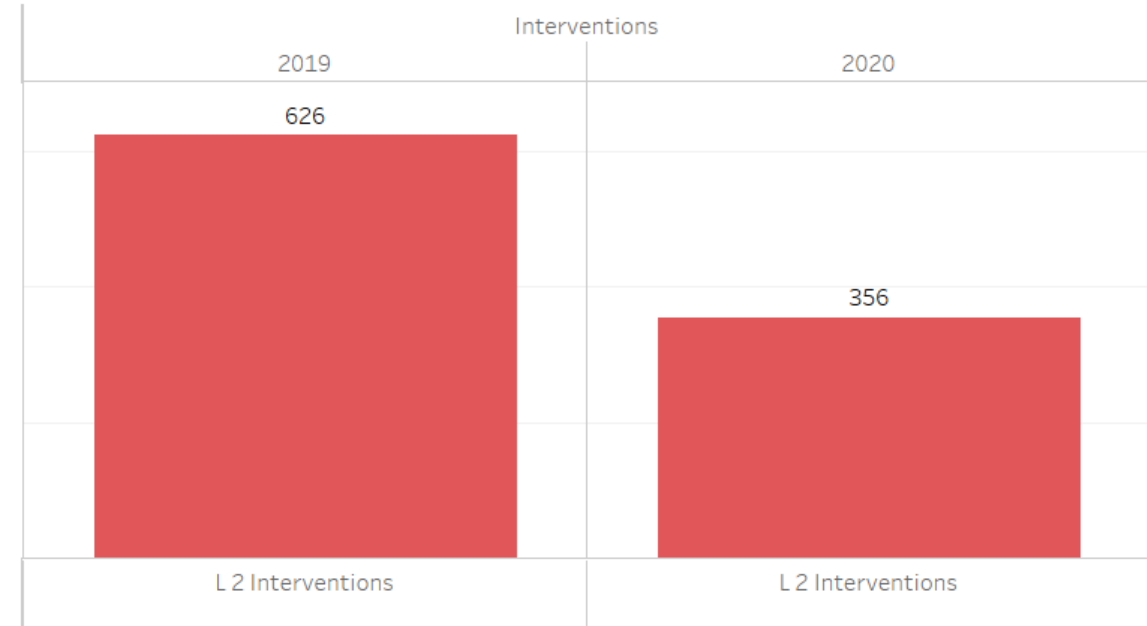
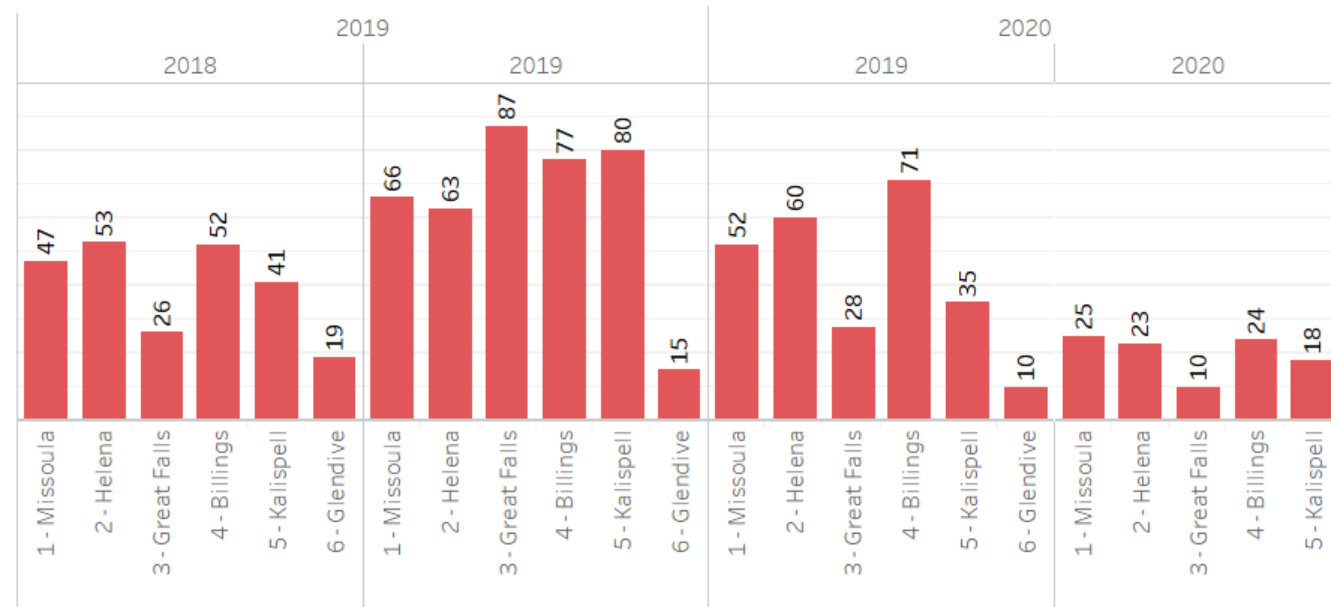
# Treatment Referral Including PPD Contract Bed

## Usage by Month and Year

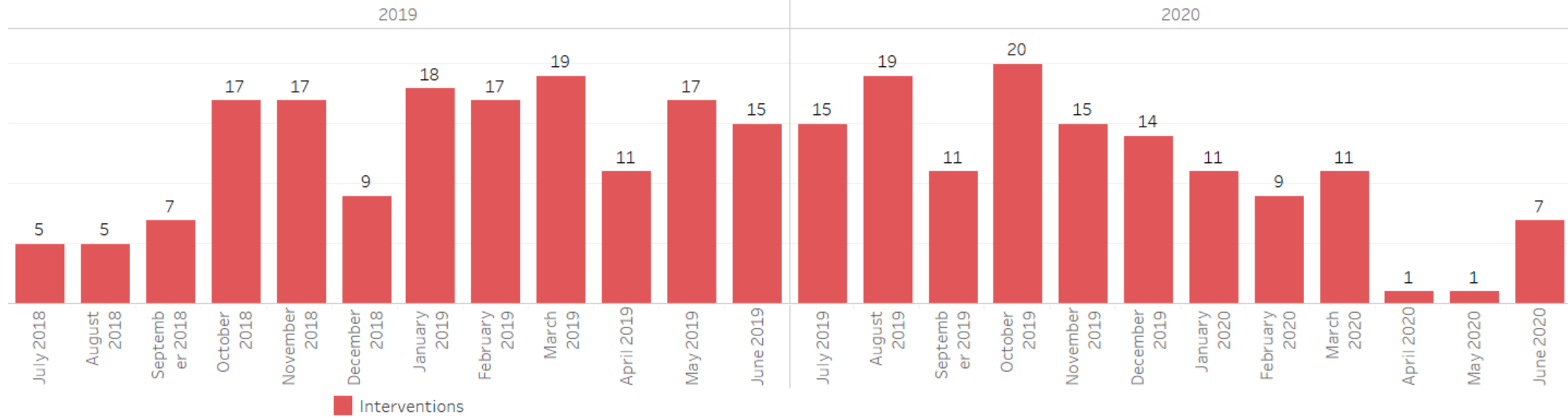


## Usage by Year and Region

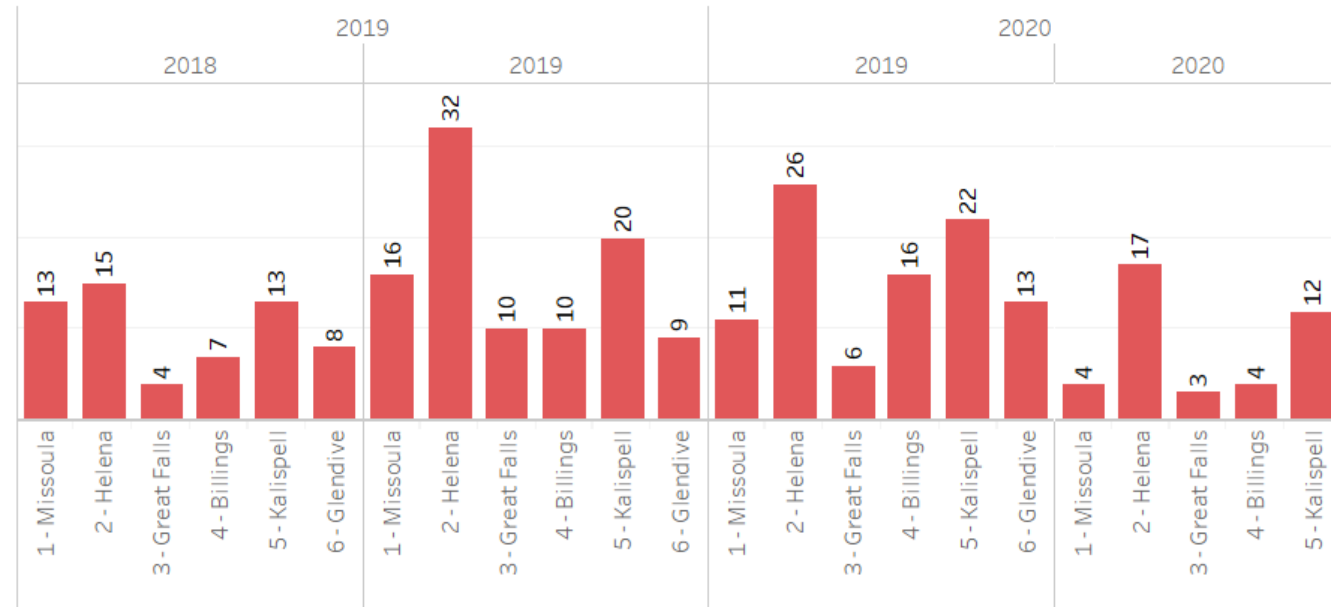
## Usage by MIIG Group and Year



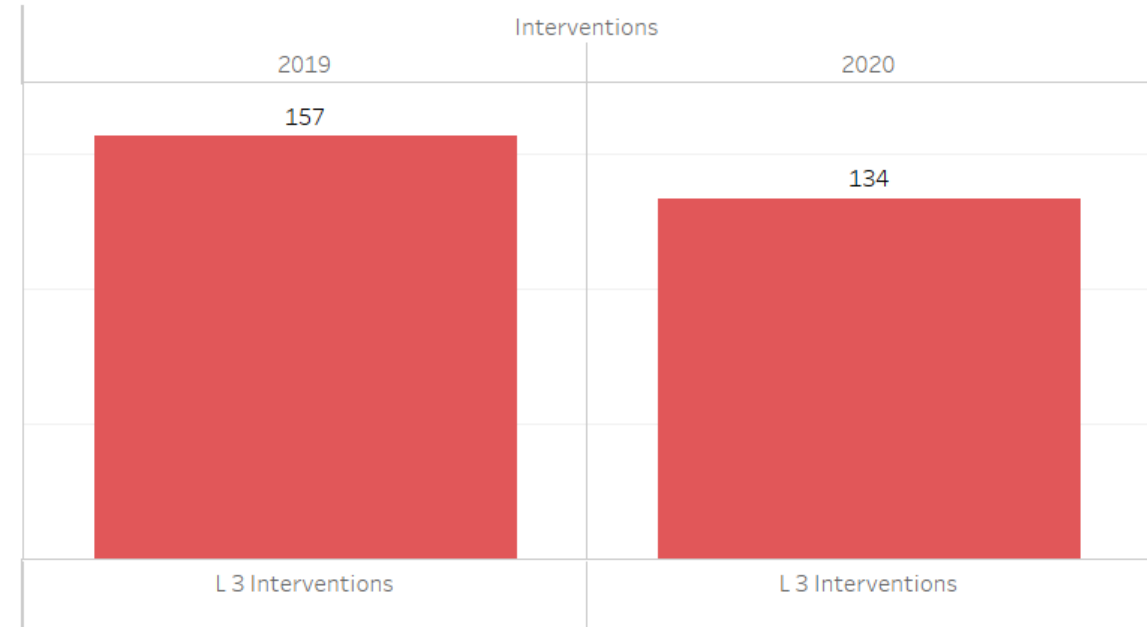
## Referral to Contracted Program



## Usage by Year and Region



## Usage by MIIG Group and Year





# Attachment 2



**DEPARTMENT OF CORRECTIONS  
PROBATION AND PAROLE DIVISION  
OPERATIONAL PROCEDURE**

Procedure No.: PPD 4.1.100	<b>Subject: SCREENINGS FOR ADULT OFFENDER PLACEMENT</b>
Reference: 45-9-102, MCA; 46-18-201, MCA; 46-23-201, MCA; 46-23-1002, MCA; 46-23-1004, MCA; 46-23-1011, MCA; 46-23-1021, MCA; 53-1-203, MCA; 53-30-403, MCA; 61-8-731, MCA	Page 1 of 7
Effective Date: 03/29/16	Revised:
Signature / Title: /s/ Kevin Olson, Probation and Parole Division Administrator	

**This procedure is referenced as *ACCD 4.1.100 Screenings for Incarcerated Adult Offenders* in Section 2.B. Program Requirements; Screening/Eligibility, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Connections Corrections Program (CCP), Elkhorn, Nexus, START, and WATCH Contract.**

**I. PURPOSE:**

Employees of the Probation and Parole Division and its contracted facilities will follow established guidelines and procedures to determine appropriate placements of offenders in available programs for supervision, assessment, treatment, or sanction purposes.

**II. DEFINITIONS:**

Assessment Screening Committee – Facility staff at assessment and sanction centers who screen offenders to be referred to a PPD program/facility.

Contract Manager – The Department’s employee that acts as the liaison for services and monitors the contractual agreements between the Department and PPD contract treatment facilities and prerelease centers.

Hearings Officer – A Department employee who, as an impartial person, conducts Disciplinary, Preliminary “On-Site” and Intervention hearings.

Institutional Screening Committee – Committees established by the Department which convene at a prison to screen offenders referred to a PPD program/facility.

Local Screening Committee – A community-based team that screens offenders referred to a PPD program/facility by the institutional screening committee or the assessment screening staff.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices, interstate transfers, and the facilities providing assessments and sanctions, training, prerelease, and treatment services.

Prison – Montana State Prison (MSP), Montana Women’s Prison (MWP), Great Falls Regional Prison, Dawson County Correctional Facility, and Crossroads Correctional Center.

Review Status – Status of an inmate who was not granted parole from the BOPP, but whose case will be considered again in the future. Factors determining when the next BOPP review takes place include the programs the inmate must complete.

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Secure Placement – A management decision to place an offender at a secure facility when it has been determined the offender is inappropriate for community placement for objective reasons to include discipline, long term mental health/medical needs and/or treatment, inability to place in alt-secure facilities, and risk to community.

### III. PROCEDURES:

#### A. ELIGIBILITY REQUIREMENTS

1. The supervising Probation & Parole (P&P) Officer will staff the offender's case with a supervisor and then, when possible, the Officer should have an offender evaluated for the appropriate level of care prior to submitting an application to a PPD program/facility.
2. All screening packets, prior to sentencing or after, **MUST** be referred by Department staff (P&P, case managers, facility staff). Unless sentenced to a deferred, suspended, or Montana State Prison (MSP)/Montana Women's Prison (MWP) sentence, the Department or Board of Pardons and Parole determines placement for offenders. Applications will not be accepted from outside parties (attorney, court, or offender) without the mentioned referrals.
3. Requirements for all facilities:
  - a. If an offender has a medical or psychological condition, facility staff and the facility's screening coordinator will assess the offender to determine if his/her needs can be met in a community-based setting. The offender must be assessed as stable by a medical/mental health provider, regulated on prescribed medications prior to leaving, and transfer with a minimum 30-day medication supply if possible.
  - b. The referral source must secure verification that any detainees are resolved to the satisfaction of the state or contracted facilities and the PPD.
  - c. If an offender has an escape conviction within the past three (3) years, *PPD 4.1.100(E) Approval of Offender Placement with Prior Escapes* must be submitted to the PPD Administrator or designee for approval before submitting application materials for screening.
4. Requirements for prerelease centers (PRC):
  - a. Offenders will be physically and mentally capable of work, education, or vocational training. If they are unable to work due to a disability, i.e. a verified physical or mental handicap, and/or they are eligible for Veterans Administration Benefits, SSI, or Vocational Rehabilitation Services, they must have a realistic plan to subsidize their stay at the PPD facility. See *PPD 5.1.202 Financial Resources for Offenders* for possible additional funding assistance.
  - b. An offender recommended for treatment must consent to appropriate treatment in the facility or community and would be expected to pay for all community treatment costs. The offender must comply with current treatment requirements that may include placement on a waiting list before referral to appropriate groups.

#### B. PRE-SCREENING

1. Prior to sentencing or a hearing, pre-screening by the referring P&P Officer should occur in most cases. If the referring Officer is unable to determine the best placement for an offender and/or the offender needs an assessment, these cases should be staffed with a supervisor and may be referred as follows:
  - a. New male DOC commitments to MASC;

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- b. Male revocations to START; or
- c. Female DOC commitments or revocations to Passages ASRC.

2. The application process outlined in Section F below will be followed for pre-screening and the P&P Officer will make recommendations based on screening results. Hearing Officers will check on space availability in the program prior to ordering the program as an intervention.

**C. SCREENING FOR DIRECT PLACEMENT OF OFFENDER**

1. Offenders who have just received a new DOC incarceration sentence, but who will not be placed at an assessment and sanction center will be directly referred by the supervising P&P offices to a local screening committee.
2. The local P&P office or a P&P Officer will directly refer offenders on probation, parole, or conditional release status who are being revoked and will be receiving a DOC sentence, but who will not be placed at an assessment and sanction center, to a local screening committee.
3. A secure placement to MSP or MWP may be determined necessary if an offender is found to be inappropriate for other placement (see *PPD 4.6.202 Override to Montana State Prison or Montana Women’s Prison*):
  - a. The RA/POII makes the determination for new DOC commitments; or
  - b. A Hearings Officer makes the determination for a parole or conditional release violator.

**D. SCREENING FOR OFFENDERS FROM AN ASSESSMENT AND SANCTION CENTER**

Offenders placed at an assessment and sanction center will go through the center’s assessment process prior to being seen by the receiving PPD program/facility’s local screening committee. The center will make appropriate referrals to the screening committee.

**E. SCREENING FOR PRISON INMATES**

1. Unit Screening
  - a. The unit management team, or case manager, will review applications to determine if offenders meet eligibility requirements for referral. The eligibility requirements must be met before the application is forwarded to the IPPO for further screening by the institutional screening committee.
  - b. The team will provide written notification to offenders who request PPD facility placement, but do not meet the eligibility requirements, listing one or more reasons for the denial on *PPD 4.1.100(B) PPD Facility Initial Screening Form*. Copies of the *Form* will be forwarded to the main file and the mini-file.
2. Institutional Screening Committee
  - a. Members of this committee will include a representative from the PPD, the Board of Pardons and Parole (BOPP), and the prison, which may include Contract Placement Bureau personnel from the prison. Substitute representatives are allowed if necessary.
  - b. The IPPO in each program/facility will prepare the necessary paperwork and make the appropriate arrangements for the committee. The committee will convene as necessary to consider referrals and determine the appropriateness of offenders for a minimum-security setting. They will consider such factors as:
 

i. criminal offense	iv. existing medical/mental health needs
ii. criminal history	v. community supervision history
iii. length of sentence	vi. treatment completion/recommendations

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- vii. escape history
- viii. victim impact
- ix. institutional behavior
- x. previous conduct at a PPD program

c. Offender referrals receiving majority support by the committee will be forwarded to local screening committees by the IPPO; however, offenders receiving majority support, but BOPP dissents, are not guaranteed a parole out of the PRC or other community facility. Staff at the BOPP may be contacted by local screening committees for more information.

### 3. Eligibility Requirements for BOPP Cases

- a. The offender must be within 13 months of parole eligibility or discharge to be considered for PRC placement. The institutional or local screening committee may require certain offenders to enter a PRC on an extended stay status as a condition of the approval, however, the PRC must receive written approval from the PPD prior to an offender's extended stay placement by completing and submitting *PPD 5.1.102(D) Pre-Authorized Extended Stay Request Form*. Extended stay cases are approved on an as-needed basis.
- b. BOPP endorsement for PRC placement:
  - i. All applicants who have a BOPP endorsement for PRC placement and meet screening criteria will be automatically referred to the local screening committee when:
    - 1) the offender appeared before the BOPP and was placed on review status. BOPP also endorsed PRC placement with option of requesting reappearances after an appropriate period of PRC residency.
    - 2) the offender appeared before the BOPP that decided PRC was appropriate upon completion of programming and/or clear conduct and placed offender on review status with PRC endorsement, but did not specify the offender could request an early return.
    - 3) the BOPP granted an offender the privilege of parole contingent upon completion of PRC program.
  - ii. If an offender has appeared before the BOPP and received a disposition that does not support PRC placement, he/she will not be eligible for PRC screening.
  - iii. An offender who has been placed on annual review by the BOPP is not considered to have a PRC endorsement and will not be eligible for screening. However, if an offender has completed recommended programming, the case manager or unit manager may request reappearances before the BOPP on behalf of the offender for an endorsement, unless the BOPP has specifically stated "no early consideration." If an endorsement is granted, the offender can then apply for local screening.
- c. An offender previously screened for PRC placement and denied by all centers may not reapply for four (4) months following the last denial received. This time limit may be waived if new information is received, e.g., notice of treatment completion.
- d. If an offender has been passed to discharge by the BOPP, he/she may still be eligible for PRC screening and placement. This offender must discharge his/her sentence from the PRC and would not be eligible for placement prior to the 200 day timeframe unless *PPD 5.1.102(D) Pre-Authorized Extended Stay Request Form* has been completed and approved by the Contract Manager.
- e. The offender must be within 13 months of parole eligibility or discharge to be considered for placement at WATCH, Passages ADT, or Connections Corrections Program.
- f. The offender must be within 18-24 months of parole eligibility or discharge to be considered for placement at Elkhorn, Nexus, or the Passages Culinary Arts Program.

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- g. Pursuant to the Administrative Rules of Montana, before applying for placement, the offender must have clear conduct as follows:
  - i. A.R.M. 20.25.305(5) ELIGIBILITY: Unless a hearing panel otherwise orders, before an offender in a community-based program appears before the board, the offender must have at least 90 days free of severe (Class 100) or major (Class 200) disciplinary violations. An offender in a secure facility must have 120 days free of major disciplinary violations.
  - ii. A.R.M. 20.25.701(1) RELEASE: The board, through its staff, may delay a release that has been granted and not scheduled for rescission, up to 120 days as a result of improper conduct or new evidence or information. The staff shall notify the board of any delay and reason for it.

## **F. APPLICATION PROCESS**

1. All PPD program/facility placements are voluntary, and the referring source will inform the offender of the program requirements. To initiate the application process, the person referring an offender will complete *PPD 4.1.100(B) PPD Application Evaluation Form* and *PPD 4.1.100(D) Probation and Parole Division Program Referral*, with the offender completing *PPD 4.1.100(A) Application for PPD Facility*.
2. The application materials will include the following:
  - a. Current MORRA/WRNA assessment completed upon sentencing;
  - b. Pre-sentence investigation/Post-sentence investigation;
  - c. Psychological (Psychosexual) or existing sexual offender reports/evaluations (if available);
  - d. Psychiatric report if available/Medication recommendations;
  - e. Chemical dependency reports/Evaluations;
  - f. Local victim information that affects placement;
  - g. Information, Judgments and Sentence Review Decisions;
  - h. Initial BOPP Report and most recent BOPP Disposition;
  - i. Verification of Commitment (if judgment is not available)
  - j. Report of Violation;
  - k. Most recent Parole Report or *PPD 4.1.100(F) Progress/Summary Report*;
  - l. Basic Information Sheet;
  - m. Initial Classification Summary and Report;
  - n. Summary of offender's institutional conduct; and
  - o. All appropriate releases for confidential information.
3. An offender may not be transferred to a PPD facility until notice of acceptance has been received from the accepting facility.
4. If an offender approved for PRC is moved to MASC or Passages ASRC for evaluation and/or placement and cannot afford transportation costs, *PPD 4.1.100(J) Offender Prepaid Bus Ticket Agreement* is completed and signed by offender, who may be required to repay the cost of the ticket. Copy of *Agreement* is faxed to DOC Central Office at (406) 444-9819 and copy is given to offender. Original is placed in offender's file until payment is received (by money order with offender name and DOC #). Payment and original is sent to Accounting Bureau, DOC Central Office, P.O. Box 2013001, Helena, MT 59620.

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## G. LOCAL SCREENING COMMITTEE

1. Local screening committees will consider and accept or deny referrals within 10 working days of receipt or upon an established schedule as approved by the Contract Manager. When a screening date will be delayed, the committee will notify the Contract Manager by email and provide the reason for the delay.
2. Placement of an offender is determined by the Department or BOPP. The local screening committee may recommend conditions of acceptance to the referral source that include additional programs (i.e., TSCTC or CCP/ADT prior to PRC). If a recommendation is made, the screening report will indicate that the offender has been placed on a “hold” or “pending” status. The Department or BOPP must agree to the recommendation prior to acceptance. In the event the recommendation is not accepted, the local screening committee may deny the offender, giving the reasons for the denial.
3. The committee may deny an offender admission only for the following reasons:
  - a. The offender presents an unacceptable level of risk for future criminal activity in the community (must specifically note what these are);
  - b. The offender presents an unacceptable level of risk of harm to other facility offenders, staff, or self (must specifically note what these are);
  - c. The offender presents an unacceptable level of risk of escape/walk-away;
  - d. The offender cannot fulfill the program obligations. The committee and facility may not discriminate against an offender on the basis of the offender’s mental or medical condition, but may deny admission to an offender who due to one of these conditions, cannot fulfill program objectives with reasonable accommodations or “special needs” assistance from the Department (must specifically note what these are);
  - e. The offender has insufficient time remaining on his/her sentence to complete the program;
  - f. The offender has committed a sexual or violent offense in the community in which the facility is located and where his/her victim resides;
  - g. The file material submitted was incomplete (note specifically what is missing); or
  - h. Other penological reasons (must specifically note what these are).
4. An offender may choose a specific PRC as a first choice if he/she has a justifiable and verifiable reason, and the application materials will be submitted to that PRC. If a PRC referral is denied, it will be forwarded to the next PRC in accordance with the following rotation schedule:

Males: (1) Butte (2) Helena (3) Great Falls (4) Billings (5) Missoula (6) Bozeman	Females: (1) Butte (2) Great Falls (3) Billings (4) Missoula
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5. At each screening meeting, the committee must discuss each offender referral and report the results to the Contract Manager. The facility will submit a report by email at [coraccdreports@mt.gov](mailto:coraccdreports@mt.gov) within three (3) business days after the screening committee meets, with the email subject line as follows: Facility, Report name, Date (ex., Nexus Screening Report 7-27-2015). The report must outline all offenders screened and indicate for each one:
  - a. date packet was received;

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- b. the referral source;
  - c. whether offender was accepted or denied;
  - d. if denied, the reasons for the denial; and
  - e. if applicable, the reason the screening meeting was delayed.
6. The Department will release non-confidential information pertinent to the committee's consideration of an offender for admission.
  7. The Department will obtain all necessary releases of information and provide it to the facility.
  8. The facility will arrange an annual meeting between the screening committee members and Department staff.

**IV. CLOSING:**

Questions regarding this procedure should be directed to the Regional Administrator, Contract Manager, or Facility Administrator

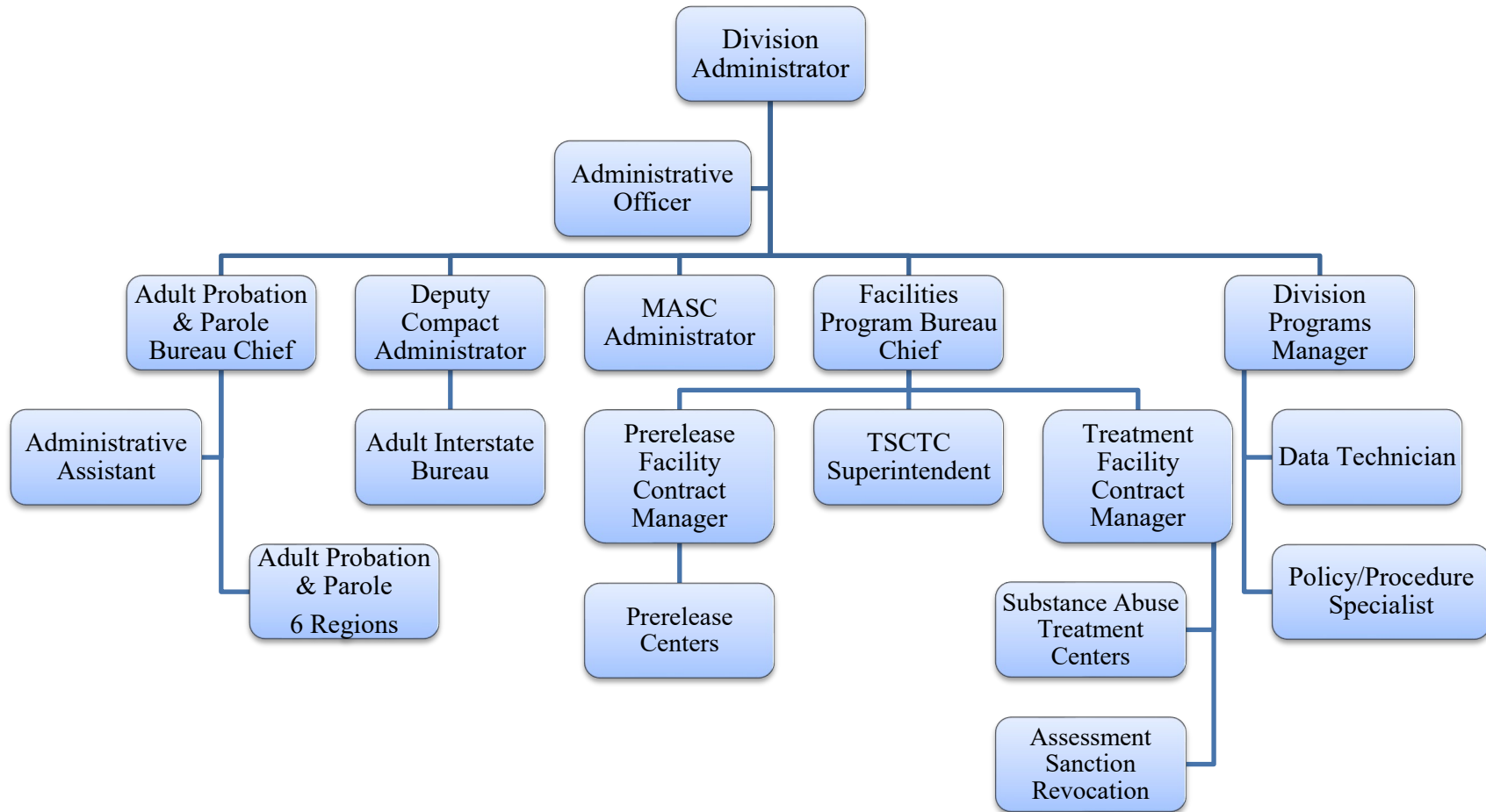
**V. FORMS:**

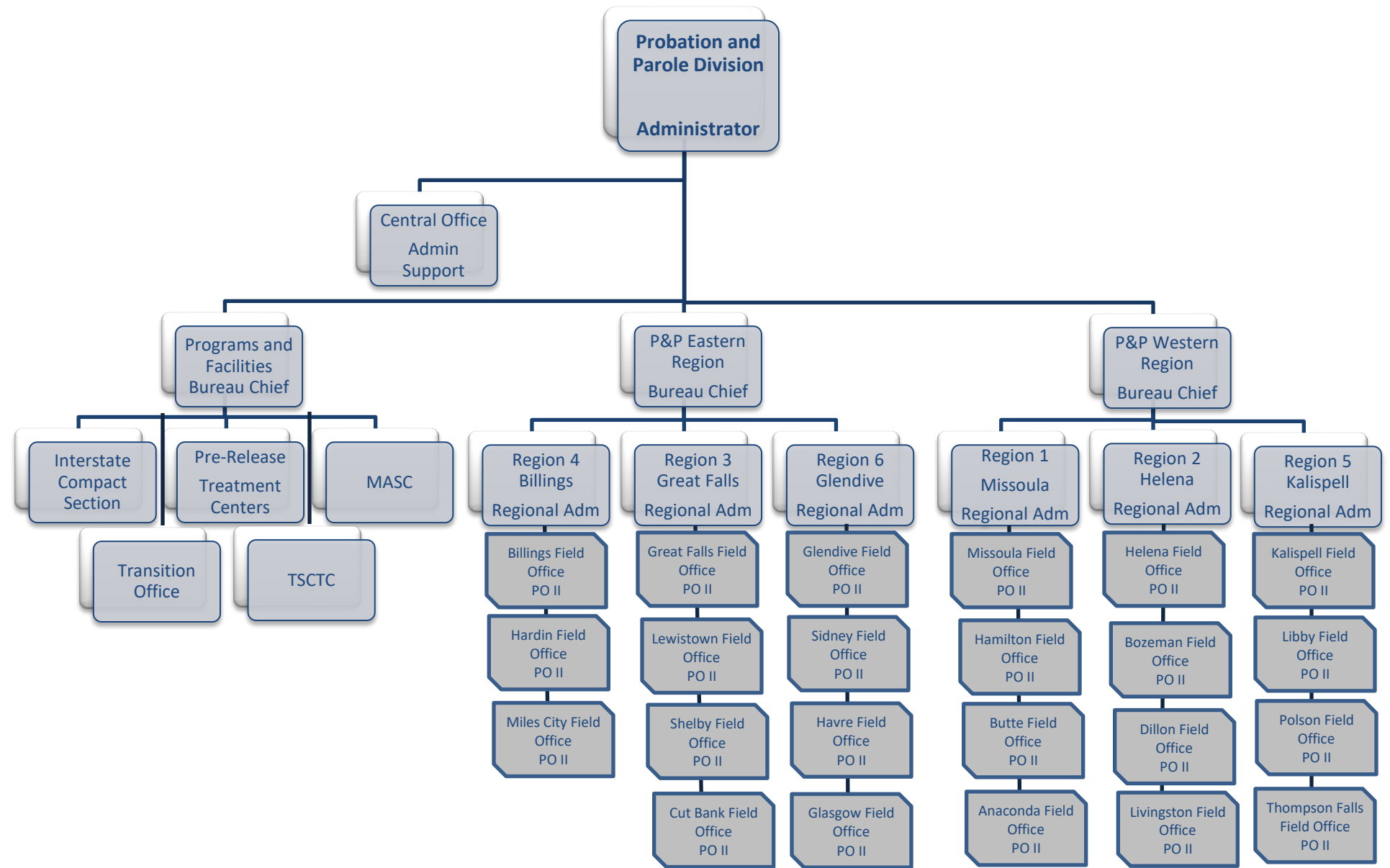
- PPD 4.1.100 (A) Application for PPD Facility
- PPD 4.1.100 (B) PPD Application Evaluation Form
- PPD 4.1.100 (C) PPD Application Evaluation Instructions
- PPD 4.1.100 (D) Probation and Parole Division Program Referral Form
- PPD 4.1.100 (E) Approval of Offender Placement with Escape Conviction(s)
- PPD 4.1.100 (F) Progress/Summary Report
- PPD 4.1.100 (G) PPD Facility Initial Screening Form
- PPD 4.1.100 (H) Conditions for Residing
- PPD 4.1.100 (J) Offender Prepaid Bus Ticket Agreement



# Attachment 3

**Montana Department of Corrections  
Adult Community Corrections Division  
January 2014**

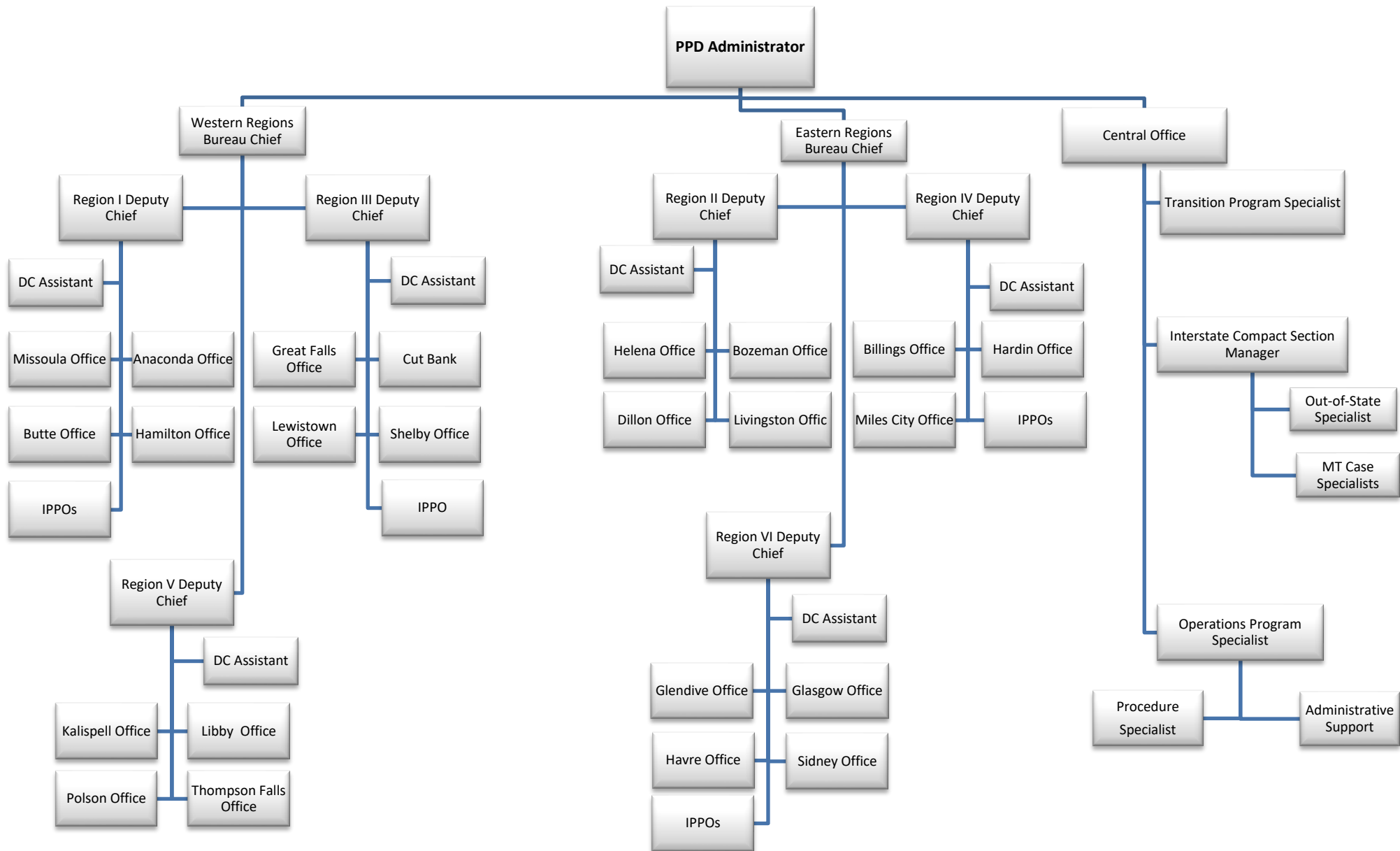






# Montana Department of Corrections

## Probation and Parole Division



# Attachment 4

## Region 1 Offender Contacts

Contact Type	Contact Count
Telephone Contact	10371
Office Contact	7740
Offender Contact, Office Contact	2796
Offender Contact, Telephone Contact	2637
Email	2494
Offender Contact	2106
Offender Contact, Office Contact, Personal Contact	1725
Home Contact	1485
Personal Contact	534
Offender Contact, Personal Contact	292
Home Contact, Offender Contact	250
Office Contact, Personal Contact	220
Email, Offender Contact	207
Email, Telephone Contact	133
Office Contact, Telephone Contact	106
Home Contact, Telephone Contact	97
Home Contact, Offender Contact, Personal Contact	87
Home Contact, Personal Contact	62
Personal Contact, Telephone Contact	54
Email, Offender Contact, Telephone Contact	36
Home Contact, Office Contact	33
Offender Contact, Office Contact, Telephone Contact	29
Offender Contact, Office Contact, Personal Contact, Telephone Contact	28
Offender Contact, Personal Contact, Telephone Contact	21
Email, Offender Contact, Office Contact, Personal Contact	14
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Email, Offender Contact, Personal Contact	3
Email, Personal Contact	3
Home Contact, Offender Contact, Personal Contact, Telephone Contact	3
Office Contact, Personal Contact, Telephone Contact	3
Email, Home Contact	2
Email, Home Contact, Personal Contact	1
Email, Home Contact, Telephone Contact	1
Home Contact, Personal Contact, Telephone Contact	1
<b>Total</b>	<b>33636</b>

## Region 2 Offender Contacts

Contact Type	Contact Count
Telephone Contact	8882
Offender Contact, Telephone Contact	4809
Office Contact	4414
Offender Contact, Office Contact	3898
Email	3697
Offender Contact, Office Contact, Personal Contact	2133
Offender Contact	1633
Email, Offender Contact	1368
Home Contact	696
Office Contact, Personal Contact	388
Offender Contact, Personal Contact	320
Home Contact, Offender Contact	202
Email, Telephone Contact	178
Home Contact, Offender Contact, Personal Contact	104
Offender Contact, Office Contact, Telephone Contact	77
Personal Contact	76
Office Contact, Telephone Contact	74
Home Contact, Telephone Contact	63
Email, Offender Contact, Telephone Contact	56
Offender Contact, Personal Contact, Telephone Contact	53
Home Contact, Offender Contact, Telephone Contact	31
Personal Contact, Telephone Contact	22
Home Contact, Office Contact	21
Home Contact, Offender Contact, Office Contact	19
Home Contact, Personal Contact	19
Home Contact, Offender Contact, Office Contact, Personal Contact	18
Offender Contact, Office Contact, Personal Contact, Telephone Contact	17
Home Contact, Offender Contact, Personal Contact, Telephone Contact	8
Email, Offender Contact, Office Contact	7
Email, Office Contact	5
Email, Office Contact, Personal Contact	4
Email, Personal Contact	4
Office Contact, Personal Contact, Telephone Contact	4
Email, Offender Contact, Office Contact, Personal Contact	3
Email, Home Contact	2
Email, Home Contact, Offender Contact	2
Email, Offender Contact, Personal Contact	2
Home Contact, Offender Contact, Office Contact, Personal Contact, Telephone Contact	2
Email, Home Contact, Offender Contact, Personal Contact	1
Email, Home Contact, Telephone Contact	1
Home Contact, Office Contact, Personal Contact	1
<b>Total</b>	<b>33314</b>

### Region 3 Offender Contacts

Contact Type	Contact Count
Telephone Contact	7285
Office Contact	3325
Office Contact, Personal Contact	2123
Offender Contact, Telephone Contact	2095
Offender Contact, Office Contact, Personal Contact	1615
Email	1413
Offender Contact, Office Contact	989
Home Contact	924
Offender Contact	884
Offender Contact, Personal Contact	768
Personal Contact	709
Offender Contact, Personal Contact, Telephone Contact	703
Home Contact, Offender Contact, Personal Contact	196
Home Contact, Personal Contact	137
Home Contact, Offender Contact	135
Personal Contact, Telephone Contact	134
Email, Offender Contact	118
Email, Telephone Contact	100
Home Contact, Telephone Contact	91
Office Contact, Telephone Contact	70
Offender Contact, Office Contact, Telephone Contact	59
Home Contact, Offender Contact, Office Contact	58
Home Contact, Office Contact	52
Home Contact, Offender Contact, Telephone Contact	34
Email, Offender Contact, Telephone Contact	31
Home Contact, Offender Contact, Personal Contact, Telephone Contact	21
Office Contact, Personal Contact, Telephone Contact	16
Home Contact, Offender Contact, Office Contact, Personal Contact	13
Email, Office Contact	12
Offender Contact, Office Contact, Personal Contact, Telephone Contact	12
Email, Offender Contact, Office Contact	9
Email, Home Contact	6
Email, Personal Contact	6
Home Contact, Office Contact, Personal Contact	6
Email, Offender Contact, Personal Contact, Telephone Contact	4
Email, Office Contact, Personal Contact	3
Home Contact, Personal Contact, Telephone Contact	3
Email, Home Contact, Telephone Contact	2
Email, Offender Contact, Office Contact, Telephone Contact	2
Email, Offender Contact, Personal Contact	2
Email, Office Contact, Telephone Contact	2



Home Contact, Offender Contact, Office Contact, Personal Contact, Telephone Contact	2
Email, Home Contact, Offender Contact	1
Home Contact, Office Contact, Telephone Contact	1
<b>Total</b>	<b>24171</b>

#### Region 4 Offender Contacts

<b>Contact Type</b>	<b>Contact Count</b>
Telephone Contact	11565
Email	8522
Offender Contact, Office Contact	6476
Offender Contact, Telephone Contact	5521
Offender Contact, Office Contact, Personal Contact	4549
Office Contact	2463
Offender Contact	2082
Offender Contact, Personal Contact	968
Home Contact	761
Office Contact, Personal Contact	685
Email, Offender Contact	649
Offender Contact, Personal Contact, Telephone Contact	487
Home Contact, Offender Contact	385
Email, Telephone Contact	302
Personal Contact, Telephone Contact	275
Personal Contact	243
Home Contact, Offender Contact, Personal Contact	146
Email, Offender Contact, Personal Contact	89
Home Contact, Telephone Contact	86
Email, Offender Contact, Telephone Contact	83
Email, Personal Contact	74
Home Contact, Personal Contact	61
Offender Contact, Office Contact, Telephone Contact	50
Email, Offender Contact, Office Contact	21
Home Contact, Offender Contact, Telephone Contact	21
Email, Office Contact	17
Office Contact, Telephone Contact	17
Offender Contact, Office Contact, Personal Contact, Telephone Contact	16
Office Contact, Personal Contact, Telephone Contact	8
Email, Offender Contact, Office Contact, Personal Contact	7
Home Contact, Office Contact	7
Email, Home Contact	6
Email, Offender Contact, Personal Contact, Telephone Contact	6
Home Contact, Offender Contact, Office Contact	6
Home Contact, Offender Contact, Personal Contact, Telephone Contact	6

Home Contact, Offender Contact, Office Contact, Personal Contact	5
Email, Office Contact, Personal Contact	4
Email, Personal Contact, Telephone Contact	3
Home Contact, Personal Contact, Telephone Contact	3
Home Contact, Office Contact, Personal Contact	2
Email, Home Contact, Offender Contact	1
Email, Office Contact, Telephone Contact	1
Home Contact, Offender Contact, Office Contact, Personal Contact, Telephone Contact	1
Home Contact, Office Contact, Telephone Contact	1
<b>Total</b>	46681


### Region 5 Offender Contacts

Contact Type	Contact Count
Office Contact	7644
Telephone Contact	5887
Offender Contact, Office Contact	1934
Offender Contact, Telephone Contact	911
Email	716
Offender Contact	664
Office Contact, Personal Contact	664
Home Contact	621
Offender Contact, Office Contact, Personal Contact	229
Personal Contact	161
Home Contact, Offender Contact	75
Email, Offender Contact	57
Home Contact, Telephone Contact	47
Offender Contact, Personal Contact	44
Offender Contact, Personal Contact, Telephone Contact	44
Office Contact, Telephone Contact	40
Email, Telephone Contact	33
Home Contact, Personal Contact	32
Home Contact, Offender Contact, Personal Contact	20
Home Contact, Office Contact	13
Personal Contact, Telephone Contact	13
Email, Office Contact	8
Offender Contact, Office Contact, Telephone Contact	8
Email, Offender Contact, Telephone Contact	4
Home Contact, Offender Contact, Office Contact	3
Email, Personal Contact	1
Home Contact, Offender Contact, Telephone Contact	1
Offender Contact, Office Contact, Personal Contact, Telephone Contact	1
<b>Total</b>	19875

## Region 6 Offender Contacts

Contact Type	Contact Count
Telephone Contact	5075
Office Contact	3116
Offender Contact, Office Contact	1005
Email	822
Offender Contact, Telephone Contact	791
Personal Contact	593
Offender Contact	487
Home Contact	301
Office Contact, Personal Contact	243
Home Contact, Personal Contact	78
Personal Contact, Telephone Contact	71
Email, Telephone Contact	69
Home Contact, Offender Contact	50
Email, Offender Contact	36
Home Contact, Telephone Contact	35
Home Contact, Personal Contact, Telephone Contact	28
Office Contact, Telephone Contact	27
Offender Contact, Personal Contact	24
Offender Contact, Office Contact, Telephone Contact	19
Offender Contact, Office Contact, Personal Contact	17
Email, Offender Contact, Telephone Contact	13
Home Contact, Offender Contact, Telephone Contact	10
Email, Office Contact	7
Home Contact, Office Contact, Personal Contact	5
Email, Personal Contact	3
Home Contact, Offender Contact, Personal Contact	3
Email, Offender Contact, Office Contact	2
Home Contact, Offender Contact, Office Contact	2
Home Contact, Office Contact	2
Office Contact, Personal Contact, Telephone Contact	2
Email, Offender Contact, Office Contact, Telephone Contact	1
Home Contact, Office Contact, Telephone Contact	1
Offender Contact, Personal Contact, Telephone Contact	1
<b>Total</b>	<b>12939</b>

# Attachment 5



PREA  
CONTRACT FACILITIES  
WORK SESSION

Administrative Investigations



# Agenda

Definitions related to Sexual Abuse  
and Sexual Harassment (PREA 115.6)

Review PREA standards related to  
investigations

Brady/Miranda

Conducting Interviews

Report Writing

Information shared with the  
Department

# Definition of Sexual Abuse: Inmate on Inmate

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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.

# Definition Sexual Abuse: Staff on Inmate

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (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;
- (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;



# Sexual Abuse Definition Staff on Inmate (cont.)

(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. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident 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.

# Sexual Abuse Allegation Investigation

- Any allegation that fits the definition of sexual abuse is referred for criminal investigation first
- If allegation fits one of the following but lacks specific detail/information supporting underlined sections, it may require administrative investigation first. If underlined sections are met, refer for criminal investigation:
  - *Inmate on inmate: (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.*
  - *Staff on inmate: (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;*
  - *Staff on inmate: (8) Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident 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.*

# Definition

## Sexual Harassment

- (1) 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 resident directed toward another; and
- (2) 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.

# 115.221: Evidence protocol

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

# 115.222: Ensuring referrals of allegations for investigations

(a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

(b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.

(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

# Working with local law enforcement

- Set up meetings with them
- Establish an MOU
- Invite them to tour the facility

# 115.271: Criminal and administrative agency investigations

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(a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

---

(b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.234.

---

(c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

---

(d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

# 115.271: Criminal and administrative agency investigations

---

(e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

---

(f) Administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

---

(g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

---

(h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.



# 115.271: Criminal and administrative agency investigations

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(i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

---

(j) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

---

(k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

---

(l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

# Reminders

- Allegations to/from other facilities
- Complete investigation even if the alleged victim or alleged suspect leaves the facility
  - *If sent to a DOC facility, we can assist with interviews*

# 115.272: Evidentiary standard for administrative investigations

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.

A requirement that more than 50% of the evidence points to something.

# Determination/Finding

- ***Substantiated*** means an allegation that was investigated and determined to have occurred. (meets the preponderance of the evidence)
- ***Unsubstantiated*** 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*** means an allegation that was investigated and determined not to have occurred.

# Confidentiality

- Information from allegations and investigations is only to be shared with those who have a need to know:
  - *Security*
  - *Safety/Housing*
  - *Treatment*
  - *Legally mandated*
- Keep investigative documents in a secure location

# Brady Material

- U.S. Supreme Court rules in landmark decision of *Brady v. Maryland* (1963):
  - *Duty to Disclose: There is an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information*
- Exculpatory Evidence/Brady Material: Evidence in the government's possession that is favorable to the accused and that is material to either guilt or punishment, including evidence that may impact the credibility of a witness
- 1972 *Giglio v. United States* expanded the Brady decision to require prosecutors to provide information to the defense counsel which could tend to impeach a witness
  - *This includes information about the credibility and veracity of the testimony of police officers*

# Miranda Warning

- Miranda v. Arizona (1966): U.S. Supreme Court ruled that detained criminal suspects, prior to questioning, must be informed of their constitutional right to an attorney and against self-incrimination
- When conducting an administrative investigation on a case that is also being investigated criminally, coordinate your investigation with the criminal investigator.
  - *DO NOT interview the suspect until you get approval from the criminal investigator.*
- [46-6-107, MCA](#)

# Sexual Abuse Victims: What to Know

- Do not base validity of an allegation on length of time it takes a victim to report.
- Victims may show a range of emotions from extremely expressive (hostile, crying, joking) to controlled (numb, quiet)
- Trauma causes a stress response which may interfere with memory storage in the brain. Victims may not remember everything that happened, or they may remember things after several days that they didn't remember right after the incident.
- Male victims may blame themselves.
- Remember that sexual abuse is often used to exert power.
- Retaliation monitoring
- Confidentiality – information only shared with those who have a need to know



# Investigative Interview Model

**P**- Planning and Preparation

**E**- Engage and Explain

**A**- Account, Clarification and Challenge

**C**- Closure

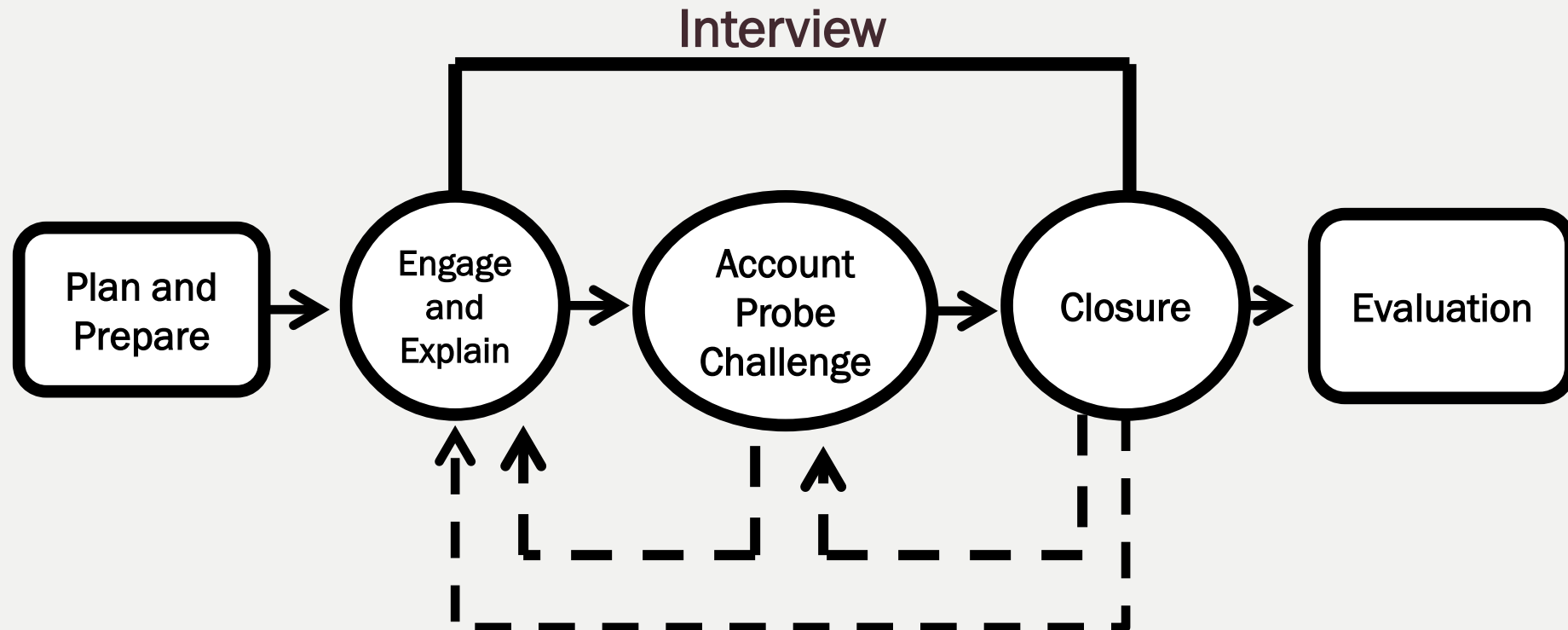
**E**- Evaluate



# Phases of the PEACE Framework

Phase	Action
1	<b>Plan and Prepare</b> Review available information and establish interview objectives
2	<b>Engage and Explain</b> Develop rapport and explain the interview process and procedure
3	<b>Account, Probe, Challenge</b> Using an appropriate interview model gain an account of events, probe the account for more information and challenge any inconsistencies
4	<b>Closure</b> Conclude the interview and address any concerns
5	<b>Evaluate</b> Evaluate how the interview impacts the investigation and the interviewer's performance

# PEACE



# P-Planning and Preparing

Crucial elements of good planning are:

- Understanding the purpose of the interview;
- Obtaining as much background information as possible on the incident under investigation, including information on the person to be interviewed;
- Defining the aims and objectives of the interview (think PLATO)
  - *Persons, Locations, Actions, Time, Objects*

# P-Planning and Preparing (cont.)

- Understanding and recognizing the elements that need to be proved;
- Assessing what evidence is available and from where it was obtained;
- Plan to conduct the interview as soon as the witness is physically and emotionally capable.

# P-Planning and Preparing (cont.)

- Select an environment that minimizes distractions while maintaining the comfort level of the interviewee;
- Turn off personal communication devices;



# Special Considerations in any interview

- Youth
- Mental Illness
- Developmental Disabilities
- Physical Impairment (e.g. alcohol, drugs)

# E-Engage and Explain

Critical steps to successful Engage and Explain stage of the interview:

- Create a good impression from the outset;
- Treat the interviewee as an individual;
- Understand the feelings of the person being interviewed (Empathy);



# Critical Steps (cont.)

- Explain the reason for the interview;
- Give an outline for the procedures;
- Describe the format of the interview.



# A-Account, Clarification, Challenge

Main purposes in this Phase are:

1. Obtain the interviewee's own uninterrupted account;
2. Expand and clarify their account;
3. When necessary (e.g., with suspects) challenge the interviewee's account.

# C-Closure

Provides the interviewer with the opportunity to summarize and interviewee to correct and add to their account.

- Have you covered all that you set out to?
- Review and summarize the account –do we all understand it?
- May be necessary to return to “account” phase.

# C-Closure (cont.)

- Has the interviewee given all the information he is able or willing to provide?
- Does he have any questions?
- Explain what happens next
- Explain future contact arrangements.
- Interviewee should feel he was treated with respect.

# E-Evaluation

- Did you achieve your aims and objectives for the interview?
- Re-evaluate the investigation in the light of the interview: Do we have new information? Is it consistent with existing evidence? Are there conflicts to resolve? Do we need to make further inquiries?
- How well did you do the interview: What was good? What could have been better? Do you have areas for development?

# Questioning

- A. Basic Rules of Questioning;
- B. Types of Questions

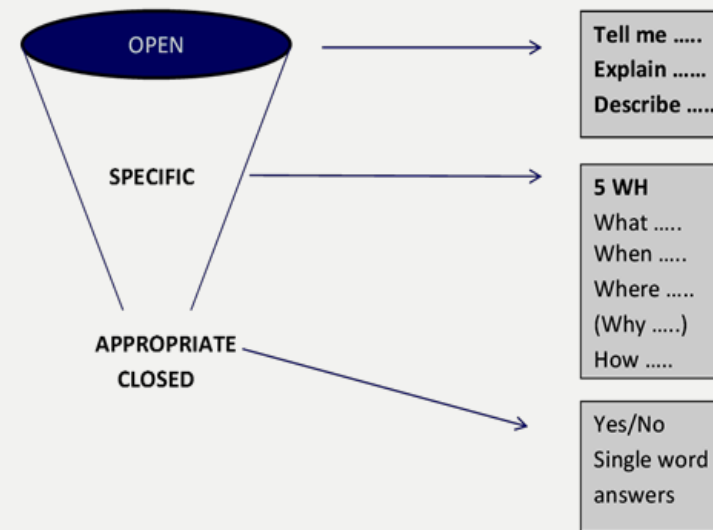


# Questioning

	Basic Rules of Questioning
Vocabulary	The language used should be simple, unambiguous, and jargon free.
Relevance	Each question has purpose and is not used to fill time. Have a plan.
Pace	The interviewee must be allowed time to understand the question, think what knowledge they have about the matter, formulate their answer, and deliver it.
Interruptions	Interviewers must learn to curb any tendency to interrupt the interviewee as this will break the person's train of thought and stop the flow of information, potentially preventing important facts from emerging.
Control	If a suspect interviewee strays from the point, direct him or her back firmly and tactfully e.g., "That's very interesting, but before you continue, can you tell me what happened when you first saw the person acting suspiciously in the street?" Suspects often try to take interviewers off track to avoid difficult or evidential topics.

# Types of Questioning

- Opening Question
- Open-ended
- Probing
- Productive
- Non-productive



*TEDS*



# Productive Questions




- Open-ended
- Probing (5 WH)
- Mirroring/reflecting
- Closed - appropriate
- Clarifying
- Minimal Encouragers
- Summarizing

# Productive Questions (cont.)

- Neutral / non-judgmental
- Short / concise
- Logical
- Singular (one question or one point at a time)



# Non-productive Questions

- Leading (assumes or suggests the answer)
- Closed – inappropriate 
- Multiple (Did you see him? What was he wearing?  
Did he have a jacket on?)
- Misleading / inaccurate
- Non-neutral / judgmental (You know you did it, so  
why don't you just admit it?)
- Negative (e.g., “You don't know his name do you?”)

# Report Writing

**What is a report?**

*A written summary of the events you have seen, heard or investigated.*

**What is the primary function of a report?**

*To clearly and effectively “communicate” in chronological order the details of your investigative efforts.*

## Your report should be...

Clear – easily read and understood.

Concise – fact based and to the point.

Correct – accurately describe your efforts.

Complete – containing all of the elements of your efforts.

# Audience



- Who is reading your report?
- What does your audience need to know?
- Tell them what happened, in the order things happened. (chronological order).
- Think of a timeline
- In your narrative, include facts that meet the elements of the offense and/or facts that meet the relevant legal tests.
- Write to the level of your audience.

# Report Writing

---

Thorough, detailed

---

Summary of investigation

---

Attach all supporting documents and evidence

---

Include final determination

---

Be mindful of use of pronouns

---

Prove the negative – i.e. if a piece of evidence is not available such as video, document why it is not available

# Tips for Report Writing

01

Write in the first person.

02

Use chronological order.

03

Use past tense

04

Use active voice

05

Use correct spelling and punctuation

06

Be careful of pronoun usage

07

Avoid slang or jargons

08

Write facts not opinions

09

Be accurate and detailed



# Sentence Structure

Brains love simplicity.

Long sentences are harder to read and understand.

Most of your sentences **SHOULD NOT** be over three lines long

# Note Taking

- Value



# Here are some tips for note taking:

1

1. Use the same notebook for all notes, so you don't misplace any notes.

2

2. Write notes down as you get the information.

3

3. Write it as clearly as possible. There is no point in taking a note if you can't read or understand your own writing.

4

4. Use ink as pencil smears easily and is not permanent.

5

5. Use drawings or sketches if it will help to revive your memory.

6

6. Do not compromise officer safety to write down notes.

## What is wrong with this report?

We are about to open the proverbial can of worms right now. Every time I write about the correct rules for creating documents I'm buried under an onslaught of reader email – it's a topic that lots of people have very definite opinions about. So, if you're offended by what follows, let me know below. You should never put a space before a punctuation mark such as a question mark and you should always put one after. If you put a space before a punctuation mark the word and the punctuation mark can be split across the end of a line because Word considers a space somewhere a split can occur if necessary. Placing the punctuation mark immediately after a word with no spacing in between the two, effectively ties the punctuation mark to the word and will prevent it from splitting unattractively. Whether you use one or two carriage returns (pressing Enter is the equivalent of the old typewriter 'carriage return') at the end of a paragraph depends on how you are laying out your document. If, for example, you're working in Word, a better solution to the problem of spacing between paragraphs is to add an extra 6 points of space between the paragraphs using *Format, Paragraph, Indents and Spacing* tab and set the *Spacing After* value to 6 points. You can then press *Enter* once at the end of a paragraph and you will have the extra large space that you need but with only one keystroke. If you don't do this and have only one carriage return at the end of a paragraph then you should indent the first line of the next paragraph so it is clear where one paragraph ends and the next begins. In Australian general usage, contractions such as I've, we've and don't are acceptable although you should make the choice to use them or not depending on the type of document. I wouldn't use them in a thesis but I would use them in a less formal situation like this magazine!

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## A more professional and preferred report.



# Your Report is Your Shield!

- A well written report protects you and the agency.
- Shows your knowledge, skills, & professionalism

What should  
be included  
in a report?

Who

What

When

Where

Why

How

# Requirements for a PREA Report

## PREA Standard 115.271

### Administrative Reports shall include:

- Effort to determine whether staff actions or failures to act contributed to abuse
- Description of the physical and testimonial evidence
- Reasoning behind credibility assessments
- Investigative facts and findings



# Writing the Final Investigation Report

## Outline

- **Synopsis**
- **Policy/Disciplinary References**
- **Narrative**
- **Evidence**
- **Conclusion**
- **Recommendations**

# Synopsis

Summary of initial allegation

Short and Concise

Specific

Sets up the reason for the report

# Narrative

- Set up the narrative to document everything you did and in the order you did it (Chronological Order).
- Think of it as telling a story and the steps you took to investigate it.
- Document every step of your investigation.

# Examples of Steps of Investigation

---

Review of all Incident Statements

---

Download of video and video review

---

Interviews of victim, staff and witnesses

---

Interview of suspect

---

Mail or inmate phones monitored

---

Review of disciplinary reports

---

Review of medical records or mental health history

---

Review of HR records

# Conclusion

Summarize what your investigation found.



Include your Determination/Finding

*Substantiated allegation means an allegation that was investigated and determined to have occurred. (meets the preponderance of the evidence)*

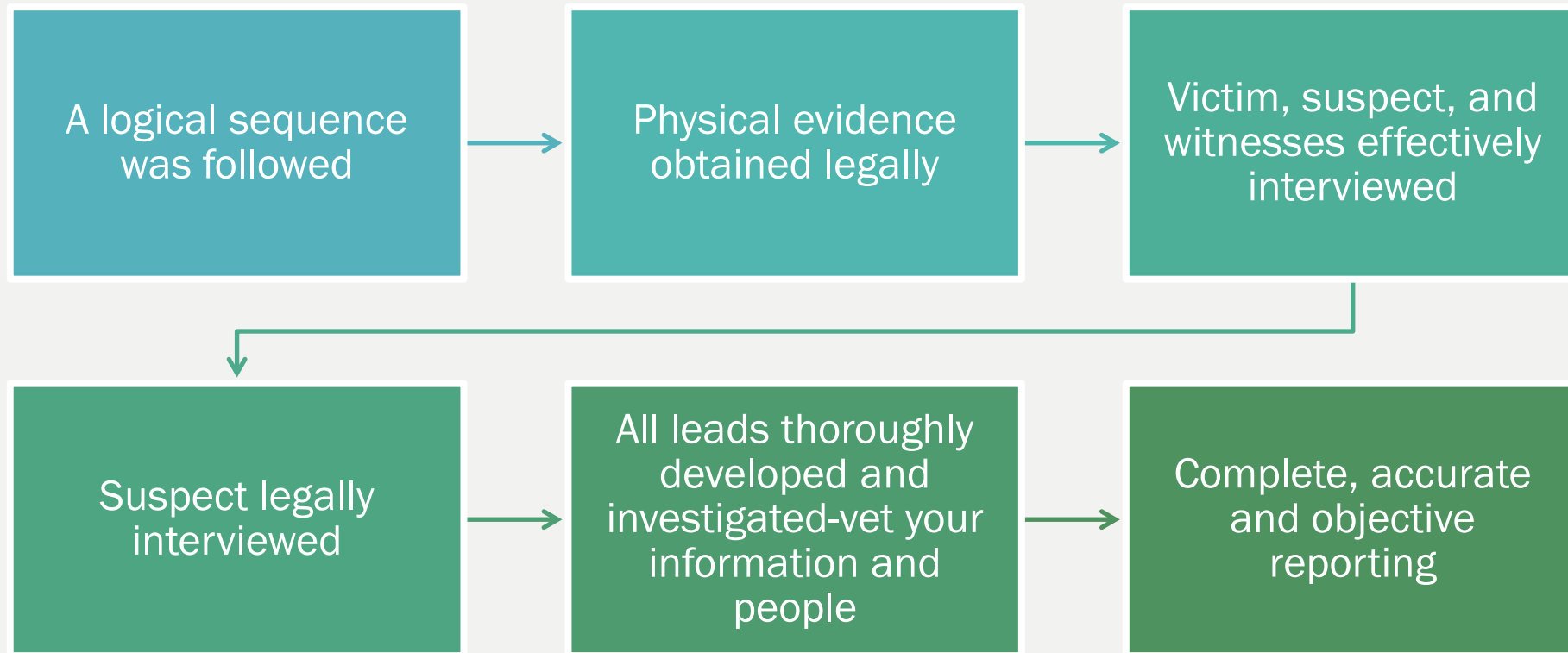
*Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.*

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

# Recommendations

- Include any recommendations based on facts uncovered by the investigation
- HR/Supervisory discipline or training of staff members
- Security concerns
- PREA compliance

# Characteristics of Successful Investigations



# Reports to DOC

- What: Every allegation of sexual abuse and sexual harassment and findings of the investigation
- When: At the time of the allegation and at the conclusion of the investigation
- To:
  - *If outside law enforcement or victim/suspect is transported to an outside medical facility for an exam, follow Priority 1 incident reporting, call Megan 406-580-7991 and notify command post*
  - *Email initial documentation if not Priority 1 and all findings/investigation reports to [CORACCDReports@mt.gov](mailto:CORACCDReports@mt.gov)*



# Attachment 6

# Prison Rape Elimination Act (PREA) Prison and Jail Contract Compliance Check

**Name of Facility** Click or tap here to enter text.

**Date of Report** Click or tap here to enter text.

## Contract Monitor Information

**Name:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

## Facility Administrator

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility PREA Compliance Manager

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility Characteristics

**Designated Facility Capacity:** Click or tap here to enter text.

**Current Population of Facility:** Click or tap here to enter text.

**Number of staff currently employed by the facility who may have contact with inmates:**

Click or tap here to enter text.

**Number of staff hired by the facility during the past 12 months who may have contact with inmates:**

Click or tap here to enter text.

**Date of last federal PREA audit:**

Click or tap here to enter text.

## Summary of Findings

### Summary of Corrective Action (if any)

Type text here...

**The contract compliance check is not a complete assessment of PREA compliance. The contract monitor must select 3 items from the onsite inspection section, 5 items from the document review section, and 5 items from the interview section to complete during each review. Contract monitors will vary the sections selected during each visit. This must be completed once each year that the facility does not complete a federal audit.**

## ONSITE INSPECTION

- Does the facility have a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Inspect shower and bathroom areas, strip search locations, etc.  Yes  No
- Do staff of the opposite gender announce their presence when entering a housing unit?  Yes  No
- Are brochures and posters with PREA information displayed near phones, visiting areas, libraries and common areas? Are they available in languages spoken by the inmate population?  Yes  No
- Are there any areas that are "blind spots" not covered by staff supervision or camera surveillance?  Yes  No
- Test the facility's reporting mechanisms. Do they work as designed? Consider sending a test grievance, calling reporting hotlines, etc.  Yes  No

### Onsite Inspection Comments:

Type text here...

## DOCUMENT REVIEW

### 115.11

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?  Yes  No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?  Yes  No

### 115.13

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  Yes  No
- Does the facility's staffing plan take into consideration:
  - generally accepted detention and correctional practices?  Yes  No
  - judicial findings of inadequacy?  Yes  No
  - findings of inadequacy from Federal investigative agencies?  Yes  No
  - findings of inadequacy from internal or external oversight bodies?  Yes  No

- components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated?  Yes  No
  - the composition of the inmate population?  Yes  No
  - the number and placement of supervisory staff?  Yes  No
  - the institution programs occurring on a particular shift?  Yes  No  NA
  - applicable State or local laws, regulations, or standards?  Yes  No
  - the prevalence of substantiated and unsubstantiated incidents of sexual abuse?  
 Yes  No
  - other relevant factors in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- In the past 12 months, has the facility, in consultation with the contractor's PREA Coordinator, conducted and documented a staffing plan review?  Yes  No
  - Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (Review unannounced rounds logs to ensure all days and shifts are covered.  Yes  No

#### 115.16

- Does the facility take reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment for inmates who are limited English proficient, including steps to provide interpreters? (look for contracts with interpreter services, information in languages spoken by the inmate population, staff identified as interpreters, etc.)  Yes  No

#### 115.17, 115.31, 115.32

- Review a minimum of 10 employee files. Check for documentation of:
  - A background check upon hire, transfer, promotion and within the last 5 years  
 Yes  No
  - Reference checks of any previous institutional employers  Yes  No
  - PREA training prior to contact with inmates and refresher training or information within the last year  Yes  No
- Review a minimum of 10 contractor/volunteer files. Check for documentation of:
  - A background check upon initiation of services and within the last 5 years  
 Yes  No
  - PREA training prior to contact with inmates  Yes  No

#### 115.22, 115.71, 115.73, 115.86

- Review a minimum of 5 allegations/investigations from the previous year.
  - Were criminal allegations referred to law enforcement or a criminal investigator?  
 Yes  No
  - Is each administrative investigation documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?  Yes  No

- Was a sexual abuse incident review conducted within 30 days of completion of each investigation?  Yes  No
- Was the victim notified of the findings of each investigation?  Yes  No

**115.33, 115.41**

- Review a minimum of 10 inmate files. Does each file show:
  - PREA orientation information during intake?  Yes  No
  - PREA comprehensive education within 30 days of intake?  Yes  No
  - A PREA risk assessment within 72 hours of arrival?  Yes  No
  - A PREA risk assessment within 30 days of intake?  Yes  No

**115.34**

- To the extent the agency itself conducts sexual abuse investigations, have the facility investigators received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations.)  Yes  No

**115.35**

- Have all full- and part-time medical and mental health care practitioners who work regularly in the facilities received specialized training on how to detect and assess signs of sexual abuse and harassment, how to preserve physical evidence, and how to respond effectively and professionally to victims?  Yes  No

**115.88**

- Does the agency prepare an annual report of data collected and aggregated from allegations of sexual abuse, a comparison of the current year's data with those from prior year, problem areas, corrective actions, and an assessment of the agency's progress in addressing sexual abuse? Is it posted on the agency website?  Yes  No

**115.403**

- Is the facility's federal audit final report posted on their website?  Yes  No

**Document Review Comments:**

Type text here

**INTERVIEWS**

**Random Staff**

**Ask a minimum of 5 randomly selected staff the following questions:**

**115.15**

Have you been trained in how to conduct cross-gender/transgender pat down searches in a professional and respectful manner, and in the least intrusive manner possible?

Type text here...

#### **115.51**

How can staff privately report sexual abuse or sexual harassment of inmates?

Type text here...

#### **115.64**

If you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation? (Look for: separate victim from alleged abuser, notify appropriate personnel, medical and mental health follow up, etc.)

Type text here...

## **PREA Compliance Manager**

#### **115.16**

How does the facility take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing, blind or have low vision, have intellectual, psychiatric or speech disabilities?

Type text here...

#### **115.21**

If requested by the victim, does a victim advocate or qualified staff member accompany and provide emotional support services during the forensic exam and investigatory interviews? Who provides this service? (If a community organization provides the service is there an MOU in place? If it's a staff member, are they specially trained?)

Type text here...

#### **115.42**

How does the facility use information from the risk screening required by § 115.41 to make informed housing, bed, work, and program assignments?

Type text here...

**115.51**

How does the facility provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency?

Type text here...

**115.63**

In the last year, has the facility received an allegation that an inmate was sexually abused while confined at another facility? If so, how was that reported and is it documented? (Look for agency head to agency head notification within 72 hours)

Type text here...

**115.67**

Has the facility established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? If so, what does retaliation monitoring look like? (Look for face-to-face contact with individual, documentation of monitoring, minimum 90 days unless unfounded, prompt remedies to retaliation including separation, discipline, etc.)

Type text here...

**Random Inmates**

**Ask a minimum of 10 randomly selected inmates the following questions:**

**115.51**

What are the ways you can report sexual abuse or harassment that happened to you or someone else? Do you know if you are able to give a report without giving your name?

Type text here...

**Interview Comments:**

Type text here...

**[Click here to enter text.](#)**

**Monitor Signature**

**[Click here to enter text.](#)**

**Date**

**Please submit a copy of this report to the DOC PREA Coordinator.**



# Prison Rape Elimination Act (PREA) Community Confinement Contract Compliance Check

**Name of Facility** Click or tap here to enter text.

**Date of Report** Click or tap here to enter text.

## Contract Manager Information

**Name:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

## Facility Administrator

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility PREA Compliance Manager

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility Characteristics

**Designated Facility Capacity:** Click or tap here to enter text.

**Current Population of Facility:** Click or tap here to enter text.

**Number of staff currently employed by the facility who may have contact with residents:**

Click or tap here to enter text.

**Number of staff hired by the facility during the past 12 months who may have contact with residents:**

Click or tap here to enter text.

**Date of last federal PREA audit:**

Click or tap here to enter text.

## Summary of Findings

### Summary of Corrective Action (if any)

Type text here...

**The contract compliance check is not a complete assessment of PREA compliance. The contract manager must select 3 items from the onsite inspection section, 5 items from the document review section, and 5 items from the interview section to complete during each review. Contract managers will vary the sections selected during each visit. This must be completed once each year that the facility does not complete a federal audit.**

## ONSITE INSPECTION

- Does the facility have a policy and practice that enables residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Inspect shower and bathroom areas, strip search locations, etc.  Yes  No
- Do staff of the opposite gender announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing?  Yes  No
- Are brochures and posters with PREA information displayed near phones, visiting areas, libraries and common areas? Are they available in languages spoken by the resident population?  Yes  No
- Are there any areas that are "blind spots" not covered by staff supervision or camera surveillance?  Yes  No
- Test the facility's reporting mechanisms. Do they work as designed? Consider sending a test grievance, calling reporting hotlines, etc.  Yes  No

### Onsite Inspection Comments:

Type text here...

## DOCUMENT REVIEW

### 115.211

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?  Yes  No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?  Yes  No

### 115.213

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?  Yes  No
- Does the facility's staffing plan take into consideration:
  - The physical layout of the facility?  Yes  No
  - The composition of the resident population?  Yes  No
  - The prevalence of substantiated and unsubstantiated incidents of sexual abuse?

- Yes  No
  - Any other relevant factors?  Yes  No
- In the past 12 months, has the facility conducted and documented a staffing plan review?
  - Yes  No
- Did the staffing plan review assess:
  - Prevailing staffing patterns  Yes  No
  - The facility's deployment of video monitoring and other monitoring technologies
    - Yes  No
  - The resources the facility has available to commit to ensure adequate staffing levels
    - Yes  No

#### 115.216

- Does the facility take reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment for residents who are limited English proficient, including steps to provide interpreters? (look for contracts with interpreter services, information in languages spoken by the resident population, staff identified as interpreters, etc.)  Yes  No

#### 115.217, 115.231, 115.232

- Review a minimum of 10 employee files. Check for documentation of:
  - A background check upon hire, transfer, promotion and within the last 5 years
    - Yes  No
  - Reference checks of any previous institutional employers  Yes  No
  - PREA training prior to contact with residents and refresher training or information within the last year  Yes  No
- Review a minimum of 10 contractor/volunteer files. Check for documentation of:
  - A background check upon initiation of services and within the last 5 years
    - Yes  No
  - PREA training prior to contact with residents  Yes  No

#### 115.222, 115.271, 115.273, 115.286

- Review a minimum of 5 allegations/investigations from the previous year.
  - Were criminal allegations referred to law enforcement or a criminal investigator?
    - Yes  No
  - Is each administrative investigation documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?  Yes  No
  - Was a sexual abuse incident review conducted within 30 days of completion of each investigation?  Yes  No
  - Was the victim notified of the findings of each investigation?  Yes  No

#### 115.233, 115.241

- Review a minimum of 10 resident files. Does each file show:
  - PREA information during intake?  Yes  No
  - A PREA risk assessment within 72 hours of arrival?  Yes  No
  - A PREA risk assessment within 30 days of intake?  Yes  No

#### 115.234

- To the extent the agency itself conducts sexual abuse investigations, have the facility investigators received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations.)  
 Yes  No

#### 115.235

- Have all full- and part-time medical and mental health care practitioners who work regularly in the facilities received specialized training on how to detect and assess signs of sexual abuse and harassment, how to preserve physical evidence, and how to respond effectively and professionally to victims?  Yes  No

#### 115.288

- Does the agency prepare an annual report of data collected and aggregated from allegations of sexual abuse, a comparison of the current year's data with those from prior year, problem areas, corrective actions, an assessment of the agency's progress in addressing sexual abuse? Is it posted on the agency website?  
 Yes  No

#### 115.403

- Is the facility's federal audit final report posted on their website?  Yes  No

#### Document Review Comments:

Type text here

## INTERVIEWS

### Random Staff

Ask a minimum of 5 randomly selected staff the following questions:

#### 115.215

Have you been trained in how to conduct cross-gender/transgender pat down searches in a professional and respectful manner, and in the least intrusive manner possible?

Type text here...

**115.251**

How can staff privately report sexual abuse or sexual harassment of residents?

Type text here...

**115.264**

If you are the first person to be alerted that a resident has allegedly been the victim of sexual abuse, what is your responsibility in that situation? (Look for: separate victim from alleged abuser, notify appropriate personnel, medical and mental health follow up, etc.)

Type text here...

**PREA Compliance Manager**

**115.216**

How does the facility take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: residents who are deaf or hard of hearing, blind or have low vision, have intellectual, psychiatric or speech disabilities?

Type text here...

**115.221**

If requested by the victim, does a victim advocate or qualified staff member accompany and provide emotional support services during the forensic exam and investigatory interviews? Who provides this service? (If a community organization provides the service is there an MOU in place? If it's a staff member, are they specially trained?)

Type text here...

**115.242**

How does the facility use information from the risk screening required by § 115.41 to make informed housing, bed, work, and program assignments?

Type text here...

**115.251**

How does the facility provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency?

Type text here...

### 115.263

In the last year, has the facility received an allegation that a resident was sexually abused while confined at another facility? If so, how was that reported and is it documented? (Look for agency head to agency head notification within 72 hours)

Type text here...

### 115.267

Has the facility established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff? If so, what does retaliation monitoring look like? (Look for face-to-face contact with individual, documentation of monitoring, minimum 90 days unless unfounded, prompt remedies to retaliation including separation, discipline, etc.)

Type text here...

## Random Residents

Ask a minimum of 10 randomly selected residents the following questions:

### 115.251

What are the ways you can report sexual abuse or harassment that happened to you or someone else? Do you know if you are able to give a report without giving your name?

Type text here...

### Interview Comments:

Type text here...

[Click here to enter text.](#)

**Monitor Signature**

[Click here to enter text.](#)

**Date**

Please submit a copy of this report to the DOC PREA Coordinator.



# Prison Rape Elimination Act (PREA) Juvenile Facility Contract Compliance Check

**Name of Facility** Click or tap here to enter text.

**Date of Report** Click or tap here to enter text.

## Contract Monitor Information

**Name:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

## Facility Administrator

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility PREA Compliance Manager

**Name:** Click or tap here to enter text.

**Title:** Click or tap here to enter text.

**Email:** Click or tap here to enter text.

**Telephone:** Click or tap here to enter text.

## Facility Characteristics

**Designated Facility Capacity:** Click or tap here to enter text.

**Current Population of Facility:** Click or tap here to enter text.

**Number of staff currently employed by the facility who may have contact with residents:**

Click or tap here to enter text.

**Number of staff hired by the facility during the past 12 months who may have contact with residents:**

Click or tap here to enter text.

**Date of last federal PREA audit:**

Click or tap here to enter text.

## Summary of Findings

### Summary of Corrective Action (if any)

Type text here...

**The contract compliance check is not a complete assessment of PREA compliance. The contract monitor must select 3 items from the onsite inspection section, 5 items from the document review section, and 5 items from the interview section to complete during each review. Contract monitors will vary the sections selected during each visit. This must be completed once each year that the facility does not complete a federal audit.**



## ONSITE INSPECTION

- Does the facility have a policy and practice that enables residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Inspect shower and bathroom areas, strip search locations, etc.  Yes  No
- Do staff of the opposite gender announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing?  Yes  No
- Are brochures and posters with PREA information displayed near phones, visiting areas, libraries and common areas? Are they available in languages spoken by the resident population?  Yes  No
- Are there any areas that are "blind spots" not covered by staff supervision or camera surveillance?  Yes  No
- Test the facility's reporting mechanisms. Do they work as designed? Consider sending a test grievance, calling reporting hotlines, etc.  Yes  No

### Onsite Inspection Comments:

Type text here...

## DOCUMENT REVIEW

### 115.311

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?  Yes  No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?  Yes  No

### 115.313

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?  Yes  No
- Does the facility's staffing plan take into consideration:
  - generally accepted detention and correctional practices?  Yes  No
  - judicial findings of inadequacy?  Yes  No
  - findings of inadequacy from Federal investigative agencies?  Yes  No

- findings of inadequacy from internal or external oversight bodies?  Yes  No
  - components of the facility's physical plant (including "blind-spots" or areas where staff or residents may be isolated?  Yes  No
  - the composition of the resident population?  Yes  No
  - the number and placement of supervisory staff?  Yes  No
  - the institution programs occurring on a particular shift?  Yes  No  NA
  - applicable State or local laws, regulations, or standards?  Yes  No
  - the prevalence of substantiated and unsubstantiated incidents of sexual abuse?  
 Yes  No
  - other relevant factors in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours?  Yes  No
  - In the past 12 months, has the facility, in consultation with the contractor's PREA Coordinator, conducted and documented a staffing plan review?  Yes  No
  - Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (Review unannounced rounds logs to ensure all days and shifts are covered.  Yes  No

#### 115.316

- Does the facility take reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment for inmates who are limited English proficient, including steps to provide interpreters? (look for contracts with interpreter services, information in languages spoken by the inmate population, staff identified as interpreters, etc.)  Yes  No

#### 115.317, 115.331, 115.332

- Review a minimum of 10 employee files. Check for documentation of:
  - A background check upon hire, transfer, promotion and within the last 5 years  
 Yes  No
  - A child abuse registry check  Yes  No
  - Reference checks of any previous institutional employers  Yes  No
  - PREA training prior to contact with residents and refresher training or information within the last year  Yes  No
- Review a minimum of 10 contractor/volunteer files. Check for documentation of:
  - A background check upon initiation of services and within the last 5 years  
 Yes  No
  - A child abuse registry check  Yes  No
  - PREA training prior to contact with residents  Yes  No

#### 115.322, 115.371, 115.373, 115.386

- Review a minimum of 5 allegations/investigations from the previous year.
  - Were criminal allegations referred to law enforcement or a criminal investigator?  Yes  No
  - Is each administrative investigation documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?  Yes  No
  - Was a sexual abuse incident review conducted within 30 days of completion of each investigation?  Yes  No
  - Was the victim notified of the findings of each investigation?  Yes  No

#### 115.333, 115.341

- Review a minimum of 10 resident files. Does each file show:
  - PREA orientation information during intake?  Yes  No
  - PREA comprehensive education within 10 days of intake?  Yes  No
  - A PREA risk assessment within 72 hours of arrival?  Yes  No

#### 115.334

- To the extent the agency itself conducts sexual abuse investigations, have the facility investigators received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations.)  Yes  No

#### 115.335

- Have all full- and part-time medical and mental health care practitioners who work regularly in the facilities received specialized training on how to detect and assess signs of sexual abuse and harassment, how to preserve physical evidence, and how to respond effectively and professionally to victims?  Yes  No

#### 115.388

- Does the agency prepare an annual report of data collected and aggregated from allegations of sexual abuse, a comparison of the current year's data with those from prior year, problem areas, corrective actions, an assessment of the agency's progress in addressing sexual abuse? Is it posted on the agency website?  Yes  No

#### 115.403

- Is the facility's federal audit final report posted on their website?  Yes  No

#### Document Review Comments:

Type text here

## INTERVIEWS

## Random Staff

Ask a minimum of 5 randomly selected staff the following questions:

### 115.315

Have you been trained in how to conduct cross-gender/transgender pat down searches in a professional and respectful manner, and in the least intrusive manner possible?

Type text here...

### 115.351

How can staff privately report sexual abuse or sexual harassment of residents?

Type text here...

### 115.364

If you are the first person to be alerted that a resident has allegedly been the victim of sexual abuse, what is your responsibility in that situation? (Look for: separate victim from alleged abuser, notify appropriate personnel, medical and mental health follow up, etc.)

Type text here...

## PREA Compliance Manager

### 115.316

How does the facility take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: residents who are deaf or hard of hearing, blind or have low vision, have intellectual, psychiatric or speech disabilities?

Type text here...

### 115.321

If requested by the victim, does a victim advocate or qualified staff member accompany and provide emotional support services during the forensic exam and investigatory interviews? Who provides this service? (If a community organization provides the service is there an MOU in place? If it's a staff member, are they specially trained?)

Type text here...

### 115.342

How does the facility use information from the risk screening required by § 115.41 to make informed housing, bed, work, and program assignments?

Type text here...

### 115.351

How does the facility provide at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of the agency?

Type text here...

### 115.363

In the last year, has the facility received an allegation that a resident was sexually abused while confined at another facility? If so, how was that reported and is it documented? (Look for agency head to agency head notification within 72 hours)

Type text here...

### 115.367

Has the facility established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff? If so, what does retaliation monitoring look like? (Look for face-to-face contact with individual, documentation of monitoring, minimum 90 days unless unfounded, prompt remedies to retaliation including separation, discipline, etc.)

Type text here...

## Random Residents

**Ask a minimum of 10 randomly selected residents the following questions:**

### 115.351

What are the ways you can report sexual abuse or harassment that happened to you or someone else? Do you know if you are able to give a report without giving your name?

Type text here...

### Interview Comments:

Type text here...

[Click here to enter text.](#)  
**Monitor Signature**

[Click here to enter text.](#)  
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# Attachment 7

2019

# Prison Rape Elimination Act Annual Report



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# Background

The Prison Rape Elimination Act of 2003 (PREA) was enacted to address sexual abuse and sexual harassment in federal, state, and local institutions. The goal of PREA is to prevent, detect and respond to sexual abuse and sexual harassment within confinement settings by establishing a zero-tolerance policy for sexual abuse and sexual harassment. PREA also focuses on data collection and analysis of PREA incidents to assist the agency in identifying problem areas, take corrective action on an ongoing basis, and provide an assessment of the agency's progress in addressing sexual abuse and sexual harassment within its facilities.

The PREA standards were finalized in 2012, and on August 20, 2013, all correctional agencies were required to be compliant with the PREA standards. The Montana Department of Corrections (DOC) began its initial efforts to comply with the finalized PREA standards in 2013 by implementing policies and procedures, training employees, and educating offenders.

To be PREA complaint, agencies must demonstrate zero tolerance of sexual abuse and sexual harassment, not merely by words and written policy, but through actions. Compliance is demonstrated through PREA audits. Over a three-year period, one-third of an agency's facilities must be audited each year. The final PREA Audit Compliance Tool was officially released in 2014. During the first three-year audit cycle, which ended in August 2016, all facilities within the DOC completed federal PREA audits and were determined to be compliant with the PREA standards. The second three-year audit cycle ended in August 2019. The department completed all audits and certified full compliance at the end of the second cycle. The agency continues to audit one-third of its facilities each year; the final reports for these audits can be found on the department's website at [cor.mt.gov/PREA](http://cor.mt.gov/PREA).

## Purpose

The Prison Rape Elimination Act of 2003 requires data to be collected and aggregated on sexual abuse incidents for department facilities and department-contracted secure facilities (*28 CFR §115.87*).

The standards require the department to review data collected and produce an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole (*28 CFR §115.88*). The annual report includes the current year's data and corrective action, data from prior years for comparison, and an assessment of the department's progress in addressing sexual abuse. This report is the department's formal report as it relates to this PREA standard. The department makes this report readily available to the public through its website at <http://cor.mt.gov/PREA>.

Additionally, the U.S. Bureau of Justice Statistics (BJS) requires that correctional agencies collect and report detailed information regarding the sexual victimization of offenders. This report includes a summary of the information that is necessary to answer all questions from the most recent version of the annual Survey of Sexual Victimization.

This report focuses on a review of the data collected from January 1, 2019, through December 31, 2019.

# Definitions

Data collected for the annual report is reflective of the data required for the Bureau of Justice Statistics Survey of Sexual Victimization. The survey uses the definitions as provided in *28 CFR §115.5 and 28 CFR §115.6*, disaggregated into the following categories:

## Inmate-on-inmate:

Nonconsensual sexual acts – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetrating, however slight; or contact between the mouth and the penis, vulva or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Abusive sexual contact – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding incidents in which the contact was incidental to a physical altercation.

Sexual harassment – 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 directed toward another.

## Staff-on-inmate:

Staff sexual misconduct – Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative including intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff sexual harassment – Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative including demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Other definitions provided in *28 CFR §115.5 and 28 CFR §115.6*:

Substantiated – An allegation that was investigated and determined to have occurred.

Unfounded – An allegation that was investigated and determined not to have occurred.

Unsubstantiated – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.

Voyeurism - An invasion of privacy of an inmate by a staff member or service provider for reasons unrelated to official duties.

# Agency Achievements in 2019

The DOC continues its efforts to maintain compliance with the PREA standards. Some of these efforts include, but are not limited to, updating policies as needed, updating PREA training with current information and materials, and appointing PREA compliance managers in each facility. Under the guidance of the department's PREA coordinator, PREA compliance managers direct their facility's efforts to comply with the standards and department PREA policies and procedures. The list below highlights specific department efforts in 2019:

## Montana Women's Prison

- MWP participated in a mock audit in the spring. During preparation for the federal audit, MWP updated and enhanced its facility staffing plan and coordinated response plan.
- MWP successfully completed its federal PREA audit. As a result of the federal audit, signs and mirrors were added in various areas of the facility.
- MWP reassigned a staff position to serve as a PREA administrative investigator. This investigator started in August.
- The facility installed new shower curtains with a transparent top and bottom which allow for privacy but improved safety. Making this change has significantly reduced the number of allegations in the shower area.

## Montana State Prison

- MSP completed a self-assessment of PREA compliance and created a corrective action plan for compliance issues identified.
- In January, MSP temporarily assigned three positions to serve as PREA administrative investigators for one year. Having dedicated PREA investigators allows administrative investigations to be conducted in a consistent and timely manner. Investigative reports are more detailed and demonstrate a more thorough investigation. In October, these positions were made permanent.
- MSP assigned one part-time position to assist with clerical work, including data entry and tracking for risk assessments and other areas of PREA compliance.

## Pine Hills

- Pine Hills hired a new PREA compliance manager. This individual has been assessing Pine Hills' compliance with each standard and making adjustments as needed.
- Nine cameras were installed.

## Agency

- A mandatory, two-hour classroom PREA refresher training was conducted by department training staff and the PREA coordinator at multiple locations throughout the state, including MSP, MWP, Pine Hills, and Probation and Parole offices. Nine hundred ninety-two (992) employees completed this training.
- The PREA coordinator instituted monthly compliance checks. Each month, the PREA coordinator requests the PREA compliance managers check a specific area of PREA compliance such as reviewing unannounced rounds, reviewing staff training records, etc. The PREA compliance managers report back when the check is completed. They also note if there are any deficiencies and how they will be addressed.

- The PREA coordinator conducted site compliance inspections at each department-operated facility throughout the year.
- The PREA coordinator established formal contract compliance checks at facilities with which the department contracts for the confinement of inmates. Each facility not undergoing a federal audit in the current audit year is visited by designated department employees to check areas of PREA compliance. The Programs and Facilities Bureau completed five checks of community correctional facilities. The Contract Placement Bureau completed checks of Crossroads Correctional Center, Dawson County Correctional Facility, and Cascade County Regional Prison. Pine Hills staff completed a check at Five County Detention & Youth Rehabilitation Center.
- PREA staff at contracted community facilities were invited to a PREA Administrative Investigations training and Q&A session with the PREA coordinator in June.
- PREA Administrative Investigations Training was provided three times in 2019 with 22 employees completing their certification to conduct PREA administrative investigations. The department has 63 employees trained to conduct PREA administrative investigations, four on a full-time basis and the others when assigned in addition to their other duties.
- A PREA Inservice was hosted at the Central Office in October with participation from PREA compliance managers and PREA Administrative Investigators. The Inservice is an annual event to share information and discuss areas for improvement at an agency level.
- The department continues to work with the Western States Auditing Consortium. The PREA coordinator, who is a U.S. Department of Justice Certified Auditor, completed two audits for this consortium.

## Areas to Improve Prevention, Detection and Response

On an ongoing basis, during regular reviews of compliance and during incident reviews, facilities assess areas in which they can improve sexual abuse and sexual harassment prevention, detection, and response. Most improvements, such as staff training, adding mirrors to blind spots, and updating procedures are easily implemented. However, some improvements would require additional funding. Since there is no budget specifically for PREA compliance, these items are often left unaddressed. The following is a list of suggested improvements facilities have identified but are unable to address at this time:

### Montana Women's Prison

- Additional cameras in the shower hallways allowing observation of which inmates go into specific showers.
- Allocating additional staff in critical areas, on each shift, such as B and E POD and Restrictive Housing PODs, which would reduce allegations because of greater officer presence.

### Montana State Prison

- Numerous cameras throughout the facility. Currently additional funds have not been allocated to replace aging cameras and recording systems.
- A staffing analysis will be conducted in 2020. Current staffing analysis does not reflect the current staffing need of the facility and staffing is not sufficient for locked housing and other units.

### Pine Hills

- Continue to upgrade and install new cameras and improve the recording system.

# Facilities

The DOC has three facilities, including two adult prisons and one facility housing both youth and adults. The department contracts with five secure facilities — four adult and one youth — for the confinement of offenders. The department also contracts with community correctional facilities for treatment, assessment, sanctions, prerelease and reentry. The facilities under the operational control of the state's executive branch are Montana State Prison, Montana Women's Prison, Pine Hills Correctional Facility and Crossroads Correctional Center. The department complies with all related PREA standards for contract facilities. This includes PREA compliance requirements in contract language, conducting compliance spot-checks, and requesting final audit reports from facilities.

## Montana State Prison

Montana State Prison (MSP) in Deer Lodge is the largest correctional facility in the state, housing approximately 1,650 male inmates in a 68-acre compound designed to handle all custody levels: maximum, close, medium and minimum. Montana State Prison and its staff of about 640 uniformed and non-uniformed employees serve the citizens of Montana by providing a secure correctional environment that supports public safety by encouraging positive offender change.

The prison is divided into three compounds: low side, high side, and locked housing. Within those custody levels are different types of supervision. Inmates range from general and special management populations to inmates housed for pre-hearing confinement, detention, or those in restricted housing due to ongoing or serious behavior management problems.

Montana State Prison uses a unit management structure that is ultimately managed by a warden, three associate wardens and two bureau chiefs. Outside the fenced perimeter is a 192-bed Work and Reentry Center, which houses minimum-custody inmates who work on the 35,000-acre ranch and dairy program operated by Montana Correctional Enterprises (MCE).

Montana State Prison also includes the Riverside Infirmary in Boulder, which is a 25-bed unit for aging inmates and inmates who require extensive health care. The inmates in this unit typically range in age from 45 to 90 years.

## Montana Women's Prison

Montana Women's Prison (MWP) was moved to Billings in 1994 from Warm Springs. It is a 218-bed secure facility that operates consistently at or over capacity. Montana Women's Prison has a staff of about 92, including 20 contract personnel. The main prison building has an intake area and eight housing units with varying levels of security for different classifications of inmates. Another building within the secure, fenced perimeter is used for programming and work activities. Five low-security units at MWP house minimum- and medium-custody inmates. The units have capacities ranging from 24 to 40 inmates. Inmates needing a higher level of custody are held in another unit. The prison also has two restricted units, where inmates have fewer privileges and are generally confined to their cells because of disciplinary or behavioral problems. The restricted units can each house up to 11 inmates.

## Pine Hills Correctional Facility

Pine Hills Correctional Facility (PHCF) in Miles City is a 120-bed facility. It is Montana's only long-term state-operated facility for adjudicated male youthful offenders (ages 10-17) committed by district youth courts. The facility also houses minimum- and medium-custody adult male offenders. Pine Hills has six housing units. Pine Hills programming includes chemical dependency treatment, sex offender treatment, intake and reentry planning, education, restitution, and vocational training.

## Secure Contract Facilities

### Cascade County Regional Prison

Cascade County Regional Prison in Great Falls opened in March 1998 and has the capacity of housing 156 minimum- and medium-custody state inmates. Available programming includes HiSet/Education, Chemical Dependency Primary Care (Relapse Prevention), anger management, Cognitive Principles & Restructuring, Parenting and Mental Health.

### Crossroads Correctional Center

Crossroads Correctional Center in Shelby opened in September 1999 and is operated by CoreCivic. It has an operational capacity of 601 DOC inmates and 98 United States Marshal Federal inmates. The custody levels in this facility are minimum, medium, and close. Available programming includes HiSet/Education, Life Skills (anger management), canine program, mental health, chemical dependency, continuing chemical dependency care, Chemical Dependency Intensive Treatment Unit, Cognitive Restructuring Program, computer education (art and math), vocational training, and Transitional Assistance Program.

### Dawson County Correctional Facility

Dawson County Correctional Facility in Glendive opened in November 1998 and has the capacity of housing 144 minimum- and medium- custody state inmates. Available programming includes HiSet/Education, Chemical Dependency Primary Care (Relapse Prevention), Eagala Horse Therapy, Cognitive Principles & Restructuring, parenting, anger management, Life Skills, New Freedom Self Study Programs, mental health groups and AA meetings.

### Five County Detention & Youth Rehabilitation Center

The DOC contracts with the Five County Detention & Youth Rehabilitation Center in St. Anthony, ID, for secure residential treatment of female juvenile offenders committed to the custody of the department. It is a county owned and operated perimeter secure facility operating under the Balanced Approach of Restorative Justice principles, providing community protection, accountability, and competency development. The facility has a total of 56 beds. This contract has been in place since October 2016.

### Missoula Assessment and Sanction Center

The Missoula Assessment and Sanction Center (MASC) is a 144-bed correctional assessment facility for male offenders located in the Missoula County Detention Facility. The program operates under a cooperative agreement between the DOC and the Missoula

County Detention Facility. MASC's purpose is to determine the most appropriate placement for offenders through assessments. The facility provides limited treatment/programming to offenders. MASC also houses offenders who are being sanctioned for violating the conditions of community supervision.

## Community Contract Facilities

### Alpha House

Alpha House is a 165-bed adult male prerelease center in Billings operated by Alternatives, Inc. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community. The facility also houses up to eight male offenders who have been sanctioned for violating the conditions of community supervision or who are waiting for their bed date at another facility, for up to 30 days

### Passages PRC/ASRC/ADT

Passages is an adult female community-based correctional facility in Billings operated by Alternatives, Inc. The facility is comprised of three separate correctional programs.

- A 55-bed, in-patient Alcohol and Drug Treatment unit (ADT). All related treatment and programming occur in the facility.
- A 72-bed assessment and sanction center (ASRC). Staff members determine the most appropriate placement for offenders through assessments. Female offenders may serve sanctions imposed for violations of the conditions of community supervision in this program.
- A 76-bed prerelease center serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders in the prerelease center program access treatment and programming both at the facility and in the community.

### Gallatin County Re-entry Program

The Gallatin County Reentry Program is a 34-bed adult male prerelease center in Bozeman. The state contracts with Gallatin County for the facility, which is operated by Community, Counseling, and Correctional Service, Inc. through a subcontract. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community.

### Butte Prerelease Center

Butte Prerelease Center is a prerelease center in Butte operated by Community, Counseling, and Correctional Services, Inc. It has 120 beds for adult males and 55 beds for adult females. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community. The facility also houses up to five female offenders who have been sanctioned for violating the conditions of community supervision or who are waiting for their bed date at another facility, for up to 30 days.

## Great Falls Prerelease Center

Great Falls Prerelease Center is a prerelease center in Great Falls operated by Great Falls Pre-Release Services, Inc. It has 166 beds for adult males and 36 beds for adult females. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community. The facility also houses up to three offenders who have been sanctioned for violating the conditions of community supervision, for up to 30 days.

## Helena Prerelease Center

Helena Prerelease Center is a 105-bed adult male prerelease center in Helena operated by Boyd Andrew Community Services. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community. The facility also houses up to four offenders who have been sanctioned for violating the conditions of community supervision, for up to 30 days.

## Missoula Prerelease Center

Missoula Prerelease Center is a prerelease center in Missoula operated by Missoula Correctional Services, Inc. It has 94 beds for adult males and 23 beds for adult females. It serves as an intermediate step between prison and community, with offenders residing at the facility and working in the community. Offenders access treatment and programming both at the facility and in the community.

## START

The Sanction, Treatment, Assessment, Revocation, and Transition Center (START) is a 152-bed correctional assessment facility for male offenders located in Anaconda. The program is operated by Community, Counseling, and Correctional Services, Inc. START's purpose is to determine the most appropriate placement for offenders through assessments. The facility provides limited treatment/programming to offenders. START also houses offenders who are being sanctioned for violating the conditions of community supervision or who are waiting for a bed date at another facility.

## Connections Corrections Program

Connections Corrections Program in Butte is a 62-bed residential substance use disorder program for adult male offenders. It is operated by Community, Counseling, and Correctional Services, Inc. The program is generally 90 days in length and all treatment and programming is offered on site.

## Connections Corrections West/WATCh West

Connections Corrections West and WATCh West are co-located in Warm Springs and operated by Community, Counseling, and Correctional Services, Inc. The Connections Corrections West Program is an 86-bed residential substance use disorder program for adult male offenders. The program is generally 90 days in length and all treatment and programming is offered on site. WATCh West serves adult male felony DUI offenders. It



is an 81-bed program that is generally six months in length and all treatment and programming is offered on site.

### **Elkhorn Treatment Center**

Elkhorn Treatment Center in Boulder is a 42-bed residential substance use disorder treatment program for adult female offenders operated by Boyd Andrews Community Services. The program is generally 270 days in length and all treatment and programming is offered on site. The facility also houses up to nine offenders who have been sanctioned for violating the conditions of community supervision or are waiting their bed date at another facility, for up to 30 days.

### **Nexus**

Nexus in Lewistown is an 82-bed residential substance use disorder treatment program for adult male offenders operated by Community, Counseling, and Correctional Services, Inc. The program is generally 270 days in length and all treatment and programming is offered on site.

### **WATCH East**

WATCH East in Glendive and is operated by Community, Counseling, and Correctional Services, Inc. The program is a 50-bed facility and serves adult male and female felony DUI offenders. All treatment and programming is offered on site.

# Agency Aggregate Data

## Comparison Data 2014-2019: Agency Facilities Only

Allegation Type	2014	2015	2016	2017	2018	2019
<b>Total Inmate on inmate</b>	<b>25</b>	<b>60</b>	<b>34</b>	<b>39</b>	<b>142</b>	<b>172</b>
Substantiated	3	10	6	3	19	20
Unsubstantiated	7	28	5	4	63	99
Unfounded	15	22	23	23	22	35
Investigation ongoing	0	0	0	9	38	18
<b>Total Staff on inmate</b>	<b>22</b>	<b>84</b>	<b>36</b>	<b>42</b>	<b>94</b>	<b>144</b>
Substantiated	1	2	1	2	8	4
Unsubstantiated	1	20	3	6	40	35
Unfounded	20	62	32	32	28	94
Investigation ongoing	0	0	0	2	18	11

## Aggregate Data: Agency Facilities Only

	Allegation Type	2017*	2018	2019
	<b>Inmate on inmate non-consensual sexual acts</b>	<b>23</b>	<b>27</b>	<b>28</b>
Finding	Substantiated	0	1	2
	Unsubstantiated	3	13	11
	Unfounded	16	4	6
	Investigation ongoing	4	9	9
	<b>Inmate on inmate abusive sexual contact</b>	<b>10</b>	<b>61</b>	<b>47</b>
Finding	Substantiated	3	4	4
	Unsubstantiated	4	30	29
	Unfounded	2	12	8
	Investigation ongoing	1	15	6
	<b>Inmate on inmate sexual harassment</b>	<b>18</b>	<b>54</b>	<b>97</b>
Finding	Substantiated	1	14	14
	Unsubstantiated	5	20	59
	Unfounded	12	6	21
	Investigation ongoing	0	14	3
	<b>Staff sexual misconduct</b>	<b>16</b>	<b>45</b>	<b>86</b>
Finding	Substantiated	0	4	2
	Unsubstantiated	1	18	22
	Unfounded	15	14	54
	Investigation ongoing	0	9	8
	<b>Staff sexual harassment</b>	<b>29</b>	<b>49</b>	<b>58</b>
Finding	Substantiated	0	4	2
	Unsubstantiated	6	22	13
	Unfounded	23	14	40
	Investigation ongoing	0	9	3

\* Agency aggregate data for 2017 differs from the 2017 annual report. Due to audit findings, MSP 2017 cases were reviewed, revealing a change in data. The 2017 data reflected in this report is consistent with the data reported in the 2017 Survey of Sexual Victimization.

## 2019 Data by Facility: Agency Facilities

### Agency Facility Populations as of December 31, 2019

Montana State Prison	1651
Montana Women's Prison	224
Pine Hills Correctional Facility	106
<b>Total</b>	<b>1981</b>

### 2019 Sexual Abuse and Sexual Harassment Allegation Data

		Montana State Prison	Montana Women's Prison	Pine Hills Correctional	Agency Total
Allegation Type					
<b>Inmate on inmate nonconsensual sexual acts</b>		<b>26</b>	<b>2</b>	<b>0</b>	<b>28</b>
Finding	Substantiated	2	0	0	2
	Unsubstantiated	10	1	0	11
	Unfounded	5	1	0	6
	Investigation ongoing	9	0	0	9
<b>Inmate on inmate abusive sexual contact</b>		<b>19</b>	<b>26</b>	<b>2</b>	<b>47</b>
Finding	Substantiated	3	1	0	4
	Unsubstantiated	6	23	0	29
	Unfounded	5	2	1	8
	Investigation ongoing	5	0	1	6
<b>Inmate on inmate sexual harassment</b>		<b>76</b>	<b>15</b>	<b>6</b>	<b>97</b>
Finding	Substantiated	12	1	1	14
	Unsubstantiated	43	13	3	59
	Unfounded	18	1	2	21
	Investigation ongoing	3	0	0	3
<b>Staff sexual misconduct</b>		<b>71</b>	<b>13</b>	<b>2</b>	<b>86</b>
Finding	Substantiated	0	2	0	2
	Unsubstantiated	17	5	0	22
	Unfounded	46	6	2	54
	Investigation ongoing	8	0	0	8
<b>Staff sexual harassment</b>		<b>53</b>	<b>4</b>	<b>1</b>	<b>58</b>
Finding	Substantiated	2	0	0	2
	Unsubstantiated	11	2	0	13
	Unfounded	37	2	1	40
	Investigation ongoing	3	0	0	3
<b>Total Allegations</b>		<b>245</b>	<b>60</b>	<b>11</b>	<b>316</b>

# 2019 Data by Facility: Secure Contract Facilities

## Secure Contract Facility DOC Populations as of December 31, 2019

Cascade County Regional Prison	150
Crossroads Correctional Center	602
Dawson County Correctional Facility	142
5 Co. Detention/Youth Rehabilitation Center	9
MASC	129
<b>Total</b>	<b>1032</b>

## 2019 Secure Contract Sexual Abuse and Sexual Harassment Allegation Data

Allegation Type		Cascade County Regional Prison	Crossroads Correctional Center	Dawson County Correctional Facility	5 Co. Detention/Youth Rehabilitation	MASC	Contractor Total
	<b>Inmate on inmate nonconsensual sexual acts</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>9</b>
Finding	Substantiated	0	0	0	0	0	0
	Unsubstantiated	1	1	1	0	0	3
	Unfounded	3	0	0	0	0	3
	Investigation Ongoing	2	0	1	0	0	3
	<b>Inmate on inmate abusive sexual contact</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>
Finding	Substantiated	1	0	0	0	0	1
	Unsubstantiated	1	1	0	0	0	2
	Unfounded	0	0	0	0	1	1
	<b>Inmate on inmate sexual harassment</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>6</b>
Finding	Substantiated	0	0	0	0	2	2
	Unsubstantiated	0	2	0	0	0	2
	Unfounded	0	1	0	0	1	2
	<b>Staff sexual misconduct</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>
Finding	Substantiated	0	0	0	0	0	0
	Unsubstantiated	0	0	0	0	0	0
	Unfounded	1	0	1	0	0	2
	<b>Staff sexual harassment</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
Finding	Substantiated	0	0	0	0	0	0
	Unsubstantiated	0	0	0	0	0	0
	Unfounded	0	0	1	0	0	1
	<b>Total Allegations</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>22</b>

## 2019 Data by Facility: Community Contract Facilities

### Community Contract Facility Populations as of December 31, 2019

Alpha House	207
Passages PRC/ASRC/ADT	221
Gallatin Co. Re-entry Program	33
Butte Prerelease Center/Women's Transition Center	201
Great Falls Prerelease Center	166
Helena Prerelease Center	96
Missoula Prerelease Center	117
START	161
Connections Corrections	63
Connections Corrections West/WATCh West	150
Elkhorn Treatment Center	47
Nexus	69
WATCh East	34
<b>Total</b>	<b>1565</b>

**2019 Community Contract Facility Sexual Abuse and Sexual Harassment Allegation Data**

	Allegation Type	Alpha House	Passages PRC/ASRC/ADT	Gallatin Co. Re-entry Program	Butte Prerelease Center/Women's Transition Center	Great Falls Prerelease Center	Helena Prerelease Center	Missoula Prerelease Center	START	Connections Corrections	Connections Corrections West/WATCh West	Elkhorn Treatment Center	Nexus	WATCh East	Contractor Total
	<b>Inmate on inmate nonconsensual sexual acts</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>
Finding	Substantiated	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated	0	2	0	0	0	0	0	0	0	0	0	0	0	2
	Unfounded	1	0	0	0	0	0	0	1	0	0	0	0	0	2
	Investigation Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Inmate on inmate abusive sexual contact</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>
Finding	Substantiated	0	0	0	0	0	0	0	0	0	0	1	0	0	1
	Unsubstantiated	0	0	0	0	0	2	0	0	0	0	0	0	0	2
	Unfounded	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	Investigation Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Inmate on inmate sexual harassment</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>15</b>
Finding	Substantiated	0	1	0	0	0	0	0	0	0	5	0	1	0	7
	Unsubstantiated	0	2	0	1	0	0	0	0	0	1	0	0	0	4
	Unfounded	0	0	0	0	0	0	0	0	0	1	0	2	1	4
	Investigation Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Staff sexual misconduct</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>
Finding	Substantiated	0	0	0	0	0	0	1	0	0	0	0	0	0	1
	Unsubstantiated	0	1	0	0	0	2	0	0	0	0	0	0	0	3
	Unfounded	1	0	0	0	0	0	1	0	0	0	0	0	0	2
	Investigation Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Staff sexual harassment</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>
Finding	Substantiated	0	1	0	0	1	0	0	0	0	0	0	0	0	2
	Unsubstantiated	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unfounded	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Investigation Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Allegations</b>	<b>2</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>31</b>

**Montana Department of Corrections PREA Annual Report 2019**

**Approved by:**

/s/ Reginald D. Michael

Reginald D. Michael, Director

12/1/2020

Date