

2017

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 includes a focus on data collection and analysis of PREA incidents that assists the agency in identifying problem areas, taking corrective action on an ongoing basis, and providing an assessment of the agency's progress in addressing sexual abuse and sexual harassment within its facilities.

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

Agencies must demonstrate zero tolerance of sexual abuse and sexual harassment not merely by words and written policy, but through their actions, including what they do to prevent sexual abuse and sexual harassment and to comply with the PREA standards. 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 Montana Department of Corrections completed federal PREA audits and were determined to be compliant with the PREA standards. 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.

Purpose

The Prison Rape Elimination Act of 2003 requires data 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 annually 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 was submitted to the BJS for the annual Survey of Sexual Victimization.

This report focuses on a review of the data collected from January 1, 2017, through December 31, 2017.

Definitions

PREA standard definitions are provided in *28 CFR §115.5 and 28 CFR §115.6*, which include the following:

Sexual abuse of an offender by another offender – Sexual acts, sexual contact or any other intentional touching, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation, in which the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse.

Sexual abuse of an offender by a staff member or service provider – Sexual acts, sexual contact or any other intentional contact, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, any attempt, threat, or request by a staff member or service provider to engage in these activities, any display by a staff member or service provider of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, or voyeurism by a staff member or service provider, when these acts are unrelated to official duties or where the staff member or service provider has the intent to abuse, arouse, or gratify sexual desire.

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 offender directed toward another or repeated verbal comments or gestures of a sexual nature to an offender by a staff member or service provider.

Sexual Misconduct – Includes sexual abuse of an offender by another offender, sexual abuse of an offender by a staff member or service provider, sexual harassment, and voyeurism.

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 offender by a staff member or service provider for reasons unrelated to official duties.

Agency Achievements in 2017

The Department of Corrections 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 PREA standards and Department PREA policies and procedures. The list below highlights specific Department efforts in 2017:

- PREA Compliance Manager training was conducted in January 2017 by the Moss Group and participants included Department staff and contract facility staff.

- Department-employed DOJ Certified Auditors completed two audits for the Western ASCA Consortium, which includes California, Hawaii, Montana, Nevada, New Mexico, Oregon and Washington.
- The Youth Transition Center in Great Falls completed its second audit in July 2017 with only one item needing corrective action. The facility received the final audit report certifying compliance on September 1, 2017.
- Comprehensive PREA classroom training was updated and provided to 916 staff.
- PREA Podcasts were developed and provided through the Department's online training center. These podcasts spotlight specific topics such as the PREA policy, employee PREA training, investigations and medical care.
- A new electronic database was created and launched in September 2017 to log all allegations in each facility. The database will help facilities track allegations from initial report to incident review and provide easy access to the data necessary to complete the annual Survey of Sexual Victimization. The database also allows for electronic records of reports made to other agencies that an offender was sexually abused at another facility.
- The Department modified the investigations process to improve referrals to Department investigators and communication with local prosecutors. This included developing and presenting a new classroom training on conducting administrative PREA investigations.
- The Transgender and Intersex Inmate Placement Review Committee was established in October 2017 to ensure compliance with *28 CFR §115.42*. The review committee includes a qualified health care professional, qualified mental health care professional, the PREA Coordinator, chief legal counsel or designee, the Montana State Prison and Montana Women's Prison wardens or designees, and additional members as needed. The committee conducts individualized assessments of each transgender and intersex inmate committed to the Department to determine appropriate placement.
- An email address, CORPREAReporting@mt.gov, was established to receive third party and private reports. The email is monitored by the PREA Coordinator and the Quality Assurance Director to ensure timely responses.
- As a result of its audit, the Montana Women's Prison created new tracking forms, and updated the risk assessment tool that was implemented across the Department. The MWP PREA procedure was updated and the need for a dedicated PREA compliance manager was identified. In 2017, five staff members were trained to conduct administrative PREA investigations, which has decreased the time from initial allegation to completion of an investigation.
- In 2017, Pine Hills Correctional Facility began the transition from a juvenile facility that housed adults to an adult facility that houses juveniles. During this time, they nearly doubled their adult population. Sight and sound separation of youth and adults was closely reviewed by governing bodies outside the agency and found to be compliant with law and regulations. The facility had only one allegation during 2017 which was a sexual harassment allegation.

Areas to Improve Prevention, Detection and Response

On an ongoing basis, during regular reviews of compliance and during incident reviews, facilities assess areas where 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:

- At Montana Women's Prison, Pine Hills Correctional Facility, and Riverside Correctional Facility, improved camera surveillance equipment and video monitoring would improve the Department's ability to detect sexual abuse and harassment and investigate allegations. This includes additional cameras in all facilities and improved storage capabilities at Pine Hills Correctional Facility.
- Montana State Prison, Montana Women's Prison, and Pine Hills Correctional Facility all identified the need for increased staffing levels, including keeping staffing levels at the current identified need, as well as the need for new positions. Montana State Prison specifically identified a need for more investigations staff.

Facilities

The Montana Department of Corrections facilities in 2017 consisted of five total facilities, including one youth facility and one facility housing both youth and adults. The Department also contracts with five facilities, four adult and one youth, for the confinement of offenders.

Montana State Prison

Montana State Prison (MSP) in Deer Lodge is the largest correctional facility in the state, housing approximately 1,500 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 locked housing due to ongoing or serious behavior management problems.

Montana State Prison uses a unit management structure that is ultimately managed by a warden, four 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 Correctional Treatment Center, a separate unit of MSP, houses up to 56 minimum custody male inmates. These inmates participate in intensive chemical dependency and cognitive behavioral programming. Auxiliary programs are included to ensure all aspects of an inmate's rehabilitative needs are addressed in this setting.

Montana State Prison also includes the Lewistown Infirmary, 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) transferred to Billings in 1994 from Warm Springs, MT. It is a 194-bed secure facility that operates consistently at or over capacity, with approximately 200 female inmates. 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 locked units, where inmates have fewer privileges and are generally confined to their cells because of disciplinary or behavioral problems. The locked units can each house up to 11 inmates.

Riverside Correctional Facility

Riverside Correctional Facility in Boulder is a 32-bed prison diversion program for adult women which focuses on trauma-informed services. Riverside has one housing unit which houses minimum custody offenders.

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.

Great Falls Youth Transition Center

The Youth Transition Center (YTC) is a 7-bed facility in Great Falls for delinquent male youth between the ages of 10 and 17. The youth in the program are low, medium and high risk. Youth in the program are placed in education and work programming that meets each youth's individual needs, as well as counseling for mental health, chemical dependency, or sexual offenses.

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 600 Montana State inmates and 96 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 Montana Department of Corrections 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 Department of Corrections and the Missoula County Detention Facility. MASC's purpose is to determine the most appropriate placement for offenders through clear, accurate and impartial assessments. MASC provides these assessments to community corrections programs that screen offenders for potential placement rather than sending them directly to prison. Offenders committed to the Department of Corrections are given mental health, chemical dependency and sex offender assessments as needed. Offenders may be placed in treatment programming while at MASC prior to being considered for placement in a community program. MASC also houses offenders who are being sanctioned for violating the conditions of community supervision.

Agency Aggregate Data

In September 2017, the Department made a significant change to the method of collecting data for incidents of sexual abuse and sexual harassment. For that reason, data for 2017 is more detailed than data from prior years.

Comparison Data 2014-2017

Allegation Type	2017	2016	2015	2014
Total Inmate on inmate	39	34	60	25
Substantiated	3	6	10	3
Unsubstantiated	4	5	28	7
Unfounded	23	23	22	15
Investigation ongoing	9	0	0	0
Total Staff on inmate	42	36	84	22
Substantiated	2	1	2	1
Unsubstantiated	6	3	20	1
Unfounded	32	32	62	20
Investigation ongoing	2	0	0	0

2017 Aggregate Data

	Allegation Type	2017
	Inmate on inmate non-consensual sexual acts	22
Finding	Substantiated	0
	Unsubstantiated	2
	Unfounded	15
	Investigation ongoing	5
	Inmate on inmate abusive sexual contact	5
Finding	Substantiated	2
	Unsubstantiated	1
	Unfounded	0
	Investigation ongoing	2
	Inmate on inmate sexual harassment	12
Finding	Substantiated	1
	Unsubstantiated	1
	Unfounded	8
	Investigation ongoing	2
	Staff sexual misconduct	25
Finding	Substantiated	1
	Unsubstantiated	3
	Unfounded	19
	Investigation ongoing	2
	Staff sexual harassment	17
Finding	Substantiated	1
	Unsubstantiated	3
	Unfounded	13
	Investigation ongoing	0

Data by Facility: Agency Facilities

Agency Facility Populations as of December 31, 2017

Montana State Prison	1574
Montana Women's Prison	221
Riverside Correctional Facility	31
Pine Hills Correctional Facility	93
Youth Transition Center	6
Total	1925

Sexual Abuse and Sexual Harassment Allegation Data

Allegation Type		Montana State Prison*	Montana Women's Prison	Riverside Correctional	Pine Hills Correctional	Youth Transition Center	Agency Total
Inmate on inmate non-consensual sexual acts		9	13	0	0	0	22
Finding	Substantiated	0	0	0	0	0	0
	Unsubstantiated	1	1	0	0	0	2
	Unfounded	3	12	0	0	0	15
	Investigation ongoing	5	0	0	0	0	5
Inmate on inmate abusive sexual contact		2	2	1	0	0	5
Finding	Substantiated	0	1	1	0	0	2
	Unsubstantiated	0	1	0	0	0	1
	Unfounded	0	0	0	0	0	0
	Investigation ongoing	2	0	0	0	0	2
Inmate on inmate sexual harassment		4	7	0	1	0	12
Finding	Substantiated	0	0	0	1	0	1
	Unsubstantiated	0	1	0	0	0	1
	Unfounded	2	6	0	0	0	8
	Investigation ongoing	2	0	0	0	0	2
Staff sexual misconduct		10	14	0	0	1	25
Finding	Substantiated	0	0	0	0	1	1
	Unsubstantiated	2	1	0	0	0	3
	Unfounded	6	13	0	0	0	19
	Investigation ongoing	2	0	0	0	0	2
Staff sexual harassment		6	11	0	0	0	17
Finding	Substantiated	1	0	0	0	0	1
	Unsubstantiated	1	2	0	0	0	3
	Unfounded	4	9	0	0	0	13
	Investigation ongoing	0	0	0	0	0	0

* MSP data reflects only September 2017-December 2017 due to inaccurate data collection prior to September 2017

Data by Facility: Contract Facilities

DOC Inmate Populations in Contract Facilities as of December 31, 2017

Cascade County Regional Prison	154
Crossroads Correctional Center	593
Dawson County Correctional Facility	142
5 Co. Detention/Youth Rehabilitation Center	11
MASC	144
Total	1044

Sexual Abuse and Sexual Harassment Allegation Data

Finding	Allegation Type	Cascade County Regional Prison	Crossroads Correctional Center	Dawson County Correctional Facility	5 Co. Detention/Youth Rehabilitation	MASC	Contractor Total
	Inmate on inmate non-consensual sexual acts	1	1	0	0	1	3
Finding	Substantiated	0	1	0	0	0	1
	Unsubstantiated	0	0	0	0	1	1
	Unfounded	1	0	0	0	0	1
	Inmate on inmate abusive sexual contact	0	1	0	0	0	1
Finding	Substantiated	0	1	0	0	0	1
	Unsubstantiated	0	0	0	0	0	0
	Unfounded	0	0	0	0	0	0
	Inmate on inmate sexual harassment	0	0	0	1	3	4
Finding	Substantiated	0	0	0	0	3	3
	Unsubstantiated	0	0	0	1	0	1
	Unfounded	0	0	0	0	0	0
	Staff sexual misconduct	1	2	5	2	0	10
Finding	Substantiated	1	2	0	0	0	3
	Unsubstantiated	0	0	0	1	0	1
	Unfounded	0	0	5	1	0	6
	Staff sexual harassment	0	0	0	0	0	0
Finding	Substantiated	0	0	0	0	0	0
	Unsubstantiated	0	0	0	0	0	0
	Unfounded	0	0	0	0	0	0

Approved by:

/s/ Reginald D. Michael
Reginald D. Michael, Director

9/20/18
Date