

2021

Miami-Dade Corrections and Rehabilitation Department PREA Annual Report



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History

The Prison Rape Elimination Act (PREA) was established in 2003 by the United States Congress to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions, including community-based agencies, which house adult or juvenile offenders. It addresses both inmate-on-inmate sexual abuse/harassment and staff sexual misconduct/harassment.

The goals of PREA align with the mission of the Miami-Dade Corrections and Rehabilitation Department (MDCR) which is *to serve the community by providing safe, secure, and humane detention of individuals in our custody while preparing them for a successful return to the community*. As such, MDCR has continued its long-established “zero tolerance” policy relating to sexual violence in custody and recognizes inmates who are sexually harassed or abused as victims of a serious crime. MDCR responds to allegations, fully investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution. MDCR continuously seeks to provide a safe and secure environment for all individuals in our custody.

MDCR, as well as Corrections Health Services (CHS) which is the inmate medical provider, remain committed to the prevention and detection of PREA-related incidents through a multi-perspective approach. This approach includes PREA committee review, training, policies and procedures, staffing levels, and surveillance technology use with the ultimate goal of identifying problem areas, and applying appropriate corrective solutions to make necessary improvements.

Training and education are critical components to the prevention of sexual abuse. In addition to updated policies and procedures, MDCR ensures that every inmate, MDCR and CHS staff, contractor, and volunteer are provided ongoing training regarding PREA. Newly arrested inmates receive initial education during the intake process, however, inmates that are held beyond first appearance receive a comprehensive education, about their right to be free from sexual abuse and sexual harassment, how to report any incidents and how to protect themselves while incarcerated. Training includes ways to detect, prevent and respond to incidents of sexual harassment, sexual abuse, and inappropriate relationships between staff and inmates. The previously mentioned Inmate Peer Education Program was stalled due to the novel Coronavirus, SARS2, COVID-19 pandemic in order to ensure the health and safety of both staff and inmates. In response to the pandemic MDCR used the counselors assigned at the Turner Guilford Knight Correctional center to proctor inmate education and created a handout, which the inmates could use as a quick reference for inmates to review PREA specific information.

Current Efforts

MDCR continues to take its responsibility of safeguarding the health and wellbeing of its inmates and recognizes that the prevention of sexual abuse/battery/harassment are critical components of that effort. In preparation, MDCR put forth the following efforts:

- MDCR provides PREA response cards to all new staff as a quick reference to reporting procedures.
- MDCR required all staff to review complete 2021 PREA Re-fresher training.
- MDCR requires all staff to complete an annual PREA survey.
- Jackson Health System continuously conducts PREA training for all CHS employees. All employees successfully completed the latest raining.
- MDCR requires that all newly assigned PREA Compliance Managers (PCM) successfully complete online training courses provided by the National Institute of Corrections entitled "*PREA: Your Role Responding to Sexual Abuse*"; "*PREA: Investigating Sexual Abuse in a Confinement Setting*" and "*Communicating Effectively and Professionally with LGBTI Offenders*".
- MDCR requires that all investigators assigned to the Internal Affairs Bureau complete online training courses provided by the National Institute of Corrections entitled "PREA: Investigating Sexual Abuse in a Confinement Setting and PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations
- MDCR installed additional cameras to improve the quality of imaging, minimize blind spots and record digital images in a formatted virtual environment.

These efforts resulted in successful internal audits, demonstrating continued compliance by all MDCR facilities and staff.

PREA Investigations

MDCR notifies and collaborates with Miami-Dade Police Department's Special Victims Bureau to conduct official investigations on-site and make the final determination as to the validity of the alleged PREA violations. As such, all instances of alleged PREA violations, if substantiated, would constitute a criminal act.

Comparative Data Analysis

Definitions:

As specified on the Survey of Sexual Victimization (SSV) required by the United States Department of Justice, Bureau of Justice Statistics, the collection of data includes all inmate-on-inmate and staff-on-inmate incidents related to: nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct and staff sexual harassment as specifically defined below:

Inmate-on-Inmate Sexual Victimization

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of the SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization.

These categories are:

1. Nonconsensual Sexual Acts
 - Sexual Contact of any reason 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 penetration, 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.
2. Abusive Sexual Contact
 - Sexual Contact of any person without his or her consent, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person; and
 - Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
 - EXCLUDE incidents in which the contact was incidental to a physical altercation.
3. 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 Sexual Abuse

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse.

These categories are:

1. 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 (exclude family, friends or other visitors).
 - Sexual relationships of a romantic nature between staff and inmates are included in this definition.

- Consensual or nonconsensual sexual acts include 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.

2. Staff Sexual Harassment

- Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors), includes-
- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or
- Repeated profane or obscene language or gestures.

The outcomes of a sexual abuse investigation (disposition) are categorized as follows:

Substantiated

The event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

Unsubstantiated

The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

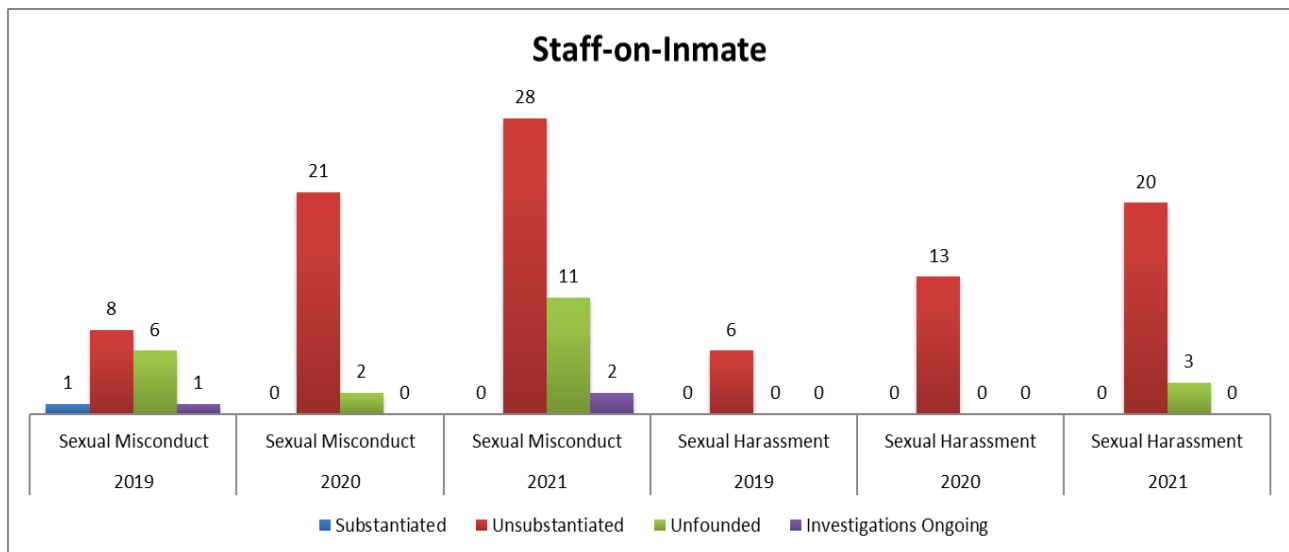
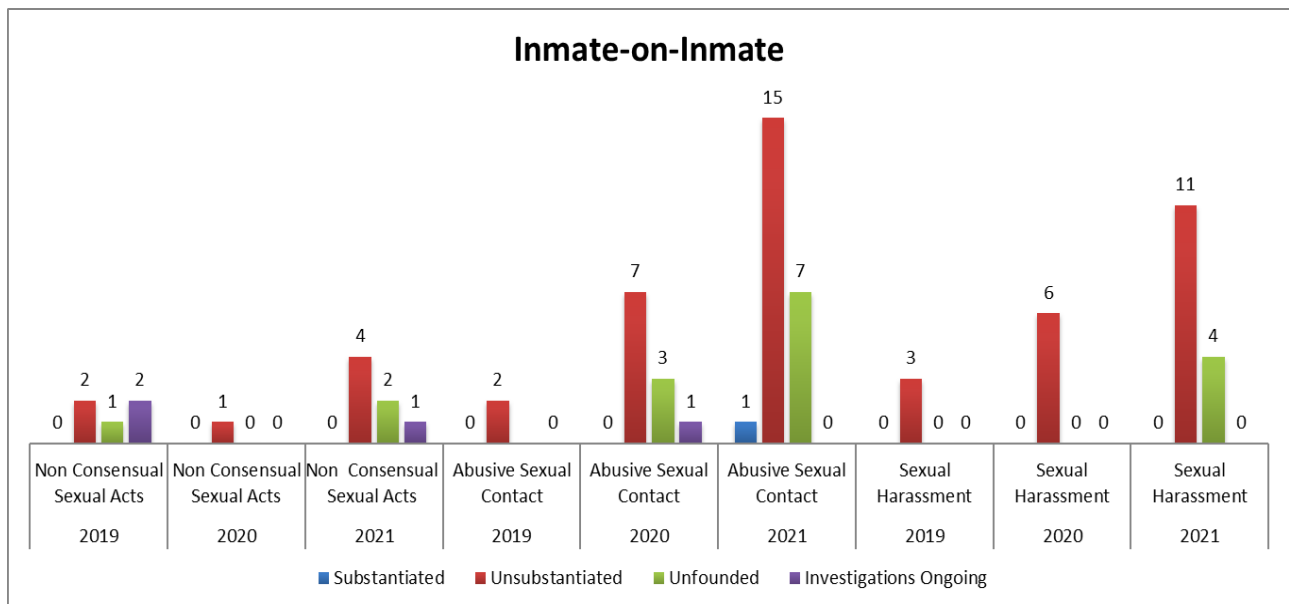
Unfounded

The investigation determined that the event did NOT occur.

Investigation ongoing

Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

Survey of Sexual Violence and Survey of Sexual Victimization - 2019, 2020, 2021



The graphs above represent a comparison of all reported incidents of sexual abuse and sexual harassment between Calendar Years 2019, 2020, and 2021. In 2019, there was a total of 32 sexual abuse and harassment reports, 55 in 2020, and 109 in 2021. Of the 32 reported for 2019, there were 10 inmate-on-inmate and 22 staff-on-inmate. Of the 54 reported in 2020, there were 18 inmate-on-inmate and 36 staff-on-inmate. Of the 109 reported in 2021, there were 45 inmate-on-inmate and 64 staff-on-inmate. This information shows an upward trend of reported incidents. This increase may be attributed to MDCR continuously educating staff and inmates on PREA reporting procedures several frivolous complaints being filed.

It is important to update the information contained since the submission of the 2020 SSV:

- As of May 2022, the outcome of the cases reported in 2019 are as follows: inmate-on-inmate PREA cases resulted in 7 unsubstantiated, 1 unfounded and 2 are still being investigated. The outcome of staff-on-inmate resulted in 14 unsubstantiated, 6 unfounded and 1 case is still being investigated.
- As of May 2022, the outcome of the cases reported in 2020 are as follows: inmate-on-inmate PREA cases resulted in 14 unsubstantiated, 3 unfounded and 1 case is still being investigated. The outcome of staff-on-inmate resulted in 34 unsubstantiated and 2 unfounded.

The SSV for 2021 has not been distributed to Correctional Agencies as of yet. However, as of May 2022, the case dispositions are as follows:

- As of May 2022, the outcome of the cases reported in 2021 are as follows: inmate-on-inmate PREA cases resulted in 30 unsubstantiated, 13 unfounded, 1 substantiated, and 1 case is still being investigated. The outcome of staff-on-inmate resulted in 48 unsubstantiated, 14 unfounded, and 2 cases are still being investigated.

****Please note all information above is subject to change.***

Ongoing Efforts

MDCR continues to implement best practices and the requirements of the PREA standards in order to address allegations of sexual abuse and sexual harassment of inmates. MDCR is dedicated to on-going monitoring and the implementation of corrective actions in order to maintain full PREA compliance and most importantly to maximize the safety of MDCR correctional facilities. This continual self-improvement will result in systemic changes that fully integrate the intent of the PREA standards and the highest level of safety.

MDCR and CHS continue to:

- Review and update policies to enhance PREA policy and practice
- Provide continual education for staff and inmates
- Enhance the objective screening tool
- Conduct specialized training required for investigative and medical staff
- Provide PREA Inmate Education Program in collaboration with MDCR Re-entry Program Services.
- Offer private counseling services to inmates related to current or prior sexual assault through local victim advocacy groups and CHS staff if needed.
- Prepare for the upcoming PREA audit.

Conclusion

MDCR, along with CHS, remains firmly committed to maintaining the significant changes to the organizational culture that began in 2007 and which have allowed us to achieve compliance with PREA standards in 2013 and 2017. MDCR is scheduled to undergo a departmental PREA Audit beginning June 27, 2022. It is important to mention that MDCR was originally scheduled for a PREA Audit in 2020. However, due to the global pandemic and the impact it had in Miami-Dade County and MDCR, the PREA Audit was postponed to continuously ensure the safety of staff, visitors, and the inmate population. MDCR continues to evaluate best practices, enhance the implementation of the PREA standard requirements, and effectuate ongoing adjustments to ensure continual PREA compliance. Additionally, MDCR is also dedicated to providing safe, secure and humane housing for incarcerated individuals within Miami-Dade County.