

# 2022

## Miami-Dade Corrections and Rehabilitation Department PREA Annual Report



James Reyes  
Director





## 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 and Corrections Health Services (CHS), 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, adequate staffing levels, policies and procedures, and surveillance technology use with the 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 is provided training regarding PREA. Training includes ways to detect, prevent and respond to incidents of sexual harassment, sexual abuse, and inappropriate relationships between staff and inmates. 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, within 30 days.

## Current Efforts

MDCR facilities underwent a PREA Audit and met compliance with all standards. Although compliance was met on all standards, after a review of the final audit report, the County saw areas on which we can improve upon. Therefore, MDCR elected to hire a consultant who would assist us in solidifying our PREA processes moving forward. MDCR also elected to audit one facility each year, beginning in 2023. Therefore, the Metro West Detention Center will undergo another audit within the upcoming year. MDCR continues to take responsibility for safeguarding the health and well-being of its inmates and recognizes that the prevention of sexual abuse/battery/harassment is a critical component of that effort. In preparation, MDCR put forth the following efforts:





- MDCR requires that all newly assigned PREA Compliance Managers (PCM) successfully complete online training courses provided by the National Institute of Corrections (NIC) 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".

## PREA Investigations

MDCR notifies and collaborates with Miami-Dade Police Department (MDPD) 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.

Below is important general information regarding PREA investigations.

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***

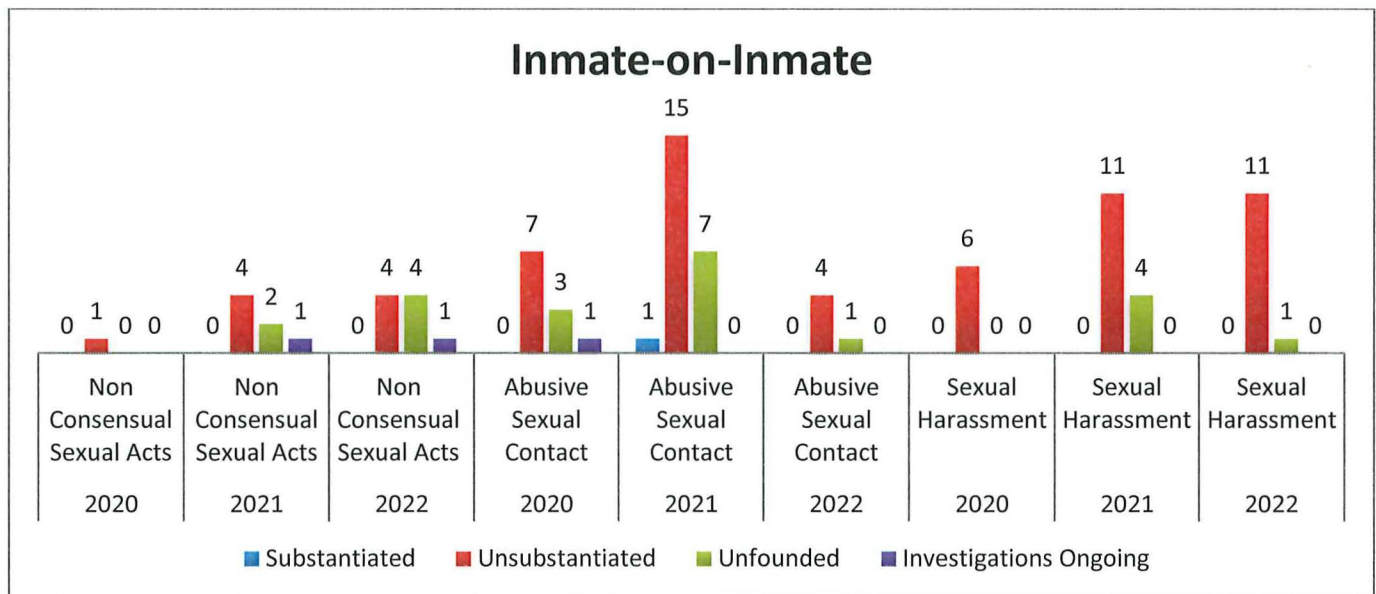
The investigation determined that the event did NOT occur.

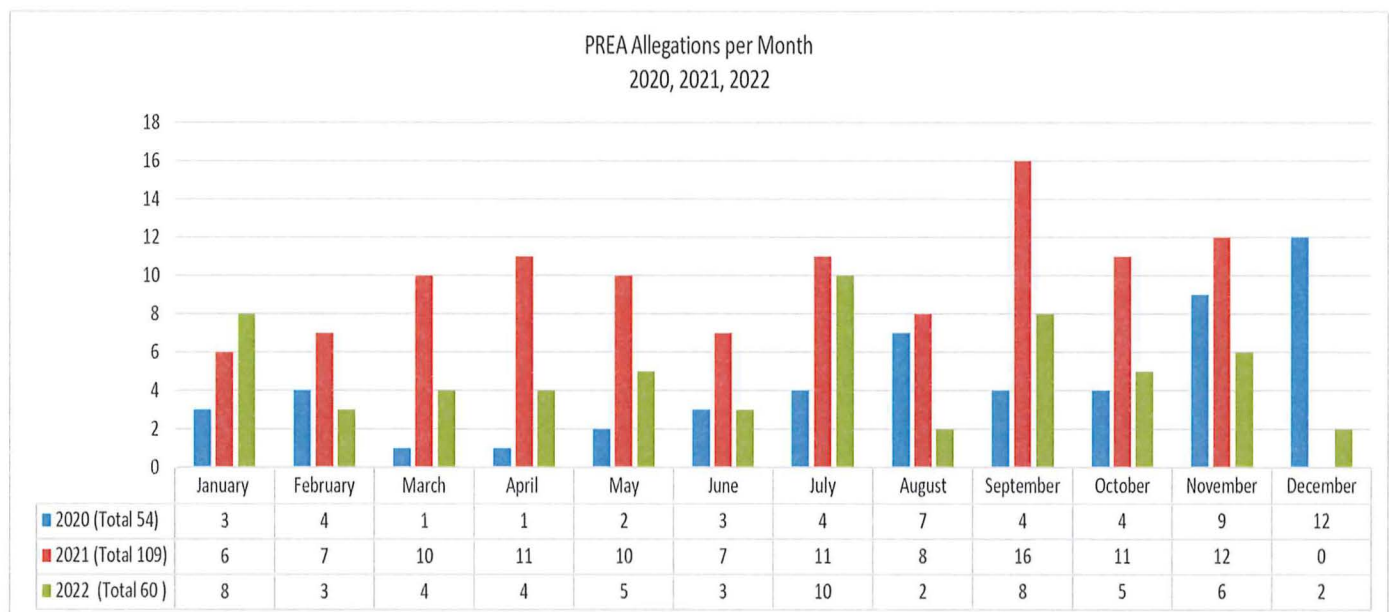
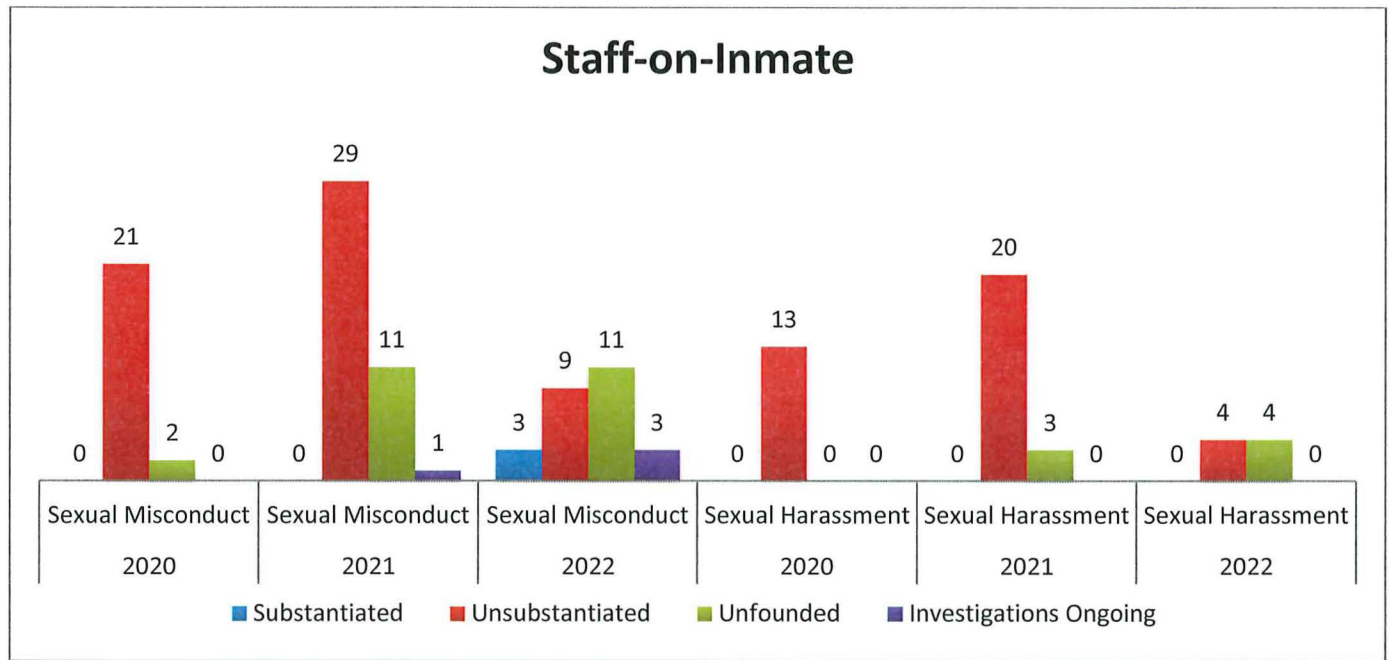
### ***Investigation Ongoing***

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

## **Comparative Data Analysis**

### **2020, 2021, 2022 Survey of Sexual Violence and Survey of Sexual Victimization**





The graphs above represent a comparison of all reported incidents of sexual abuse and sexual harassment between 2020, 2021, and 2022.

In 2020, there was a total of 54 sexual abuse and harassment reports, 109 in 2021, and 60 in 2022. 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. Of the 60 reported in 2022, there were 26 inmate-on-inmate and 34 staff-on-inmate.

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



- The outcome of the cases reported in 2020 are as follows: inmate-on-inmate PREA cases resulted in 14 unsubstantiated, 3 unfounded and 1 investigation ongoing. The outcome of staff-on-inmate resulted in 34 unsubstantiated and 2 unfounded.
- The outcome of the cases reported in 2021 are as follows: inmate-on-inmate PREA cases resulted in 30 unsubstantiated, 14 unfounded and 1 substantiated. The outcome of staff-on-inmate resulted in 49 unsubstantiated, 14 unfounded, and 1 investigation ongoing.

The 2022 SSV has not been distributed to Correctional Agencies, as of yet. However, as of July 2023, the case dispositions for 2022 are as follows:

- The outcome of the cases reported in 2022 are as follows: inmate-on-inmate PREA cases resulted in 19 unsubstantiated, 6 unfounded, and 1 investigation ongoing. The outcome of staff-on-inmate resulted in 3 substantiated, 13 unsubstantiated, 15 unfounded, and 3 investigations ongoing.

***\*Please note the 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 ongoing monitoring and the implementation of corrective actions in order to maintain full PREA compliance and, most importantly, to maximize safety in MDCR 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:

- Require staff to complete PREA training.
- Review and update policies to enhance PREA policy and practice.
- Provide continual education for staff and inmates
- Enhance the objective screening tool
- Enhance specialized training required for investigative and medical staff
- 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.
- MDCR provides PREA response cards to new staff, volunteers, and contractors as a quick reference to reporting procedures.
- MDCR requires all staff to complete an annual PREA survey. CHS Educators continuously conduct PREA training for all CHS employees prior to contact with the inmate population.
- MDCR installed additional cameras to improve the quality of imaging, minimize blind spots and record digital images in a formatted virtual environment.





- MDCR tasked the Correctional Counselors with ensuring that the inmate population receives comprehensive PREA education. This is an in-person session that affords the inmates an opportunity to ask questions and have them answered. The inmate population also receives a handout, which can be used as a quick reference to review PREA-specific information.

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

## Conclusion

MDCR, along with CHS, remains firmly committed to continuing to incorporate best practices, enhance the implementation of the PREA Standards, and effectuate ongoing adjustments to ensure PREA compliance. Additionally, MDCR remains dedicated to providing safe, secure and humane housing for incarcerated individuals in MDCR facilities.

James Reyes, Director

Date