

2023

Miami-Dade Corrections and Rehabilitation Department PREA Annual Report



Sherea Green, 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. PREA 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, are dedicated to preventing and detecting PREA-related occurrences using a multi-faceted strategy. This strategy comprises a PREA committee assessment, training, suitable personnel numbers, rules and procedures, and surveillance technologies to detect problem areas and implement appropriate corrective measures to make essential adjustments.

Training and education are essential components in the prevention of sexual abuse. In addition to improved rules and procedures, MDCR guarantees that all inmates, MDCR and CHS personnel, contractors, and volunteers are trained on PREA. Training covers how to recognize, prevent, and respond to situations of sexual harassment, abuse, and improper interactions between staff and inmates. Newly arrested inmates receive initial education during the intake process; however, inmates who are held after their first court appearance receive comprehensive education within 30 days about their right to be free of sexual abuse and harassment, how to report any incidents, and how to protect themselves while incarcerated.

Current Efforts

In August 2023, Metro West Detention Center (MWDC) underwent a PREA Audit and were found in compliance with all standards. Two areas of concern during the audit were PREA comprehensive education and reassessments upon transfer within 72 hours. With teamwork and innovative thinking by the Office of Compliance, Detention Facilities, Classification and Inmate Management, and Reentry Program Services Bureau, the concerns were remedied for compliance. MDCR continues to take responsibility for safeguarding the health and well-being of its inmates and recognizes that the prevention of sexual abuse/non-consensual sexual acts /harassment is a critical component of that effort. In preparation, MDCR put forth the following efforts:



- Implementation of electronic PREA Risk Assessment form.
- Implementation of electronic PREA Reassessment After Intake/Facility Transfer form.
- Implementation of Transgender/Intersex Assessment and Treatment Plan.
- Creation of Investigation Checklist and PREA Report template.

Video Surveillance added to provide suitable coverage and video monitoring throughout all detention facilities, along with an implementation plan to install additional surveillance equipment.

PREA Investigations

The Survey of Sexual Victimization (SSV), mandated by the United States Department of Justice's Bureau of Justice Statistics, collects data on all incidents of nonconsensual sexual acts, abusive sexual contact, sexual harassment, staff sexual misconduct, and staff sexual harassment. This covers both inmate-on-inmate and staff-on-inmate occurrences.

MDCR notifies the Miami-Dade Police Department's (MDPD) Special Victims Bureau (SVB) to investigate any suspected PREA breaches. The MDPD's SVB will conduct formal criminal investigations on-site, make the ultimate conclusion on the legitimacy of the claimed PREA violations, and if they constitute criminal conduct.

Inmate-on-Inmate Sexual Victimization

The SSV 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 (3) 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 SSV 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 the SSV, sexual abuse is disaggregated into two (2) 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 non-consensual 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 allegation was determined to have most likely not occurred.

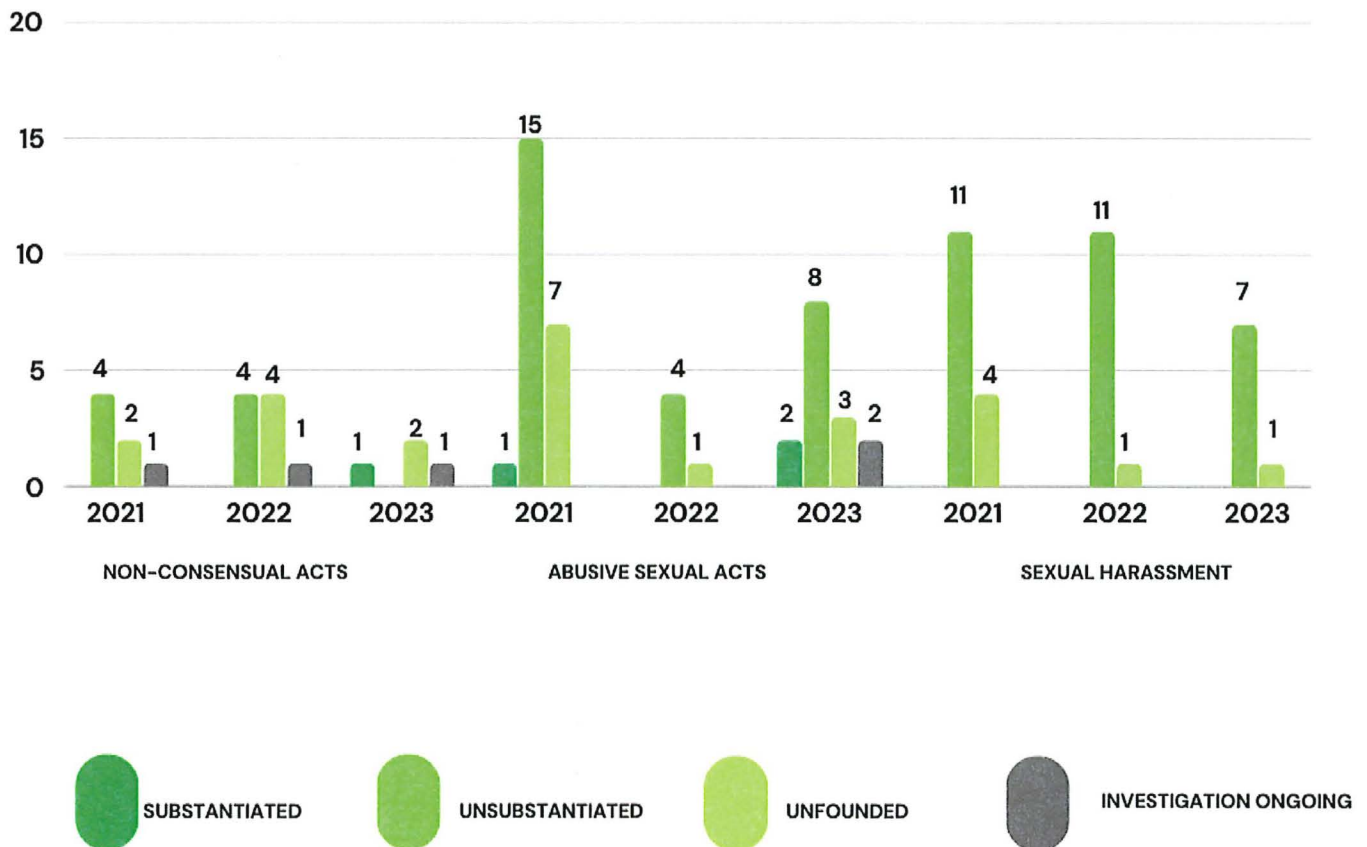
Investigation Ongoing

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

Comparative Data Analysis

2021, 2022, 2023 Survey of Sexual Violence and Survey of Sexual Victimization

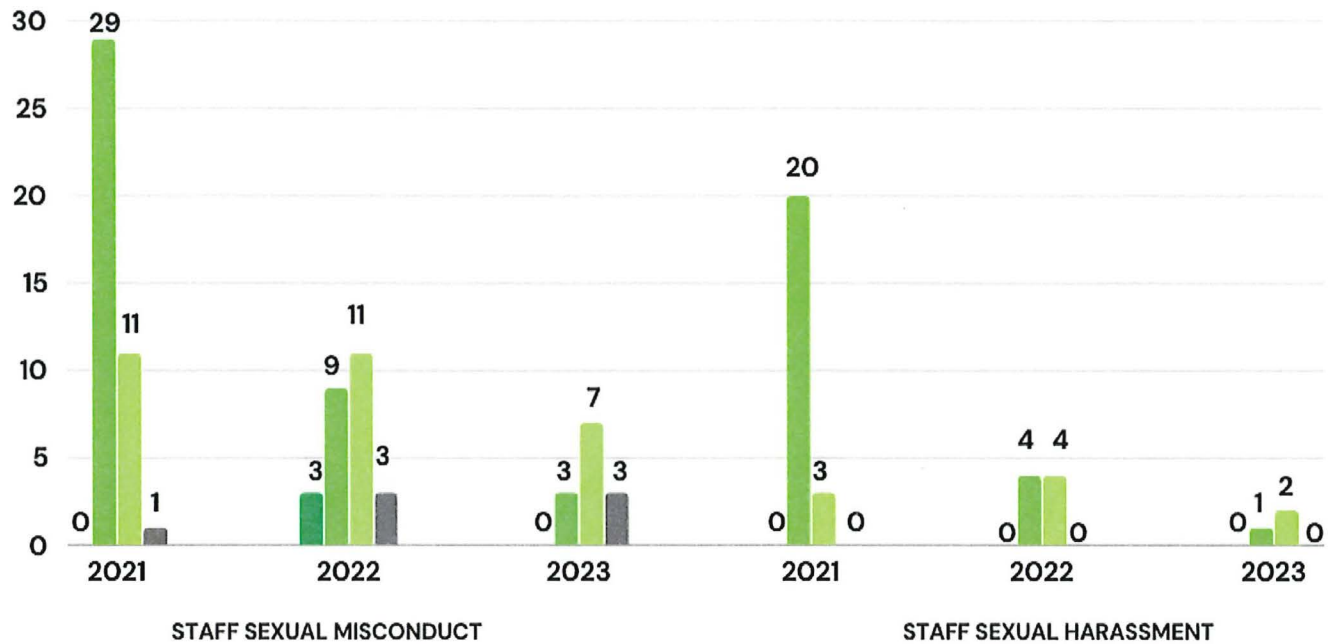
INMATE ON INMATE



"Delivering Excellence Every Day"



STAFF ON INMATE



SUBSTANTIATED



UNSUBSTANTIATED



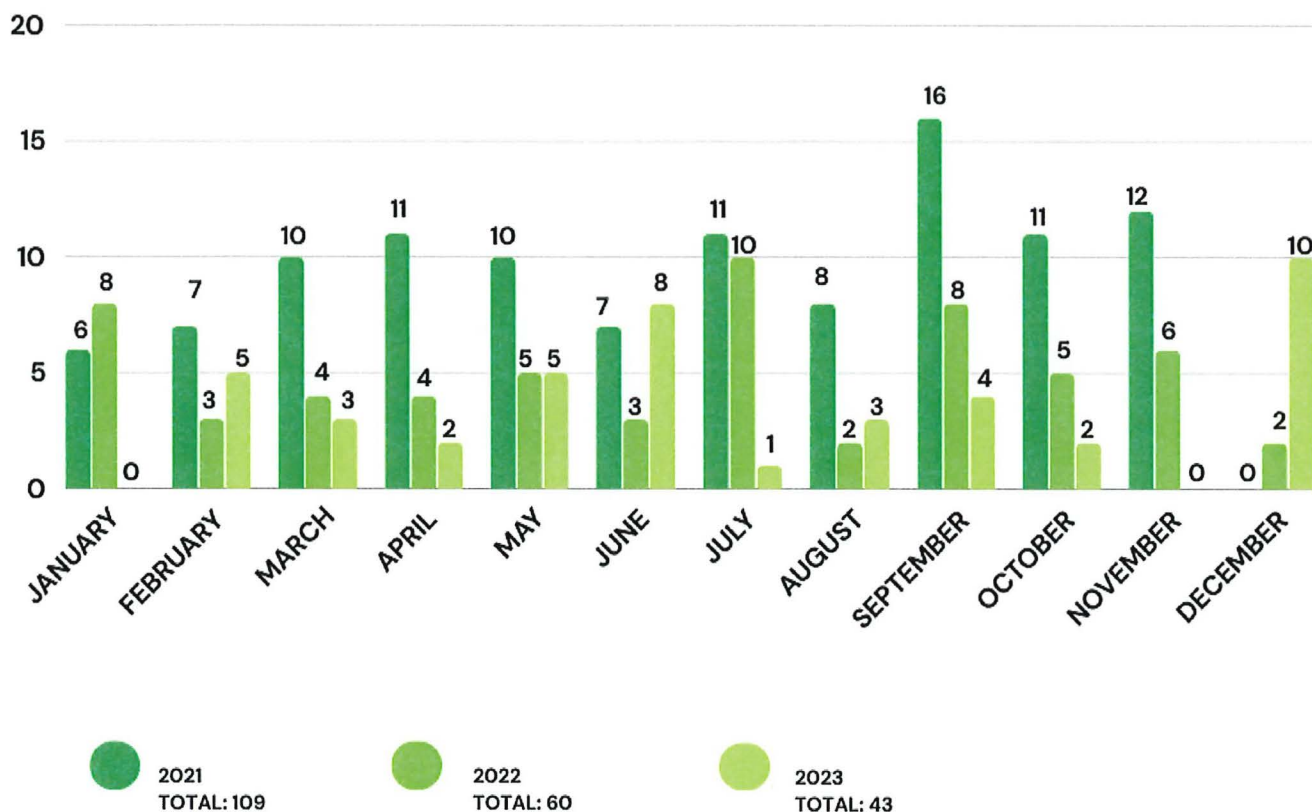
UNFOUNDED



INVESTIGATION ONGOING



PREA ALLEGATIONS PER MONTH



The graphs above represent a comparison of all reported incidents of sexual abuse and sexual harassment between 2021, 2022, and 2023.

In 2021, there was a total of 109 sexual abuse and harassment reports, 60 in 2022, and 43 in 2023. 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 45 inmate-on-inmate and 34 staff-on-inmate. Of the 43 reported in 2023, there were 27 inmate-on-inmate and 16 staff-on-inmate.



- The outcome of the cases reported in 2021 are as follows: 45 inmate-on-inmate PREA cases resulted in 30 unsubstantiated, 14 unfounded and one (1) substantiated. The outcome of the 64 staff-on-inmate resulted in 49 unsubstantiated and 14 unfounded and one (1) investigation ongoing.
- The outcome of the cases reported in 2022 are as follows: 26 inmate-on-inmate PREA cases resulted in 19 unsubstantiated, six (6) unfounded and one (1) investigations ongoing. The outcome of 34 staff-on-inmate resulted in three (3) substantiated, 13 unsubstantiated 15 unfounded, and three (3) investigations ongoing.

The 2023 SSV has not been distributed to correctional agencies, as of yet. However, as of July 2024, the case dispositions for 2023 are as follows:

- The outcome of the cases reported in 2023 are as follows: 27 inmate-on-inmate PREA cases resulted in 4 substantiated, 13 unsubstantiated, 7 unfounded, and three (3) investigations ongoing. The outcome of the 16 staff-on-inmate resulted in zero (0) substantiated, four (4) unsubstantiated, nine (9) unfounded, and three (3) investigations ongoing.

****Please note the information for 2023 is subject to change.***

Ongoing Efforts

MDCR continues to apply the PREA standards and best practices to address claims of sexual abuse and harassment of inmates. MDCR is committed to continual monitoring and the implementation of remedial actions to ensure complete PREA compliance and, most importantly, to optimize safety in MDCR facilities.

This continuous self-improvement will result in systemic improvements that completely integrate the intent of the PREA standards and provide the greatest degree of safety.

MDCR and CHS continue to:

- Ensure that staff complete and acknowledge PREA training.
- Review and update policies to improve PREA practice.
- Provide ongoing education for both staff and inmates.
- Enhance the objective risk screening tool.
- Improve specialized training for investigative and medical professionals.
- Restructure the Security and Internal Affairs Bureau (SIAB) organizational table to include an additional PREA Sergeant.
- Provide advanced PREA training for the PREA Coordinator (AJA/PREA Conferences).
- 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 Turner Guilford Knight Correctional Center PREA audit.
- Provide PREA response cards to new staff, volunteers, and contractors as a quick reference to reporting procedures.

"Delivering Excellence Every Day"

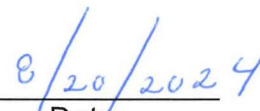


- Provide PREA response cards translated in Spanish and Creole, when needed.
- Require all staff to complete an annual PREA survey.
- Ensure that CHS educators continuously conduct PREA training for medical staff that includes in-depth training that requires pre- and post-testing.
- Implement CHS' strategic plan to ensure that all staff receive prior authorization before entering facilities or encountering the inmate population.
- Install additional cameras to improve the quality of imaging, minimize blind spots, and record digital images in a formatted virtual environment.

Conclusion

MDCR, in collaboration with CHS, continues steadfast in its commitment to incorporating best practices, improving PREA standards implementation, and making ongoing modifications to guarantee PREA compliance. Furthermore, MDCR is committed to providing safe, secure, and humane accommodations for incarcerated people in MDCR facilities.


Sherea Green, Director


Date