

# **Miami-Dade Corrections and Rehabilitation Department**



## **Prison Rape Elimination Act Annual Report 2013**

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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, that house adult or juvenile offenders.

It is the mission of the Miami-Dade Corrections and Rehabilitation Department (MDCR) 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 a long-established “zero tolerance” for any sexual abuse, misconduct, or harassment occurring in our facilities.

Several important initiatives were adopted early on to prevent and detect PREA-related incidents and provide a safe and secure environment to inmates:

- As far back as December 2007, MDCR developed and published an updated policy addressing PREA, entitled Inmate Sexual Assault/Battery Prevention, affirming a zero tolerance for sexual assault/battery whether inmate-on-inmate or staff-on-inmate and identified the protocols to respond to sexual assault/battery allegations.
- The Inmate Orientation Handbook was updated in September 2007, to include a reference to a zero tolerance of sexual misconduct which is provided to each inmate, along with, a pamphlet entitled Sexual Assault Awareness in three languages (English, Spanish, and Creole).
- MDCR has displayed PREA posters, in the three languages, throughout the housing units in all six detention facilities since 2007.
- PREA was incorporated in annual training classes, as well as PREA updates and departmental expectations and responsibilities of all staff in ongoing in-service training.
- PREA information was included during New Employee Worksite emphasizing the impact of victimization, zero tolerance to sexual misconduct of any sort, the requirement of reporting, and the general sensitivity to these types of occurrences in an institutional environment.
- MDCR initiated a Rape Crisis, Domestic and Sexual Violence Hotlines available from any inmate phone where sexual abuse could be reported directly to outside organizations.
- MDCR required that all staff participate in the National Institute of Corrections online training course entitled Prison Rape Elimination Act-Your Role: Responding to Sexual Abuse in 2011 with 95% of the 2,800 employees successfully completing the course.

## Current Efforts

Beyond these initial efforts, MDCR has remained committed to the prevention and detection of PREA-related incidents through a multi-perspective approach. This approach includes PREA Committee quarterly reviews of training, policies and procedures, staffing levels, facility construction, and surveillance technology use with ultimate goal of identifying problem areas, developing and applying appropriate corrective solutions to make improvement.

Facilities were examined for vulnerabilities, and corrective actions were taken to strengthen identified concerns. This included the addition of video cameras and modifications to shower and restroom facilities to enhance privacy and reduce the risk of cross gender viewing by staff while performing their duties.

Training and education are critical components to the prevention of sexual abuse. MDCR updated its policy and procedures, and revised its lesson plans to ensure staff, contractors, and volunteers are fully educated and prepared to execute their responsibilities under PREA. Inmates received initial education and those held beyond first appearance received 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.

Criminal investigations such as sexual abuse are the responsibility of the Miami-Dade Police Department (MDPD). MDPD's Special Victim Unit (SVU) investigators together with MDCR Security and Internal Affairs Bureau and Security Lieutenants received specialized training for investigators mandated by PREA standard §115.34. In addition, specialty training was provided as it related to the role of healthcare staff in detecting, reporting, and preserving medical forensic evidence by MDCR's Training Bureau in conjunction with Just Detention International.

MDCR will continue to take its responsibility of safeguarding the health and wellbeing of its inmates, and recognizes that the prevention of sexual abuse is a critical component of that effort.

## PREA Investigations

Below is important general information regarding PREA investigations.

Investigations:

All instances of alleged PREA violations, if substantiated, would constitute a criminal act. In such cases, MDCR notifies and collaborates with Miami Dade Police Department Sexual Violence Unit to carry out the official investigation on-site, and make the final determination as to the validity of the alleged PREA violations.

Definitions:

As specified on the Survey of Sexual Victimization (SSV) required by the United States Department of Justice. 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 SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization.

These categories are:

- Nonconsensual Sexual Acts
  - Sexual Contact of any reason without his or her consent, or of a person who is unable to consent or refuse;
  - Contact between the penis and the vulva or the penis and the anus including penetration, however slightly.
  - Contact between the mouth and the penis, vulva or anus;
  - 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, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
  - 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.

- Sexual Harassment
  - Repeated or 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:

- 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 includes-
  - 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;
  - Completed, attempted, threatened, or requested sexual acts;
  - 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 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;
  - Repeated profane or obscene language or gestures.

Sexual Abuse Investigation dispositions are 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**

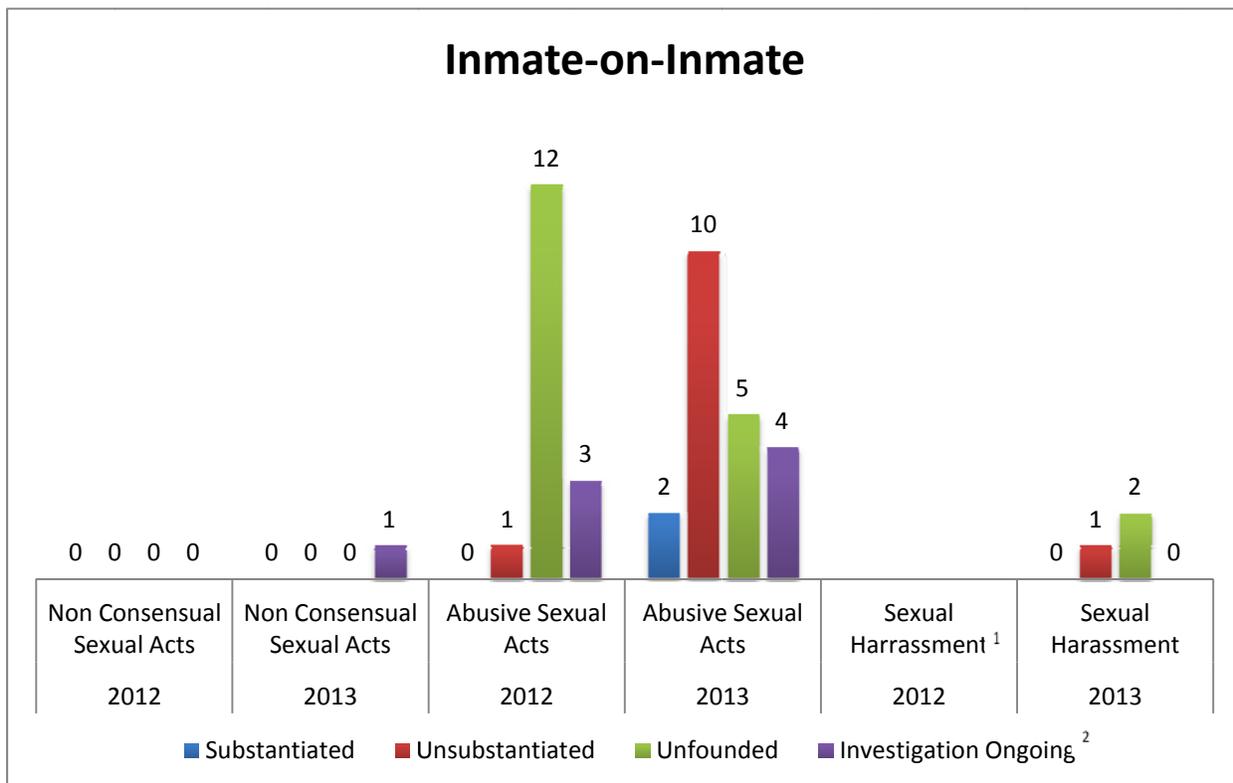
The investigation determined that the event did NOT occur.

**Investigation ongoing**

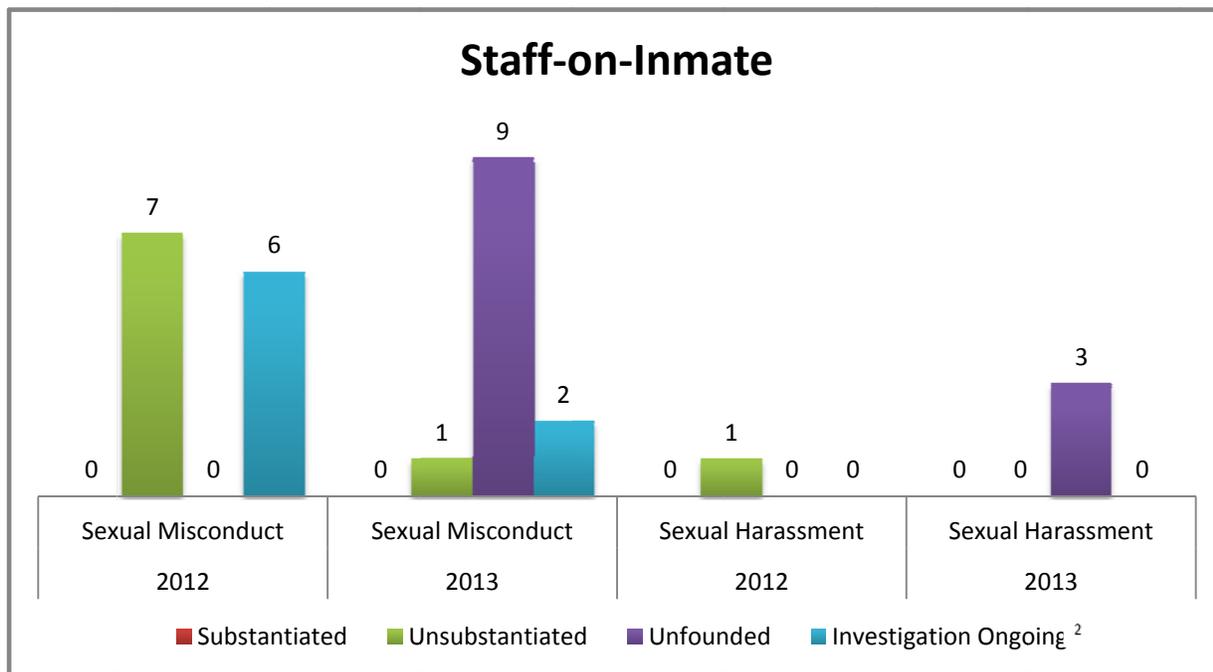
Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**Comparative Data Analysis**

**2012 Survey of Sexual Violence & 2013 Survey of Sexual Victimization Comparison Chart**



**2012 Survey of Sexual Violence & 2013 Survey of Sexual Victimization  
 Comparison Chart 2012 and 2013**



<sup>1</sup> Sexual Harassment for inmate-on-inmate incidents were not collected in the 2012 Survey.

<sup>2</sup> Investigation Ongoing category identifies incidents still open for investigation at completion time of the 2012 and 2013 Surveys.

The above two graphs represent a comparison between 2012 and 2013 reported incidents of sexual abuse and sexual harassment as reported to the United States Department Justice, Bureau of Justice Statistics, Survey of Sexual Victimization. The graphs depict all reports received, irrespective of their case dispositions. In 2012, there were a total of 30 sexual abuse and harassment reports and 40 in 2013, Of the 30 reported, there were 16 inmate-on-inmate and 14 staff-on-inmate cases. Of the 40 reported claims for 2013, there were 25 inmate-on-inmate and 15 staff-on-inmate. This constitutes an increase of 10 reported incidents or 33%. The increase can be attributable to overall increased awareness of PREA and should eventually decrease as the jail culture continues to conform to the aspects and intent of PREA. MDCR has implemented the following important initiatives:

- Enhanced MDCR reporting procedures
- Inmate PEER Education Pilot project, a collaboration between the Miami-Dade Department of Corrections and Rehabilitation (MDCR) and Just Detention International, which provides assessment and counseling services to inmates in need of services related to current or prior sexual assault;
- Training to MDCR custodial staff and CHS medical, and mental health staff on sexual assault response procedures; and sensitivity to survivors.

## Corrective Action(s)

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 reach and maintain full PREA compliance and most importantly to maximize the safety of MDCR correctional facilities. This continual self-improvement will result in systemic change that fully integrates the intent of the PREA standards and the highest level of safety.

The following are completed corrective actions:

- Enhanced PREA policies and procedures
- Provided enhanced education for staff and inmates
- Enhanced objective screening tool
- Conducted specialized training required for investigative and medical staff
- Improved data collection and aggregation thru Administrative Information Management System
- Implemented Sexual Assault Response Teams (SART)
- Installed over 1,000 video surveillance cameras throughout facilities
- Implemented PREA PEER education program in collaboration with Just Detention International
- Offered private counseling services to inmates victimized by current or prior sexual assault through Office of Victims of Crimes grant; in collaboration with Just Detention International

## Conclusion

MDCR remains firmly committed to continual and progressive culture change and continues to implement the requirements of the PREA standards and make adjustments on an on-going basis. Additionally, MDCR is also dedicated to providing safe and secure housing for incarcerated individuals within Miami-Dade County.