

2014

Miami-Dade Corrections and Rehabilitation Department PREA Annual Report



Marydell Guevara
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, that house adult or juvenile offenders. It addresses both inmate-on-inmate sexual abuse and staff sexual harassment.

Major provisions of PREA include:

- Adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape
- Development of standards for detection, prevention, reduction, and punishment of prison rape
- Collection and dissemination of information on the incidence of prison rape
- Award of grant funds to help state and local governments implement the purposes of the Act

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 routinely responds to allegations, fully investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution. MDCR continuously seek to provide a safe and secure environment for all individuals in our custody.

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 initially 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 housing units in all 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 Orientation 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 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.
- 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;
- Implemented Sexual Assault Response Teams (SART)
- Facilities were examined for vulnerabilities, and corrective actions were taken to strengthen identified concerns. This included the addition of video cameras for a total of over 1,400 video surveillance 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.

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 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, staff, contractor, and volunteer are provided ongoing training regarding 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. Training includes ways to detect, prevent and respond to incidents of sexual harassment, sexual assault, and inappropriate relationships between staff and inmates. MDCR has training programs for all inmates and employees (contractors and volunteers), to ensure compliance with federal law and MDCR's zero-tolerance policies and procedures. 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

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.

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.

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

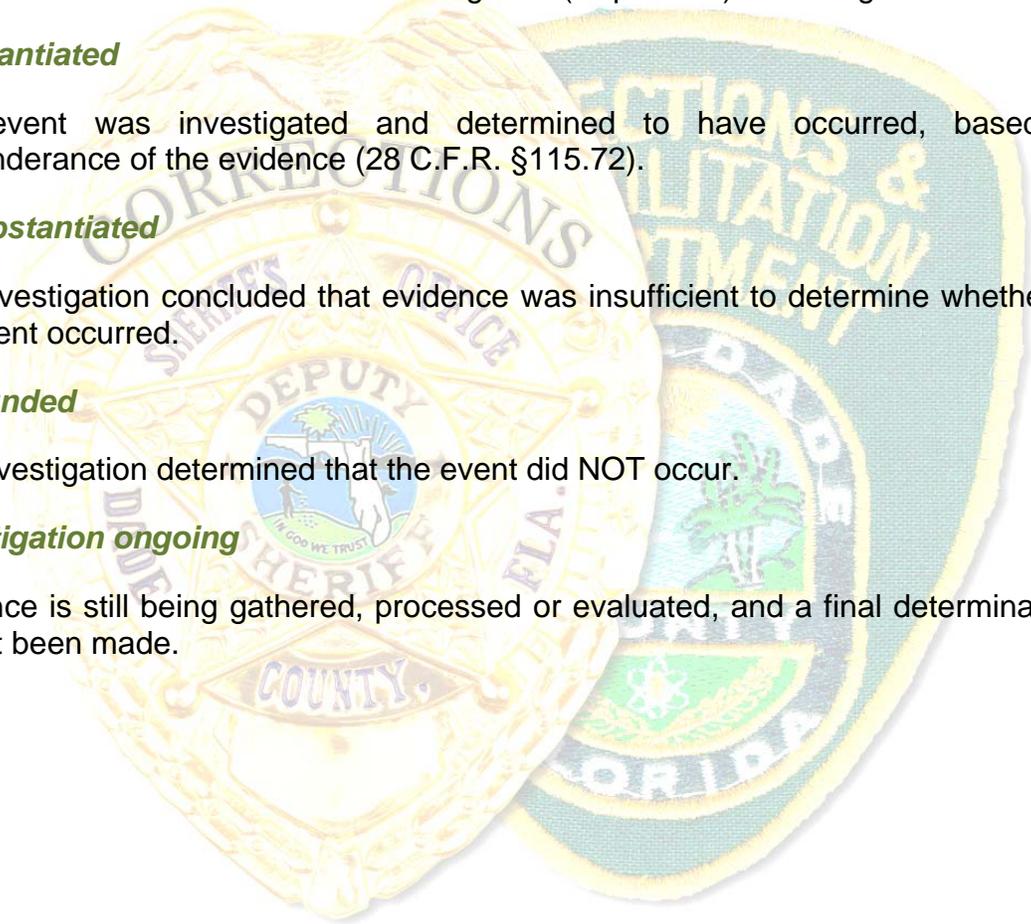
The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Unfounded

The investigation determined that the event did NOT occur.

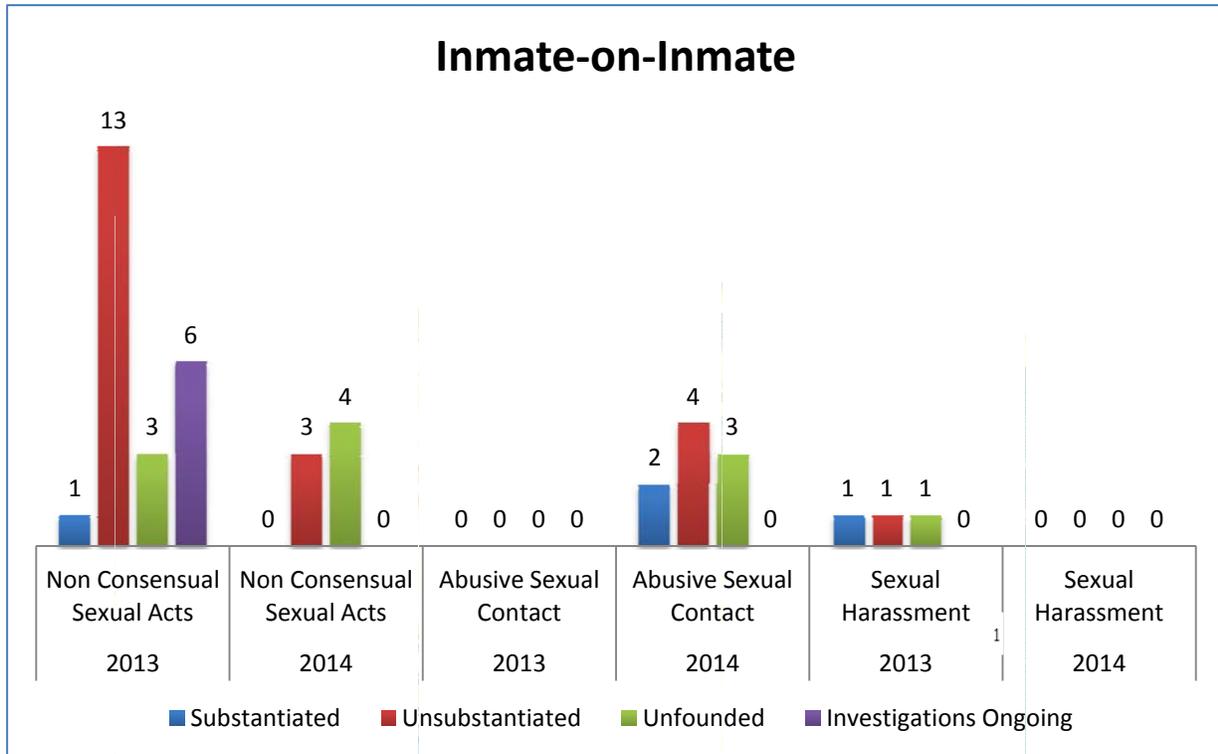
Investigation ongoing

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

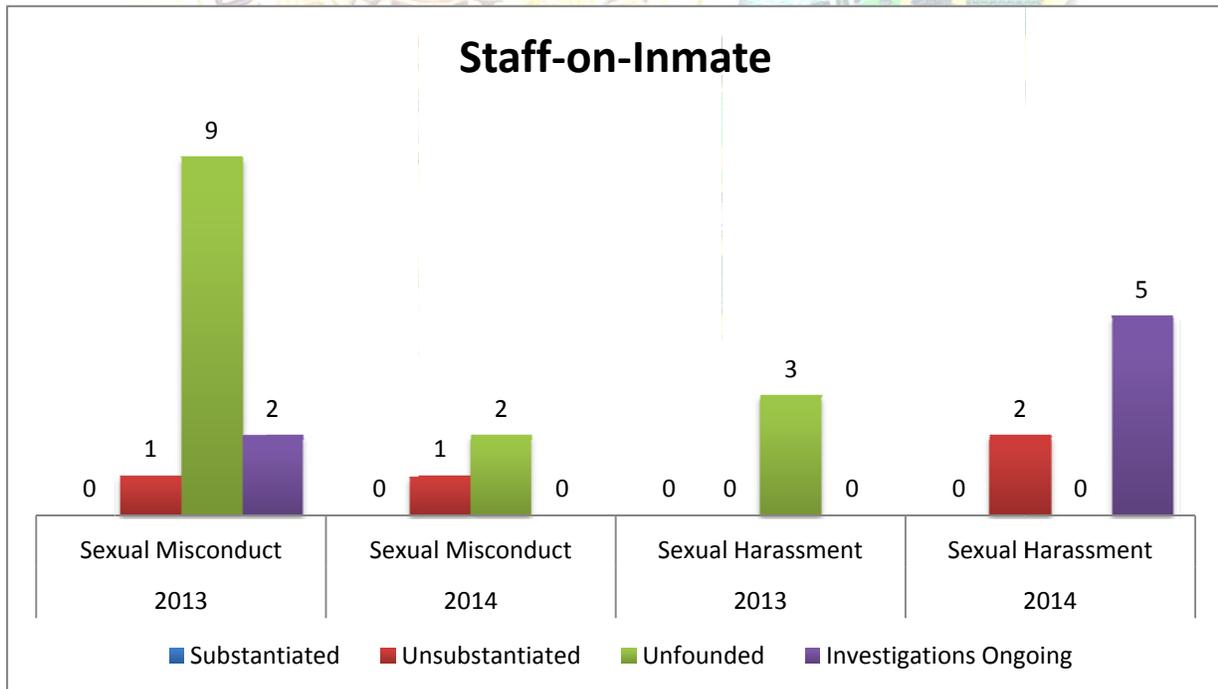


Comparative Data Analysis

2013 Survey of Sexual Violence & 2014 Survey of Sexual Victimization



2013 Survey of Sexual Violence & 2013 Survey of Sexual Victimization



The above two graphs represent a comparison between 2013 and 2014 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, and their case dispositions. In 2013, there were a total of 41 sexual abuse and harassment reports and 26 in 2014. Of the 26 reported, there were 16 inmate-on-inmate and 10 staff-on-inmate cases. Of the 41 reported claims for 2013, there were 26 inmate-on-inmate and 15 staff-on-inmate. This shows a decrease of 14 total reported incidents or 37.5%.

Results of PREA Audit

MDCR is committed to continual and progressive culture change and continues to implement the requirements of the PREA standard in order to provide safe and secure housing for incarcerated individuals within Miami-Dade County. This dedication fueled our request to undergo a PREA audit conducted by Department of Justice certified Auditor Reynaldo Myers of Columbia, South Carolina on July 21-24, 2014. A four-day audit was conducted of all MDCR facilities, including the interviewing of staff and inmates, reviewing documents, and policies and procedures. MDCR successfully passed the audit on December 30, 2014 following the remediation related to two identified standards.

Facility: Boot Camp:

As part of the Boot Camp Program (BCP), youthful inmates have remained in the same housing unit as the adults. The following standards do not permit this housing arrangement.

Standard: 115-14 Youthful inmates:

- (a) A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- (b) In areas outside of housing units, agencies shall either:
 - (1) Maintain sight and sound separation between youthful inmates and adult inmates, or
 - (2) Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

Solution: Youthful inmates in the BCP are transported to the juvenile housing unit at TGK daily.

Facility: Pre-Trial Detention Center:

Cameras in the safety cells of the Pre-Trial Detention Center were not appropriately positioned allowing inmates to be inadvertently viewed while performing bodily functions.

Standard: 115.15 Limits to cross-gender viewing and searches:

- d) The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Solution: MDCR has implemented full masking to block various angles to address privacy concerns at all viewing stations.

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 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 changes that fully integrate the intent of the PREA standards and the highest level of safety.

As a result of the increased awareness, it is anticipated that the data reported will continue to decrease as the jail culture continues to conform to the aspects and intent of PREA.

MDCR continues to:

- Review of policies to enhance PREA policy and practice
- Provide continual education for staff and inmates
- Enhance objective screening tool
- Conduct specialized training required for investigative and medical staff
- Provide PREA PEER education program in collaboration with Just Detention International (JDI)
- Offer Inmates private counseling services related to current or prior sexual assault; through Office of Victims of Crimes grant; in collaboration with JDI.

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.