

Gallatin County Re-Entry Program Annual Comparative Reports (§115.287 and §115.288) for the year 2016.

Gallatin County Re-Entry Program posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

Sexual abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

- (1) 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, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Gallatin County Re-Entry Program has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2016**.

Gallatin County Re-Entry Program; 2016

There were (0) PREA Investigations in 2016.

Inmate Allegations Made Towards Staff in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded .

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Inmate Allegations Made Towards Inmates in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated involving male inmates (0) Substantiated (0) Unfounded

agencies of Montana Department of Corrections are mandated to complete criminal background records checks for CCCS, Inc. employees, volunteers, and contractors.

It should be noted the CCCS, Inc. Chief Executive Officer, and the CCCS, Inc. PREA Coordinator have been diligent in attempting to secure "best practices" NCIC background checks in partnership with local law enforcement agencies, and other sources which have included FBOP, and MDOC for all of CCCS, Inc. facilities since the conclusion of the GCRP on-site audit in August, 2016.

Further, compliance with this PREA standard has created a unique challenge for most private confinement facilities in the state of MT, and has been taken under advisement with the National PREA Resource Center, who may be providing further detailed interpretation of PREA Standard 115.217 (c) in the future, as this auditor has consulted representatives of the National PREA Resource Center regarding the dynamics of some private facilities having limited access to NCIC checks.

On February 8, 2017, GCRP came into full PREA compliance upon retaining the services of a contractor. In addition; recommendations were made to get national background checks as opposed to just a Montana Department of Justice. CEO and PREA Coordinator are actively searching ways to get National Background checks complete.

The following (2) PREA Standards were found to have exceeded standard compliance:

115.215 Limits to Cross-Gender Viewing and Searches

This standard has six (6) components to meet compliance and GCRP exceeded this standard. The first component involves the facilities policy not conducting cross-gender pat searches and strip searches unless in exigent circumstance. The facility documents all exigent circumstances.

The second deals with females however GCRP does not house female residents.

The third deals with exigent circumstances of pat searches and strip searches and documentation. It was noted after interviews there have been no cross-gender searches performed but exigent circumstance logs were readily available and visible.

The fourth component dealt with announcing opposite gender presence when entering a pod or certain areas. It was clear that opposite gender staff announce their presence through signs posted throughout the facility and interviews with staff and residents.

The fifth dealt with transgender issues regarding searching them for the sole purpose of determining their sex. All staff is aware of the policy forbidding the search of transgender to determine sex.

Lastly, the standard requires all staff to be trained on transgender rights. All GCRP have been trained on transgender rights, how to conduct pat searches and through the use of the pronoun form, a transgender is allowed to request whether male or female will conduct pat searches and urinalysis testing.


GCRP's expansion of this policy and procedure regarding empowering transgender and intersex residents to choose the gender of staff they may be most comfortable with in regards to physical searches, acquisitions of urinalyses, and pronoun choices speaks volumes to this facility's commitment to providing a safe and dignified environment for transgender and intersex residents. GCRP administration further commits to being sensitive to staff's level of comfort as every situation driven by each transgender or intersex resident's choices will be made on an individual basis after staff consultation, weighing in the transgender or intersex resident's personal choices and perception of safety.

115.241 Screening for risk of victimization and abusiveness

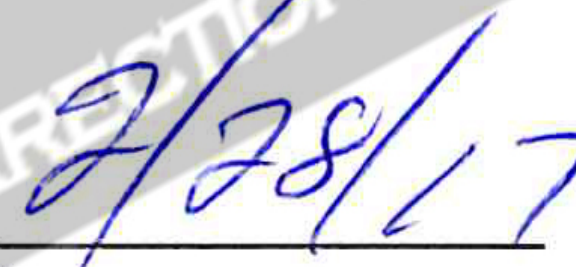
The standard has nine (9) components. GCRP Residents are screened for risk of sexual abuse victimization or sexual abusiveness upon admission or upon transfer. GCRP uses an objective screening tool for both initial screening and reassessments. All residents are reassessed within 30 days to assure they are safe and have not encountered any problems.

Case Managers perform the reassessments and address any issues they may have. Prior to any room changes, a resident will be reassessed to make sure of proper placement.


Upon interviewing staff and residents and hard copies of the assessments, it was clear to the auditor GCRP goes above and beyond to provide for resident safety when it comes to sexual assault/sexual harassment.



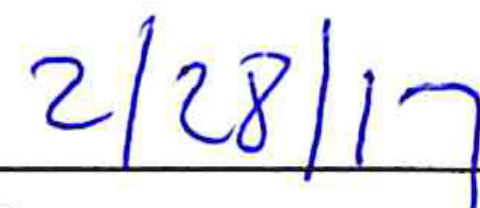
Mike Thatcher, CEO of CCCS Inc.



Date



Marwan Saba, PREA Coordinator



Date

Melissa Kelly

Melissa Kelly, Program Administrator

2/28/17

Date

DATA Comparison

While looking at data from the previous three years, it is evident staff along with the residents are more educated about PREA and continue to do so with no PREA Allegations. It is apparent reporting mechanisms are visible to both staff and residents and GCRP has taken a pro-active role in attempting to reduce prison rape. The code of silence still exists for residents and staff alike however both are more educated and the belief is they would report. We have had residents report they were assaulted in another facility and we responded according to policy and standards.

Pursuant to PREA standards for data review (§115.288), the following will serve as an annual review for 2016 in order to assess and improve the effectiveness of GCRP's sexual abuse and sexual harassment prevention, detection, response policies and training.

Gallatin County Re-Entry Program completed its first audit regarding the level of compliance with implementation of 39 PREA Standards, which includes compliance of many subsets of each standard on August 26-28, 2016. Loree Ivanets, DOJ Certified PREA Auditor of Dickenson, North Dakota for the completion of the audit.

The interim report was provided September 20, 2016, to the Gallatin County Re-Entry Program reporting 02 exceeded standards; 35 met standards; 00 not met standards; and 02 not applicable. On February 8, 2017, GCRP is fully compliant. The summary of the **final audit findings** for Gallatin County Re-Entry Program is listed below.

Number of standards exceeded: 02

Number of standards met: 35

Number of standards not met: 00

Number of standards not applicable: 02

There were no standards that weren't met however the following (1) PREA Standards was recommended:

115.217 Hiring and Promotion Decisions review for corrective action

115.217 (c) states that criminal background checks shall be performed on all new employees and those up for promotion. The previous MDOJ criminal background records checks utilized by GCRP gathered only MT based child abuse and elder abuse records, which was insufficient; therefore, 115.217(c) entered into Corrective Action.

Verified in an interview with the Montana Department of Corrections (MDOC) PREA Coordinator, the contract PREA Audit Report 13