

# MARTIN HALL PREA ANNUAL REPORT

## 2015

### Prison Rape Elimination Act (PREA)

PREA was established and signed into law in 2003 by President George Bush. PREA addresses the problem of sexual abuse and sexual harassment of both adults and juveniles in the custody of U.S. correctional facilities. Major provisions address the development of standards for the detection and prevention of prison rape. Community Counseling and Correctional Services and Martin Hall has adopted a ZERO TOLERANCE policy on any sexual misconduct/sexual abuse or sexual harassment of youth in our facility. These measures are being accomplished through new policies, procedures and training of all youth, staff and volunteers.

The Prison Rape Elimination Act (PREA) Federal Standard 115.388 requires that each facility collect and review data "...in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training." This report works to meet this standard as well as: • Identify corrective action taken to address problem areas in the past year. Compare PREA related data to previous year's data and Identify problem areas to be addressed in the future.

#### **Definitions & Acronyms:**

**ADP:** Average Daily Population

**PREA:** Prison Rape Elimination Act

**Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to a youth by another youth, staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Misconduct/Abuse:** Any of the following acts toward a youth in custody by another youth, staff member, contractor or volunteer with or without consent: contact between genitals, between mouth and genitals, penetration of genitals or anus by hand, finger, object or other instrument; intentional touching/contact, either directly or through clothing of the genital, anus, groin, breast, inner thigh or the buttocks that is unrelated to official duties or where a youth, staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire; any display by a youth, staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a youth or voyeurism by a youth, staff member, contractor or volunteer.

**Substantiated:** The allegation is supported by sufficient factual evidence.

**Unsubstantiated:** The allegation is not supported by sufficient factual evidence.

**Undetermined:** The complainant withdraws the complaint or allegation, cannot be located or is uncooperative with the investigation.

***Unfounded:*** The allegation is false or has no validity.

***NOTE:*** *The definitions above were paraphrased from the Department of Justice PREA Standards definitions.*

Martin Hall embraced the principles of eliminating sexual misconduct and sexual harassment years before the PREA standards had been established. Martin Hall prohibits inappropriate relationships and contact within its facility, with high levels of supervision, coupled with single occupancy rooms and if requested private showers. These tools have been successful in limiting and preventing sexual abuse, physical abuse, bullying and other incidents in our facility.

In 2012 Martin Hall established new policies and procedures to meet and where possible, exceed PREA standards. This includes strong Zero Tolerance, Retaliation and Investigation policies and procedures. The Zero Tolerance policy is for the protection of both youth and staff and for the elimination of sexual misconduct within the Detention facility. The Retaliation procedure is to protect an individual from retaliation after reporting a violation. The Investigation procedure is used to determine if allegations are founded or not. Investigations are also used to determine if changes are needed to be made in policies, procedures, facility, staffing, personnel assignments or supervision. All allegations are taken seriously and investigated thoroughly.

Martin Hall is committed to providing a safe and healthy environment for staff and inmates. Prevention of sexual assault, abuse or misconduct, and harassment in Martin Hall is paramount. The Martin Hall has zero tolerance policy toward sexual assault, sexual abuse or misconduct, and/or sexual harassment of residents by either other residents or staff.

In 2012 Martin Hall started an aggressive training program for all staff and volunteers. In 2013 Martin Hall continued to expand its training program. In January 2014, Martin Hall established a partnership with Lutheran Community Services Sexual Assault Family Trauma Response Center to increase our effectiveness in eliminating sexual misconduct in our facility. This relationship continues to improve as our two organizations work together on providing the youth at Martin Hall with excellent access to community providers who can assist when issues concerning sexual assault or abuse are detected.

PREA orientation is provided to residents who enter Martin Hall. Residents are informed of their right to be free from sexual abuse and sexual harassment. Additionally, residents are informed about Martin Hall's Zero Tolerance policy. In addition to orientation, each resident who spends more than 10 days at Martin Hall receives additional education on the Prison Rape Elimination Act. This education includes a video developed by the Office of Justice Programs through the Idaho State Police. The video provides an excellent overview of the Prison Rape Elimination Act and is developmentally appropriate for youth. Finally information is provided to residents regarding access to victim advocacy, through Lutheran Community Services and the reporting process.

### **Investigations**

The facility immediately responds to allegations, thoroughly investigates all reported incidents, pursues disciplinary action, and refers those who perpetrate such conduct for investigation and prosecution, when warranted. Perpetrators will be held accountable and every victim will be offered services. The Martin Hall's policies regarding sexual misconduct apply to all residents, employees and volunteers.

Every allegation will be thoroughly investigated and sanctions up to and including prosecution will be imposed, when warranted. In addition, retaliatory actions against employees or inmates who report incidents of sexual assault, abuse, or harassment will not be tolerated.

Administrative Investigators are trained staff members who collect facts and records observations by interviewing employees, offenders, volunteers or any other individual who may have knowledge of the allegation. In addition investigators review evidence and collect any new evidence; ensure mental health services are available to any offender participating in an investigation who has experienced trauma of a sexual nature, whether in an institutional setting or in the community. Throughout the investigation process, a designated staff member monitors reporters and alleged victims for possible retaliation from staff and/or other offenders. After the investigation is completed, the investigator determines whether the allegation is substantiated, unsubstantiated or unfounded. All substantiated or unsubstantiated cases of offender-on-offender sexual assault/abuse and staff sexual misconduct are reviewed by a committee consisting of facility management, supervisors, investigators and the PREA Compliance Manager. This group reviews cases for policy compliance, and systemic issues.

In 2015 between January 1 and December 31 there was one unfounded report of non-consensual youth on youth sexual act reported. Additionally between January 1 and December 31 there were three (3) allegations of staff sexual misconduct reported. Of those, two (2) were unfounded and one (1) was unsubstantiated. In reference to the unsubstantiated case Martin Hall Administration made procedural changes to enhance the safety of both residents and staff. Those changes included a request to place additional video surveillance in the area in question.



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## Report based on the Annual Survey of Sexual Violence for Martin Hall

	Target Year	2013	2014	2015
On December 31 of the Target Year, how many males were in custody?		13	10	12
On December 31 of the Target Year, how many females were in custody?		01	06	4
On December 31 of the Target Year how many total juveniles were in custody?		14	16	16
Between January 1 and December 31 of the Target Year, how many juveniles were admitted to the facility?		540	541	577
The total ADP for the Target Year was:		25.7	22.4	24.3
Between January 1 and December 31 of Target Year, how many Non-consensual youth-on-youth sexual acts were reported?		0	0	1
Of those acts in #8, how many were substantiated?		0	0	0
Of those acts in #8, how many were unsubstantiated?		0	0	0
Of those acts in #8, how many were unfounded or undetermined?		0	0	1
Of those acts in #8, how many are still under investigation?		0	0	0
Between January 1 and December 31 of Target Year, how many Allegations of Staff Sexual Misconduct were reported?		0	0	3
Of those acts in #9, how many were substantiated?		0	0	0
Of those acts in #9, how many were unsubstantiated?		0	0	1
Of those acts in #9, how many were unfounded or undetermined?		0	0	2
Of those acts in #9, how many are still under investigation?		0	0	0
Between January 1 and December 31 or the Target Year, how many Allegations of sexual harassment were reported?		0	0	0
Of those acts in #10, how many were substantiated?		0	0	0
Of those acts in #10, how many were unsubstantiated?		0	0	0
Of those acts in #10, how many were unfounded or undetermined?		0	0	0
Of those acts in #10, how many are still under investigation?		0	0	0