

**Butte Pre-Release/Women's Transitional Center Annual Comparative Reports (§115.287 and §115.288) for the year 2018.**

Butte Pre-Release/Women's Transitional Center 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.**

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Butte Pre-Release/Women's Transitional Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2018

**Butte Pre-Release/Women's Transitional Center; 2018**

There were (2) PREA Investigations in 2018

**Inmate Allegations Made Towards Staff in 2018:**

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 2018:**

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

Sexual Harassment: (0) Unsubstantiated (2) Substantiated involving a male resident and a female resident. The other case involved 2 female residents. (0) Unfounded

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### **DATA Comparison**

While looking at data from the previous three years, it is evident staff along with the residents are more educated about PREA. In 2018 there were 2 PREA investigations. There were 2 substantiated sexual harassments. One case involved a male resident and a female resident. The male resident was sent back to prison. The other case involved 2 female residents. One of the residents received disciplinary sanctions that she had to meet. Both of victims in each case were notified of the outcome of the investigation. It is apparent reporting mechanisms are visible to both staff and residents and it is BPRC/WTC has taken a pro-active role in attempting to reduce prison rape. The code of silence still exists for residents and staff alike however when comparing results to previous years its shows both are reporting. The BPRC/WTC has taken steps in the orientation process to make sure residents and staff is made aware of the importance of reporting as soon as the incident occurs if possible. All offenders and staff are made aware on a continuous basis of the BPRC/WTC zero tolerance policy on prison rape.

In the past year BPRC/WTC camera surveillance has been updated with the addition of 2 cameras in the classroom and 2 cameras in the Resident Resource room in the basement of the building.

**Pursuant to PREA standards for data review (§115.288), the following will serve as an annual review for 2018 in order to assess and improve the effectiveness of BPRC/WTC's sexual abuse and sexual harassment prevention, detection, response policies and training.**

Butte Pre-Release/Women's Transitional Center completed its second audit regarding the level of compliance with the implementation of 39 PREA Standards, which includes compliance of many subsets of each standard. Ken Arnold DOJ Certified PREA Auditor of Castle Rock, Colorado oversaw the completion of the audit.

The interim report was provided May 28, 2016, to the Butte Pre-Release/ Women's Transition Center reporting 03 exceeded standards; 34 met standards; 02 not met standards.

Number of standards exceeded:	03
Number of standards met:	34
Number of standards not met:	02

The following (2) PREA Standards are in corrective action:

### **115.271 Procedure for Investigations**

115.271 BPRC/WTC shall use investigators that have received specialized training in handling sexual abuse and sexual harassment cases. BPRC/WTC will use the Program Administrator or Security Coordinator for administrative cases.

1. Administrative investigations:
  - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - b. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
  - c. Upon all allegations involving BPRC/WTC staff, reports shall be forwarded to CCCS Inc. Human Resources Director for further investigations.

The agency's PREA Coordinator conducted an 8 hour training session for all PREA investigators. This training included administrative investigative report format which implemented the 115.271 requirements. The PC has sent to the auditor all required documentation which includes the training syllabus and training roster.

### **115.273 Reporting to Residents**

The auditor reviewed six 2016 and four 2017 sexual abuse investigations. In these investigations he found that the affected residents were not notified of the outcome of the investigations as prescribed in 115.273 (a). The auditor required that we forward all sexual abuse /harassment investigations during the corrective period.

The following corrective measures have been completed. Copies of two ongoing investigations were forwarded to the auditor as requested. All relevant documents pertaining to resident notification as required to 112.73 were also forwarded to the auditor.

The following (3) PREA Standards were found to have exceeded standard:

### **115.213 Supervision and Monitoring**

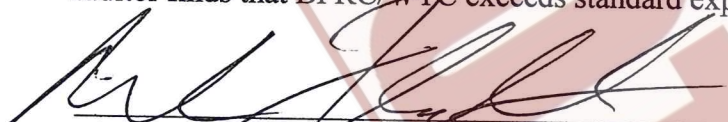
The auditors review of the 2016, 2017, and 2018 BPRC/WTC Staffing Plans reveals that the facility exceeded standard expectations. All staffing plans were extremely thorough. There are adequate staffing levels to protect residents against sexual abuse. The facility is heavily staffed during non-regular business hours, in addition to ample cameras throughout the facility. Staffing covers the entire facility. Video monitoring is also utilized throughout the facility, addressing primarily blind spots.

115.231 Employee Training

All employees receive PREA training prior to assumption of duties with the residents. The PREA Auditor reports 96 staff that may have contact with residents were trained or retrained in PREA requirements. This equates 100% of staff. Between trainings, staff is required to review policies periodically. Training is substantive and plentiful. Given the fact 115.231 requires PREA refresher training every 2 years, BPRC/WTC exceeds the standards by providing this training on an annual basis.

115-286 Data Collection and Review of Sexual Abuse Incident Reviews

BPRC/WTC Policy 15.7 entitled Data Collections, Aggregations, and Review, page 1 section 1(a) addresses 115.286(a). The auditor notes this policy includes the SART reviews for both sexual assault and sexual harassment incidents. This exceeds standard requirements as the provision requires SART reviews only upon conclusion of sexual abuse investigations. The auditor finds that BPRC/WTC exceeds standard expectations.

  
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Mike Thatcher, CEO of CCCS Inc.

1-30-2019  
Date

  
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Marwan Saba, PREA Coordinator

1/30/19  
Date

  
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Jay Grant, Program Administrator

1/30/19  
Date