

Butte Pre-Release/Women's Transitional Center Annual Comparative Reports (§115.287 and §115.288) for the year 2016.

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.

Butte Pre-Release/Women's Transitional Center has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2016.

Butte Pre-Release/Women's Transitional Center; 2016

There were (6) PREA Investigations in 2016.

Inmate Allegations Made Towards Staff in 2016:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (Female Staff and male resident)
(0) Unfounded

Sexual Harassment: (1) Unsubstantiated Female staff and female resident (1) Substantiated (female staff and female resident and Female staff and male resident) (2) Unfounded involving female staff and female inmate.

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 (1) Unfounded

DATA Comparison

While looking at data from the previous three years, it is evident staff along with the residents are more educated about PREA so we have an increase in reporting than the previous years. 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. Retaliation is monitored and no reports of retaliation have been reported. BPRC/WTC has made some changes in practice for instance; two vehicles have cameras in them to assure the safety of both staff and residents.

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 BPRC/WTC's sexual abuse and sexual harassment prevention, detection, response policies and training.

Butte Pre-Release/Women's Transitional Center 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 April 22-25, 2016. Loree Ivanets, DOJ Certified PREA Auditor of Dickenson, North Dakota for the completion of the audit.

The interim report was provided May 28, 2016, to the Butte Pre-Release/ Women's Transition Center reporting 02 exceeded standards; 32 met standards; 03 not met standards; and 02 not applicable. On November 25, 2015, all corrective action had been completed. The summary of the **final audit findings** for Butte Pre-Release / Women's Transitional Center is listed below.

Number of standards exceeded:	02
Number of standards met:	32
Number of standards not met:	03
Number of standards not applicable:	02

The following (3) PREA Standards met compliance after corrective action:

115.213 Supervision and Monitoring review for corrective action

115.213 (b) states in circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. The need to document and justify staffing plan deviations was addressed in the PREA audit exit interview.

The Agency PREA Coordinator has created a form to efficiently track staffing plan deviations, and justifications. As indicated in the 2015-2016 BPRC/WTC Staffing Plan, the management of

documented staffing plan deviations is the responsibility of the shift/staff supervisor. The form created by the Agency PREA Coordinator serves to immediately alert the Chief of Security and Program Director, but would not replace supervisory documentation in the briefing notes; Total Offender Management (TOM).

There may be instances resulting in staffing plan deviations which would meet definition of “exigent circumstance”. If that is the case, both Exigent Circumstance Log and the Staffing Plan Deviation forms need to be completed. The forms are being used regularly to adhere to the standard. 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.

115.41 Screening for risk of victimization and abusiveness review for corrective action

The auditor reviewed a random sample of resident files for compliance with this provision and determined that while some reassessments are completed within 30 days.

The following corrective measure(s) are recommended for action during the corrective action period completion of the 30-day reassessments for all residents. The facility was made aware of this concern that the screening tool lacked objectivity and prior to the auditor arriving to the facility the tool was corrected. The facility uses the same tool for reassessments but they had only begun doing for the past three months and it was adjusted to include housing and showering options for transgenders, bisexual and gays. The Case Managers complete the reassessments within the 30 day time frame and had completed all reassessments in the corrective time period.

Various options to implement appropriate controls on the dissemination of initial and reassessments were discussed and as a result of the corrective action plan, all initial and reassessments are kept in a secure room in a locked file cabinet. No assessments are in resident files.

115.288 Data review for corrective action

The CCCS, Inc (BPRC/WTC) Annual PREA Stats template needs to be updated to include the number of referrals to law enforcement for criminal investigations, and each Annual PREA Stats report (2012-2015) needs to bear the signature of Mike Thatcher, CEO of CCCS, Inc.

CCCS, Inc. (BPRC/WTC), 2016 annual report was updated to include a comparison of the current year’s data, and corrective actions with those from prior years, and provide an assessment of BPRC/WTC’s progress in addressing sexual abuse and sexual harassment., based on assessing and improving the effectiveness of its sexual abuse preventions, detection, and response policies, practices, and training.

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

115.213 Evidence Protocol and Forensic Medical Examinations

The facility has a protocol when an alleged sexual abuse/harassment takes place and that is reviewed annually. The facility makes its best efforts accommodate the victim and his/her safety by providing access to care from outside facilities such St. James, Butte Silver Bow Law Enforcement and Safe Space as well as a qualified victim advocate who is a Case Manager within the facility. This individual has certification above and beyond what is required of PREA and is able to provide victims an advocate when Safe Space is unavailable. The ability to have such a qualified individual goes above and beyond the standard.

115.288 Ongoing Medical and Mental Health Care for Sexual Assault Victims and Abusers

The auditor reviewed the facility policy, Medical and Mental Health Care and found all residents that have been abused or were abusers will be offered services throughout their stay. Not only are medical and mental health services provided but a certified victim advocate is on-site as well. The auditor seen an individual who was harassed in the work environment and immediate action took place for this individual. Even though this was not covered under the PREA umbrella, it shows the process that takes place to provide and protect the safety of its residents. BPRC/WTC have exceeded this standard.



Mike Thatcher, CEO of CCCS Inc.

2/27/17
Date



Marwan Saba, PREA Coordinator

2/27/17
Date



Jay Grant, Program Administrator

2/27/17
Date