



# Prison Rape Elimination Act 2018 Annual Report



**Mission:**

Protect the public, our staff and those within our custody and supervision through safety, accountability, partnerships, and providing opportunities for offender change.

Approved by:

A handwritten signature in blue ink, appearing to read "Josh Tewalt".

Josh Tewalt, Director

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The Idaho Department of Correction Prison Rape Elimination Act (PREA) 2018 Annual Report represents one of many steps in IDOC's efforts to achieve compliance with federal PREA standards and increase safety for inmates, staff, and the community.

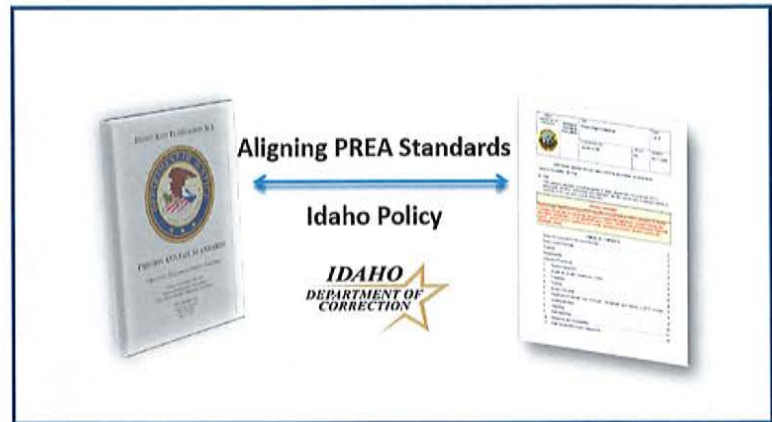
Please note that this report includes PREA definitions for sexual abuse. The specific descriptors may be offensive to some people.

# Overview

## Zero Tolerance

Congress passed the Prison Rape Elimination Act (PREA) in 2003 to support the elimination of sexual abuse in prisons. The Idaho Department of Correction (IDOC) adopted a zero tolerance standard for sexual assault in 2004.

Federal PREA Standards adopted in 2012 expanded requirements with 44 standards. IDOC and Idaho counties attempted to mitigate the impact by reducing screenings and other time-intensive elements. In 2014, IDOC announced a push toward full compliance.



## Standards Compliance

IDOC developed and tested standard-compliant PREA elements over the past three years. In April 2018, IDOC made a leap toward PREA compliance by implementing new PREA policy and standard operating procedures. New elements include the following:

- Expanded zero tolerance to sexual abuse and sexual harassment with revised definitions to align with PREA Standards.
- Added opposite gender announcements, unsupervised rounds, retaliation checks, reporting investigation results to inmates, adjusted and expanded mental health response, updated checklist to meet new requirements, and refined definitions to match PREA definitions.
- Added a quality assurance process after sexual abuse investigations to evaluate factors that contributed to the abuse, and apply corrective action as needed.



*New metal signs with the above logo were ordered as another visual reminder of the expanded zero tolerance standard.*

The new processes meet compliance in the majority of the standards. Remaining elements in development include a PREA screening tool, five-year background checks for current facility employees, and compliance audits.

## 2018 Assurance

Idaho Governor C.L. “Butch” Otter submitted a Governor’s Assurance for Audit Cycle 2, Year 3 in October 2018. The Assurance states that Idaho’s adult prison system is working toward compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R. Part 115.

## Purpose of Report

PREA Standards require agencies to aggregate incident-based sexual abuse data annually, use the data to assess and improve the effectiveness of the PREA program, and document data and findings in an annual report.

This report documents IDOC’s 2018 aggregated sexual abuse data, compares it to data from prior years, and highlights actions taken in 2018 to improve safety and develop a standard-compliant PREA program statewide.



# 2018 PREA Annual Report

## Agency Achievements

### IMPLEMENTATION

The Idaho Department of Correction implemented an updated PREA Policy and Standard Operating Procedure effective April 2, 2018.

### STAFF TRAINING

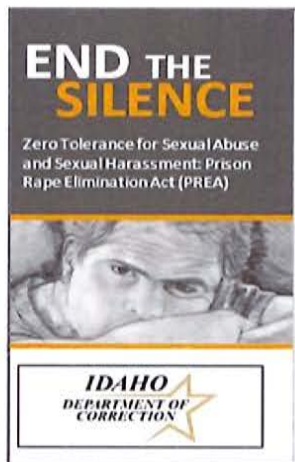
The implementation plan included a three-month push with facility preparation in February, staff training in March, and incarcerated individuals education in April.

In February 2018, a train-the-trainer session prepared a group of 35 leaders to train and implement PREA statewide. In addition to training materials, the group learned about the new processes, and Just Detention International (JDI) provided trauma-informed training.

In March, facility staff, contractors, and staff who visit facilities participated in an on-line learning module and received in-person training.



*Then-Deputy Director Jeff Zmuda reminds trainers how critical PREA is to facility safety during the 2018 implementation kick-off.*



*The brochure outlines the zero tolerance standard, individual rights, and reporting options.*

### INCARCERATED INDIVIDUALS EDUCATION

In April, incarcerated individuals were re-educated on the new PREA zero tolerance policy. Education included a new video, new brochure, and face-to-face training with opportunities for questions. Informational emails and JPAY<sup>1</sup> access to information was also provided.

### SPECIALIZED TRAINING

Wardens, managers, and PREA compliance managers received specialized training specific to their PREA responsibilities. Shift commander and administrative Sexual Assault Response Team (SART) trainings were provided throughout the fourth quarter of the year.

Clinical and medical staff received updates and training during their annual trainings on their specialized roles.

Investigators' annual training includes all standard-required elements. In 2018, investigators received an introduction to Forensic Experiential Trauma Informed (FETI) interview techniques to enhance victim interviews.

### PROCESS IMPROVEMENT

Six months after implementation, the PREA team<sup>2</sup> simplified three forms. Reporting codes were refined in October 2018 to match PREA definitions and more effectively track cases based on type. Clothed and unclothed search procedures in facilities were updated to specify female staff search female incarcerated individuals, and clearly guide exceptions for urgent circumstances.

#### Footnotes:

<sup>1</sup> JPAY, a private contractor, provides technology services such as email, video visiting, and money transfers, to incarcerated individuals.

<sup>2</sup> The PREA team includes the deputy director, prison and probation and parole leadership, the PREA coordinator, facility PREA compliance managers, the chief psychologist, and a deputy attorney general.

## Partnerships

### VICTIM ADVOCATES

IDOC established a Memorandum of Understanding (MOU) with the Domestic Violence and Sexual Assault Center in Idaho Falls in April 2018. The MOU created the first external victim advocate support service for prison rape victims directly through a rape crisis center.

Wardens and the PREA coordinator met with the Lewiston YWCA in November 2018 to establish parameters for a rape crisis partnership for north Idaho facilities.

IDOC and Just Detention International (JDI) agreed to continue outside confidential support via mail for incarcerated individuals in Idaho. An effort to establish a hot-line was put on hold while JDI launched a support line with another state.

### CONFIDENTIAL REPORTING

The Idaho Sheriffs' Association agreed to continue as the outside confidential reporting option. Procedures and educational materials were refined to clarify the confidential mail process reporting.

### GRANTS

The Idaho State Police awarded IDOC a Bureau of Justice Assistance Prison Rape Elimination Act grant in October 2018. Projects scheduled to be completed included the following:

- Create and distribute new metal PREA reporting signs.
- Develop victim advocate support partnerships by region and provide a stipend for a joint training exercise.
- Analyze the PREA screening tool's reliability and impact on housing.

Metal reporting signs were ordered all state facilities. The new signage provides more readable, permanent information on how to report sexual abuse and sexual harassment. The 865 metal signs were placed in housing and visiting area in facilities statewide.

## Facility Improvements

Security camera projects were completed at three IDOC facilities in October 2018. Idaho Correctional Institution -Orofino (ICIO), South Idaho Correctional Institution (SICI), Idaho State Correctional Institution (ISCI) updated technology and enhanced camera coverage. Correctional Industries, which provides job opportunities inside and outside the fence, also updated and improved security camera coverage in its warehouses.

Another construction project upgraded security door controls at ISCI Units 14, 15, and 16.

## Partnerships



Enhancing a victim-centered response

Improve investigation  
Strengthen prosecution  
Reduce impact on the victim

# NO MEANS NO

The Idaho Department of Correction has  
**ZERO TOLERANCE** for sexual abuse and sexual harassment.


**REPORT IT**  
If someone you know is experiencing sexual abuse or sexual harassment in Idaho prisons, report it.

**INSIDE FACILITIES**  
Inmates have multiple ways to report

- Tell staff
- Call the PREA HOTLINE \*773 within facilities
- Submit a concern form or health service request

**REPORT OUTSIDE FACILITIES**  
Family and friends can report on an inmate's behalf in the following ways:

- Call 1-800-361-6286
- Email [victimservices@idoc.idaho.gov](mailto:victimservices@idoc.idaho.gov)



*Metal signs with the new zero tolerance standard and current reporting options were placed in all IDOC facilities.*



# PREA Data, 2018

## Incarcerated Population

As of December 31, 2018, IDOC managed 8,687 incarcerated individuals.

- An average of 6,937 were housed in eight state-owned prisons and five community confinement facilities.
- An average of 1,127 were housed at privately-operated, contract facilities.
- County jails housed the remainder of the incarcerated individuals.

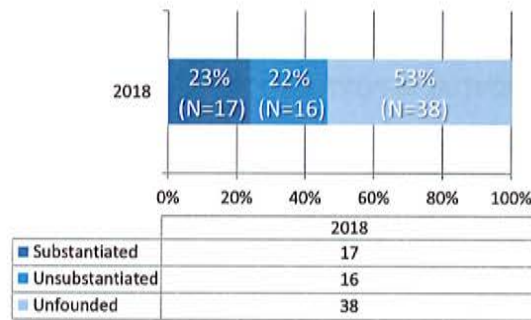
Population data is from the Evaluation and Compliance-December 2018 Averages Report.

## Sexual Abuse Reports, 2018

IDOC reported 71 sexual abuse allegations in IDOC-managed facilities for calendar year 2018. A quarter of those cases, 17, were substantiated. The data was provided to Department of Justice in the Sexual Survey of Victimization.

The sexual abuse report includes inmate-inmate and staff-inmate sexual abuse allegations. Abuse includes a broad range of misconduct from rape to inappropriate touching and voyeurism. Definitions are on the next two pages.

Survey of Sexual Victimization Reports  
All Reports, Sexual Abuse 2018

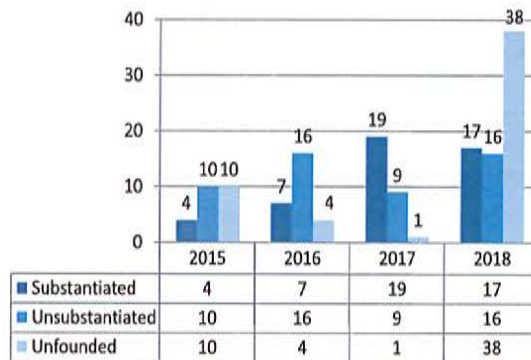


## Comparative Data, Changes Noted

The new PREA policy with the expanded zero tolerance standard resulted in an uptick in reports. IDOC experienced a significant increase in unsubstantiated and unfounded sexual abuse allegations in 2018, and saw a decrease in substantiated cases. This, and the factors below, impacted statistics.

- IDOC trained staff and educated all incarcerated individuals on the new PREA policy and procedures.
- PREA reporting codes were refined in October 2018 to better reflect the new policy and improve case tracking.
- Policy changes introduced in 2018 allow the agency to more consistently track PREA allegations in which disciplinary action does not occur, increasing unsubstantiated and unfounded cases.
- The federal government changed the Survey of Sexual Victimization reporting form in 2017 to remove reporting of abuse allegations determined to be sexual activity. IDOC removed reporting for unfounded reports determined to be sexual activity, allegations not meeting sexual abuse or sexual harassment definitions, and recanted allegations.

Survey of Sexual Victimization Reports  
All Reports, Sexual Abuse 2015-2018



# PREA Data, 2018

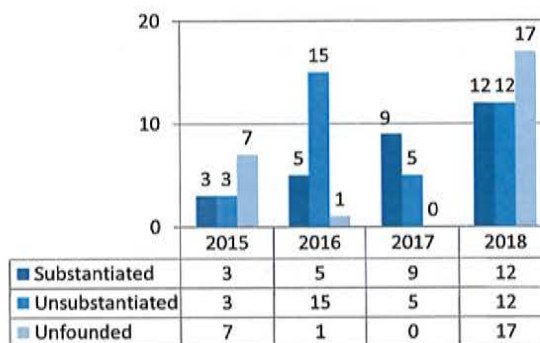
## ***Inmate—Inmate Sexual Abuse Data***

Inmate-inmate sexual abuse cases accounted for 41 of the 71 reported allegations in 2018. IDOC substantiated 12 inmate-inmate sexual abuse cases.

**Substantiated cases** are allegations that were investigated and determined to have occurred. For non-criminal investigations, the agency uses a preponderance of evidence standard, which means that it is 51% likely to have occurred.

Allegations that are potentially criminal in nature are referred to law enforcement for investigation, and potential prosecution. One inmate-inmate case was referred for prosecution during 2018.

Survey of Sexual Violence Reports  
Inmate on Inmate Sexual Abuse 2015-2018



## ***Definitions***

### **Inmate-Inmate Sexual Abuse**

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; And

- 1) Contact between the penis and the vulva or the penis and the anus including penetration, however slight; Or
- 2) Contact between the mouth and the penis, vulva, or anus; Or
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding incidents in which the contact was incidental to a physical altercation.

*Definitions are from the Survey of Sexual Victimization, 2018 and based on the PREA Standard definitions.*

### **Findings**

**Substantiated:** An allegation that was investigated and determined to have occurred.

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

**Unfounded:** An allegation that was investigated and determined not to have occurred.



# PREA Data, 2018

## Staff—Inmate Sexual Abuse Data

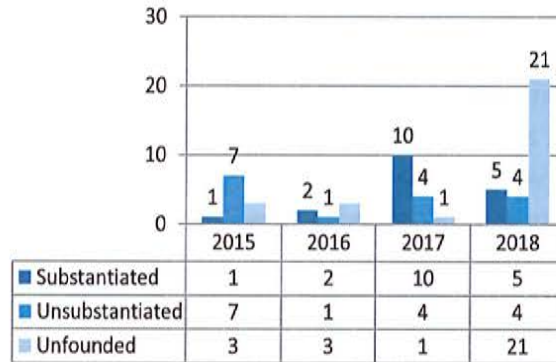
Staff-inmate sexual abuse allegations accounted for 30 of the reported IDOC 2018 PREA cases, two thirds of the allegations were unfounded.

IDOC substantiated five cases involving staff, contractors, or volunteers.

Substantiated cases that are potentially criminal in nature are referred to law enforcement for investigation, and potential prosecution.

Cases involving staff are usually managed through IDOC’s Special Investigations Unit (SIU) in coordination with law enforcement. Two cases were referred for potential prosecution in 2018.

Survey of Sexual Victimization Reports Staff on Inmate Sexual Abuse 2015-2018



## Definitions

### Staff-Inmate Sexual Abuse

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (excluding family, friends or other visitors).

- 1) Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include-
- 2) 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; OR
- 3) Completed, attempted, threatened, or requested sexual acts; OR
- 4) Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

### Findings

**Substantiated:** An allegation that was investigated and determined to have occurred.

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

**Unfounded:** An allegation that was investigated and determined not to have occurred.

*Definitions are from the Survey of Sexual Victimization, 2018 and based on the PREA Standard definitions.*



# PREA Data, 2018

## Sexual Harassment Data

Expanding the agency zero tolerance standard to directly include sexual harassment resulted in significant increase from 14 to 92 reports. After investigation, 75% of the cases were unfounded.

### Staff-Inmate Sexual Harassment

Staff-inmate sexual harassment allegations increased from 4 to 23. All staff-inmate allegations reported in 2018 were determined to be unfounded.

### Inmate-Inmate Sexual Harassment

Inmate-inmate sexual harassment cases accounted for 69 of reported allegations in 2018. A total of 13 were substantiated, 15 were unsubstantiated and 41 were unfounded.

## Definitions

### Inmate-Inmate Sexual Harassment

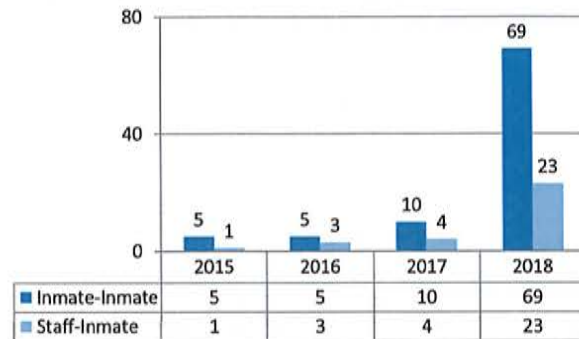
Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.

### Staff-Inmate Sexual Harassment

Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors). Includes demeaning references to gender, or sexually suggestive or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.

*Definitions are from the Survey of Sexual Victimization, 2018 and based on the PREA Standard definitions.*

Survey of Sexual Victimization Reports  
All Reports, Sexual Harassment 2015-2018



Survey of Sexual Victimization  
IDOC Data 2018  
Inmate-Inmate Sexual Harassment



## Sexual Harassment

Can be a precursor to abuse, harassment can be used to

- Test a target
- Demean
- Intimidate
- Challenge
- Threaten



# Summary

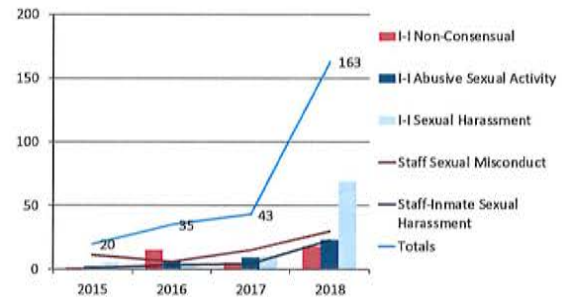
## All Data

Total PREA allegations reported on the federal Survey of Sexual Victimization increased 279% from 43 allegations in 2017 to 163 allegations in 2018.

- Changes in tracking of unfounded allegations accounted for the largest increase, from 4 reports in 2017 to 102 reports in 2018.
- Sexual harassment reports increased from 14 reports in 2017 to 92 reports in 2018. Substantiated cases remained at consistent levels rising by just 1 to 14 total.
- Sexual abuse allegations increased, while substantiated allegations were down slightly.

Federal reporting requires data be aggregated. IDOC removes all personal identifiers and consolidates data groupings to further protect victims.

Survey of Sexual Victimization  
All incidents 2015-2018  
(substantiated, unsubstantiated, unfounded)



## Facility Incident Reviews

PREA Standard 115.86 requires facility leadership to evaluate sexual abuse cases and evaluate if any changes are required to address policy, group dynamics, physical plant safety, staffing, or monitoring technology.

The following are the incident review recommendations from 2018. The review process was phased in throughout the year.

- Added a safety alert to the electronic offender management system to protect a victim. No policy change was needed. The action was shared in a statewide PREA team meeting for training purposes.
- Added training to identify inappropriate relationship red flags. Annual training on this topic is required.
- Two facilities noted a review of staffing be considered, one for safety checks, another to enhance coverage because of scope of duties and facility layout.
- Multiple reviews recommended camera enhancements. Three facilities have active camera projects underway, and one specifically addressed an area without adequate visibility with added camera coverage.



# Facility Data

Prisons	Total Incarcerated Individuals <sup>3</sup>	Sexual Abuse Reports, 2018
IMSI (Males) Idaho Maximum Security Institution	476	9
ISCI (Males) Idaho State Correctional Institution	1,425	18
SICI (Males/Females <sup>4</sup> ) South Idaho Correctional Institution	367 108	6
ICIO (Males) Idaho Correctional Institution-Orofino	578	3
NICI (Males) North Idaho Correctional Institution	417	2
ISCC (Males) Idaho State Correctional Center	2,140	28
SBWCC (Females) South Boise Women's Correctional Ctr.	313	2
PWCC (Females) Pocatello Women's Correctional Ctr.	387	1
<b>Total</b>	<b>6,211</b>	<b>69</b>
<b>Community Confinement Facilities</b>		
CRC <sup>5</sup> -Nampa (Males)	114	
CRC-Idaho Falls (Males)	111	1
CRC-Treasure Valley (Males)	107	
CRC-East Boise (Females)	123	1
SAWC <sup>6</sup> St. Anthony Work Camp (Males)	271	
<b>Total</b>	<b>726</b>	<b>2</b>
<b>Contract Facilities &amp; Jails<sup>7</sup></b>		
CAPP, Management Training Corp. (Males) Correctional Alternative Placement Prg.	427	6
Karnes/Eagle Pass, GEO (Males)	700	5
County Jails (Males/Females)	623	-
<b>Total</b>	<b>1,750</b>	<b>11</b>

**Footnotes:**

<sup>3</sup> Population data is from the IDOC Evaluation and Compliance-December 2018 Averages.

<sup>4</sup> SICI houses females in a separately-fenced unit.

<sup>5</sup> CRC stands for Community Reentry Center.

<sup>6</sup> SAWC is part of the prisons division, but qualifies as a community confinement facility under PREA definitions.

<sup>7</sup> Contract facilities and jails are required to report PREA incidents separately. The numbers on this table are not reflected in the IDOC data in this report.

## Definitions

**Prison** means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

**Community confinement facility** means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

## Non-IDOC Facilities

**Contract and local facilities** report sexual abuse data separately from the IDOC.

Contract facilities provide their reports to the federal government, and are not included in IDOC submissions.

## Reporting

# ZERO TOLERANCE

The Idaho Department of Correction has **zero tolerance** for sexual abuse and sexual harassment.

The department will aggressively respond to, investigate, and support the prosecution of incidents of sexual abuse and sexual harassment.

When the department learns that an inmate is at risk of imminent sexual abuse, immediate action is required by the shift commander to protect the inmate.

*Idaho Department of Correction Prison Rape Elimination Act SOP 325.02.01.001*

## Third Party Reporting

Reports outside the facility can be made directly to prison facilities, or through these designated reporting options.

Call: 1-800-361-6286

Email: [victimservices@idoc.idaho.gov](mailto:victimservices@idoc.idaho.gov)

*Messages to third party reporting options are checked during normal business hours.*

*Inmate hotline calls from within facilities are continually monitored.*

Report prepared by: Teresa Jones, PREA Coordinator  
[idoc.idaho.gov/content/prisons/prea](http://idoc.idaho.gov/content/prisons/prea)

