

Idaho Department of Correction

Prison Rape Elimination Act

2019 Annual Report

Mission, Vision and Values

Our **MISSION** is to create a model correctional system that provides equitable access to programming and opportunities that reflect a community experience, foster connections and restore victims of crime.

We **ENVISION** a safer Idaho with fewer people in its correctional system.

We **VALUE** integrity, respect and positive attitude.

Approved by:

Josh Tewalt, Director

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The Idaho Department of Correction Prison Rape Elimination Act (PREA) 2019 Annual Report focuses on 2019 data, but includes the following agency changes made during calendar year 2020.

The updated mission, vision and values are featured on the front cover.

Language throughout the report uses resident to identify those under the agency's care and custody. The agency has adopted 'resident' or 'incarcerated individual' to replace 'inmate.' This reflects a transition to less stigmatizing, people-first language. PREA definitions are modified to use resident for those housed in prisons and community corrections facilities.

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

Overview

Report Purpose

Congress passed the Prison Rape Elimination Act (PREA) in 2003 to support the elimination of sexual abuse in prisons.

The Department of Justice adopted PREA National Standards in 2012. The standards require agencies to aggregate 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 provides the Idaho Department of Correction's 2019 aggregated sexual abuse data, compares it to data from prior years, and highlights actions taken in 2019 to improve facility safety and move the agency toward PREA standards compliance.

Standards Compliance

The Idaho Department of Correction (IDOC) adopted a zero tolerance standard for sexual assault in 2004.

IDOC implemented a new PREA policy and standard operating procedures in 2018 to expand the zero tolerance to sexual abuse and sexual harassment and add federally-required elements to include expanded reporting options, rape crisis center support for victims, and opposite gender announcements. The program improvements moved the agency toward compliance with approximately 90% of the PREA requirements implemented.

Governor's Assurance

Idaho Governor Brad Little submitted a Governor's Assurance in October 2019. 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.

The assurance noted that the agency's primary remaining barrier to compliance is implementing risk screenings for victimization and abusiveness. Idaho's legislature provided funding during the 2019 budget cycle to complete these screenings. A work group including department and medical contract staff worked on a screening tool that automated some screening data entry and tracking requirements.

Moving to Audits

IDOC started PREA screenings in the fall of 2020 and in 2021 expanded five-year background checks for all facility staff. When audits begin in 2021, a third of facilities will be audited each year to certify compliance with the Prison Rape Elimination Act Standards.

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



Achievements

PREVENT

VICTIM ADVOCATES

Rape crisis centers in four regions signed Professional Service Agreements to provide victim advocate support for prison rape victims. This is a major advance in IDOC's PREA response, expanding coverage from three to seven facilities.

Community partners include the YWCA in north Idaho, Advocates Against Family Violence in the Treasure Valley, and the Family Services Alliance in Pocatello. These centers join the Domestic Violence and Sexual Assault Center in Idaho Falls in signing professional service agreements to provide services to resident survivors.

Byrne Jag Grant funding provided a stipend to rape crisis centers for team development and joint training with the local prison and community confinement facilities. The trainings were completed in November 2019 and February 2020.

DETECT

SYSTEM IMPROVEMENTS

The PREA Statewide Team evolved from implementation to system improvement and refinement.

- Regular reports allowed PREA compliance managers to close cases and ensure follow-ups were completed in a timely manner.
- Reporting changes resulted in identifying and categorizing PREA incidents more accurately.

RESPOND

PREA SCREENINGS

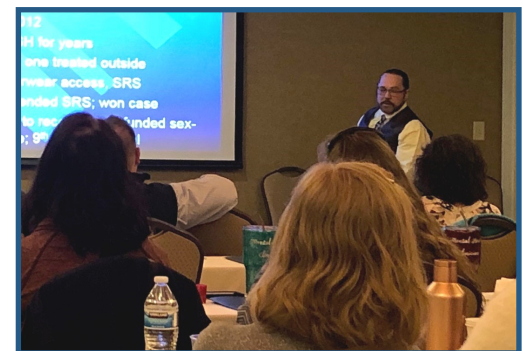
The agency received additional contract funding in July 2019 to pay the medical contractor to perform PREA screenings. A work group designed a system to track and manage screenings.

STAFF TRAINING

Dr. George Richard Brown, MD provided training on PREA standards and transgender resident safety. Dr. Brown specializes in the prevention, diagnosis and treatment of a variety of disorders including sexual and gender identity disorders. A Service, Training, Officers, and Prosecutors Violence Against Women Formula Grant funded the training.

Other training highlights include the following:

- Forensic experiential trauma-informed training.
- Sexual Assault Response Team training in seven facilities.
- Correctional Alternative Placement Program's PREA compliance manager provided audit training to compliance managers preparing for audits.



Dr. Brown's April training focused on improving transgender safety and treatment.

RESIDENT EDUCATION

PREA reporting information was added to the JPAY system, making an electronic version of PREA information available to residents. Distribution and placement of updated reporting signs was completed.

Facility Improvements

An Edward Byrne Memorial Justice Assistance Grant funded 92 cameras to reduce blind spots and update surveillance capabilities in two female facilities. Those and other facility improvements are noted below.

- South Boise Women's Correctional Center: Cameras replaced outdated technology and increased coverage.
- South Idaho Correctional Institution: Cameras were installed to eliminate blind spots identified in reviews.

PREA safety is considered in remodels. Projects below improved shower and restroom privacy for residents.

- East Boise Community Reentry Center:
Restroom remodel and cameras additions,
Complete June 2019
- Treasure Valley Community Reentry Center:
Restroom remodel, Complete October 2019
- Idaho Falls Community Reentry Center:
Restroom remodel, Complete December 2019
- North Idaho Correctional Institution:
Restroom remodel, Unit 1, Complete
Unit 3, In progress, December 2019
- Idaho State Correctional Institution:
Restroom remodel, Unit 8 and Unit 10,
Complete December 2019



Shower stalls with privacy curtains replaced a community shower at the Treasure Valley Community Reentry Center, a male facility south of Boise.

Facility Incident Reviews

PREA Standard 115.86 requires facility leadership complete incident reviews after sexual abuse cases. Review teams determine if any changes are required to address policy concerns, group dynamics, physical plant safety, staffing, or monitoring technology.

Quality improvements recommended in 2019 included increased camera coverage, staff shift changes, and restricting resident access to staff-only areas. Three significant quality improvements were made as a result of the continuous quality improvement process.

- The Pocatello Women's Correctional Center requested additional cameras, and noted a system upgrade was needed to allow cameras to be viewed from investigation unit office rather than on the unit only. The PWCC camera project was funded for the fiscal year that begins July 1, 2020.
- The North Idaho Correctional Institution recommended cameras in order to monitor, investigate and respond to allegations and incidents. This project was requested, but is not yet funded.
- The Treasure Valley Community Reentry Center added security cameras to a program building. This separate building previously had no camera coverage.
- The South Idaho Correctional Institution restricted resident access to a staff office in a program service area and adjusted staffing schedules in North Dorm to improve coverage during second and third shifts.



PREA Data, 2019

Incarcerated Population

IDOC managed an average of 9,017 incarcerated individuals daily during 2019.

- An average of 7,164 were housed in eight state-owned prisons and five community confinement facilities.
- An average of 1,088 were housed at privately-operated, contract facilities.
- County jails housed the remainder of the residents.

Population data provided by the IDOC Evaluation and Compliance Group– IDOC 2019 Averages.

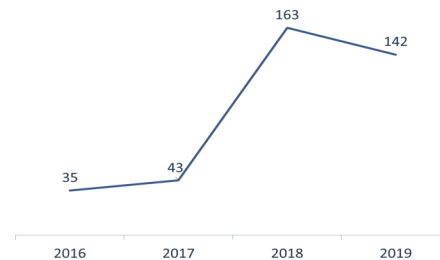
Survey of Sexual Victimization Total Reports

IDOC reported 142 allegations of sexual abuse and sexual harassment in the Department of Justice 2019 Survey of Sexual Victimization.

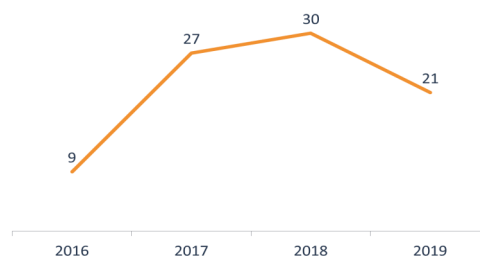
- Total cases reported in 2019 dropped 13% compared to 2018.
- Substantiated cases were down 30% compared to 2018.
- Resident-resident sexual abuse allegations dropped 9.8%.
- Staff sexual misconduct allegations dropped 10%.

Data totals by type are below. The following three pages provides more in depth comparisons on resident-resident sexual abuse, staff sexual misconduct, and sexual harassment.

Survey of Sexual Victimization
Total Incidents by Year



Survey of Sexual Victimization
All Substantiated Incidents, 2016-2019



Survey of Sexual Victimization, 2019

Type	Substantiated	Unsubstantiated	Unfounded	Total
Resident - Resident				
Non-consensual	1	4	4	9
Abusive Sexual Contact	5	8	15	28
Sexual Harassment	9	17	32	58
Staff Sexual Misconduct	4	9	14	27
Staff-Resident Sexual Harassment	2	1	17	20
TOTAL	21	39	82	142

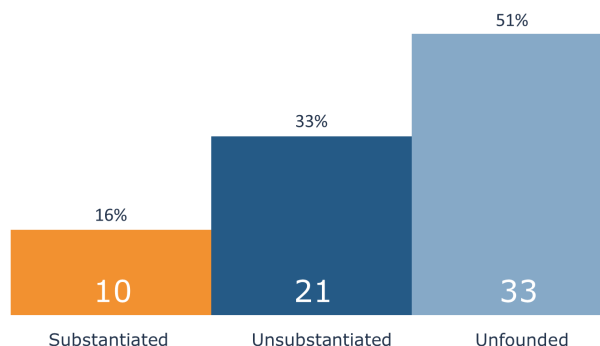
PREA Data, 2019

Sexual Abuse Total Reports, 2019

IDOC reported 64 sexual abuse allegations in IDOC-managed facilities in 2019. Ten reports were substantiated. Half of the abuse reports (51%) were unfounded.

The sexual abuse data includes resident-resident and staff-resident sexual abuse allegations. Abuse includes a broad range of misconduct from rape to inappropriate touching and voyeurism. The Department of Justice Sexual Survey of Victimization definitions are on the next two pages.

Survey of Sexual Victimization
Sexual Abuse Reports 2019



Comparative Sexual Abuse Data, Changes Noted

Substantiated sexual abuse cases decreased 41% in 2019 compared to the prior year.

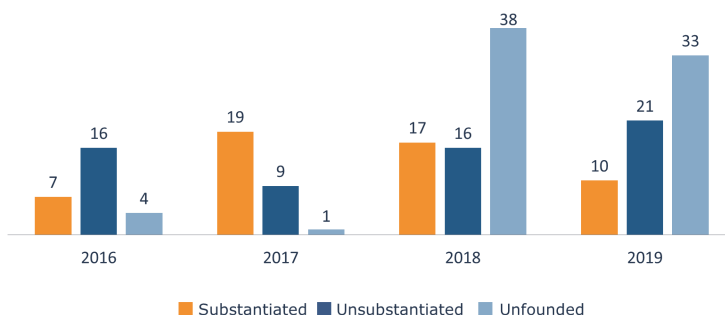
During 2019, IDOC began utilizing the unsubstantiated finding more effectively when some evidence of abuse is present, but there is no preponderance of evidence to prove or disprove the allegation.

Procedure changes introduced in 2018 were embedded into normal operations.

- 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.

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

Survey of Sexual Victimization
Sexual Abuse Reports 2016-2019



PREA Data, 2019

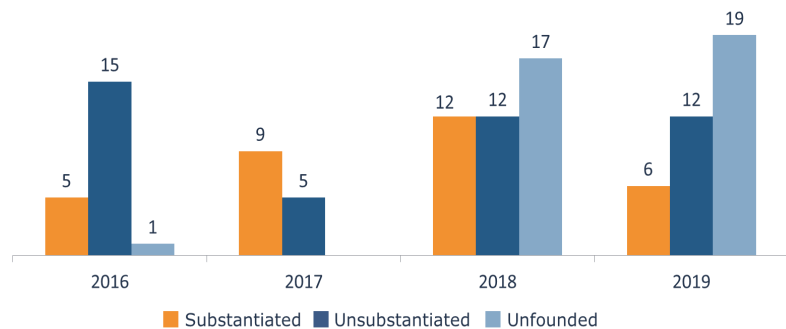
Resident—Resident Sexual Abuse Data

Resident-resident sexual abuse cases accounted for 37 of the 64 reported abuse allegations in 2019. IDOC substantiated 6 resident-resident sexual abuse cases.

Substantiated cases are allegations that were investigated and determined to have occurred. The agency uses a preponderance of evidence standard to substantiate a case, 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 resident-resident case was referred for prosecution during 2018.

Survey of Sexual Victimization
Resident-Resident Sexual Abuse Reports
2016-2019



Definitions

Resident-Resident Sexual Abuse, Level 1

Non-consensual sexual acts

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

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

Resident-Resident Sexual Abuse, Level 2

Abusive Sexual Contact

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.

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, 2019 and based on the PREA Standard definitions.

PREA Data, 2019

Staff—Resident Sexual Abuse Data

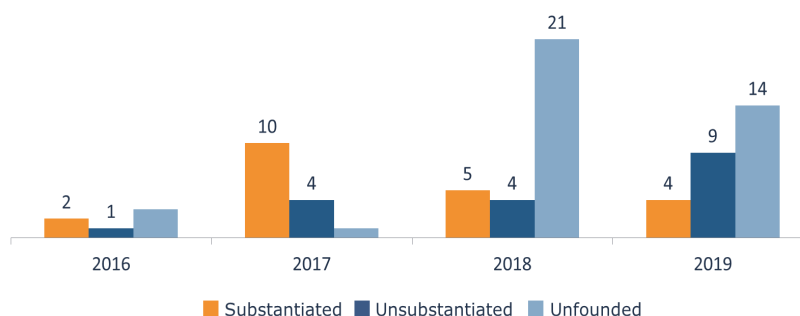
Staff—resident sexual abuse allegations accounted for 27 of the reported abuse cases.

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

Substantiated cases that are potentially criminal in nature are referred to law enforcement for investigation, and potential prosecution. One case was referred for potential prosecution in 2019.

Cases involving staff are usually managed through IDOC's Special Investigations Unit (SIU) in coordination with law enforcement.

Survey of Sexual Victimization Staff-Resident Sexual Abuse Reports 2016-2019



Definitions

Staff-Resident Sexual Abuse

Staff Sexual Misconduct

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

Sexual relationships of a romantic nature between staff and residents are included in this definition. Consensual or nonconsensual sexual acts include-

- 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
- Completed, attempted, threatened, or requested sexual acts; OR
- 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, 2019 and based on the PREA Standard definitions.

PREA Data, 2019

Sexual Harassment Data

Expanding the agency zero tolerance standard to directly include sexual harassment resulted in significant increases in sexual harassment reporting since the higher standard was implemented in 2018.

Sexual harassment represents 55% of all PREA allegations received in 2019.

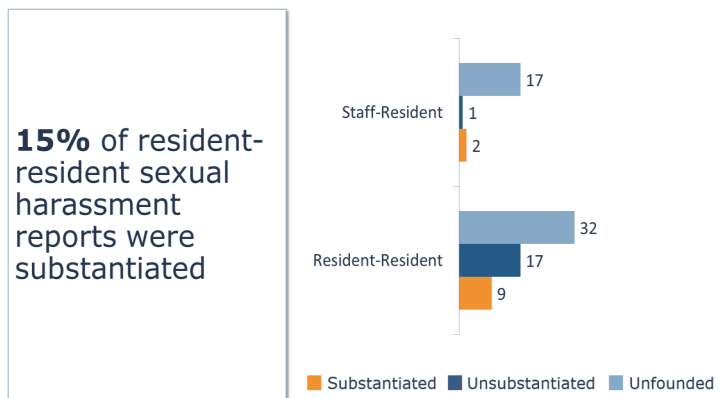
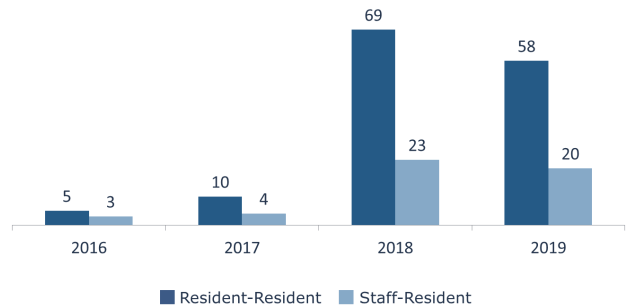
Resident-Resident Sexual Harassment

Resident-resident sexual harassment cases accounted for 58 of reported allegations in 2019. Nine cases were substantiated.

Staff-Resident Sexual Harassment

Staff-resident harassment allegations accounted for 20 reports. Two cases were substantiated.

Survey of Sexual Victimization Sexual Harassment Reports 2016-2019



Definitions

Resident-Resident 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 resident directed toward another.

Staff-Resident Sexual Harassment

Repeated verbal comments or gestures of a sexual nature to a resident 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, 2019 and based on the PREA Standard definitions.

***Sexual harassment
can be a precursor
to abuse. Predators
use it to test,
demean, intimidate,
challenge or
threaten others.***

Facility Data

Prisons	Total Residents ¹	Sexual Abuse Reports, 2019
IMSI (Males) Idaho Maximum Security Institution	478	9
ISCI (Males) Idaho State Correctional Institution	1,442	11
SICI (Males/Females ²) South Idaho Correctional Institution	398 296	9
ICIO (Males) Idaho Correctional Institution-Orofino	575	1
NICI (Males) North Idaho Correctional Institution	409	3
ISCC (Males) Idaho State Correctional Center	2,211	18
SBWCC (Females) South Boise Women's Correctional Ctr.	284	4
PWCC (Females) Pocatello Women's Correctional Ctr.	336	8
Total	6,429	63
Community Confinement Facilities		
CRC ³ -Nampa (Males)	114	
CRC-Idaho Falls (Males)	111	
CRC-Treasure Valley (Males)	105	1
CRC-East Boise (Females)	132	
SAWC ⁴ St. Anthony Work Camp (Males)	273	
Total	735	1
Contract Facilities & Jails⁵		
CAPP, Management Training Corp. (Males) Correctional Alternative Placement Prg.	424	6
Karnes/Eagle Pass, GEO (Males)	664	12
County Jails (Males/Females)	762	
Total	1,850	11

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.

Footnotes

¹ Population data is from the IDOC Evaluation and Compliance-IDOC 2019 Averages. Rounding errors create a minor difference in population counts.

² SICI houses females in a separately-fenced unit.

³ CRC stands for Community Reentry Center.

⁴ SAWC is in the prisons division, but is a community confinement facility under PREA definitions.

⁵ 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.

Resident Reporting

Residents have multiple ways to report sexual abuse, sexual harassment or retaliation for reporting of PREA-related incidents.

- **Tell staff***
- **Call the PREA hotline***
- Submit a concern form or healthcare request
- Confidential mail:
Idaho Sheriffs' Association
3100 Vista Avenue, Suite 203
Boise, ID 83705



Third Party Reporting

Family and friends outside the facility have multiple ways to report PREA concerns.

- **Call the facility directly***

Other options checked during normal business hours:

- Recorded helpline: 1-800-261-6286
- victimservices@idoc.idaho.gov

*Bold, starred options provide the fastest response.

Agency PREA information is available online at idoc.idaho.gov