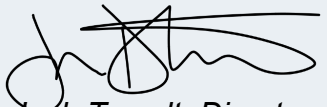


Prison Rape Elimination Act

Annual Report | 2021 Data



Josh Tewalt, Director
December 2022

PREA National Standards 115.87 and 115.88 require agencies to aggregate sexual abuse data annually, use the data to assess and improve the effectiveness of the PREA program and document the data and findings in an annual report.

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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 correction 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. This report provides the Idaho Department of Correction's 2021 sexual abuse data and actions taken to improve facility safety and PREA standards compliance.

Governor's Assurance

Idaho Governor Brad Little submitted a Governor's Assurance to the Department of Justice in October 2021. It assured that Idaho's adult prison system continues to work toward compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape, 28 C.F.R. Part 115.

Agencywide compliance was at 95%, with screening implementation the only remaining element required to pass audits systemwide. The assurance provided a three-year audit plan, with audits beginning in September 2021.

Achievements

Policies and Procedures

The Idaho Department of Correction implemented a PREA screening policy in July 2021 to guide the screening process in compliance with PREA standards.

It updated the process for adding alerts to separate potentially vulnerable residents from potentially abusive residents.

The PREA Statewide Team trained staff in their facility on the changes.

Screenings

Two facilities tested an electronic screening form in January 2021, and began using the form to more effectively review prior history. The pandemic and a new medical contract slowed progress on the screening initiative. The screening implementation continues on a by-facility basis.

The adoption of the screening policy and implementation of the screening tool allowed the agency to successfully move forward with audits.

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

Prevent

Detect

Respond

IDAHO
DEPARTMENT OF
CORRECTION

Achievements

Auditor observations

Idaho Falls

“Residents feel safe.”

Orofino

“Officers know their stuff!”

IDAHO
DEPARTMENT OF
CORRECTION

Audits

The department conducted its first PREA audits during 2021.

Idaho Falls Community Reentry Center (IFCRC) became the first state-managed adult facility to achieve PREA compliance after a September 2021 audit.

The community confinement facility exceeded **Standard 115.231 Employee Training** and met all other standards.

Idaho Correctional Institution-Orofino (ICIO) was the first prison facility to achieve PREA compliance after a November 2021 audit.

The prison facility exceeded **Standard 115.31 Employee Training** and performed corrective action on **Standard 115.53 Inmate access to outside confidential support services**. This action improved emotional support systems at all adult prisons in Idaho.

The Idaho Falls and Orofino facilities were two of five audited during Audit Cycle 3, Year 3 between August 20, 2021 and August 19, 2022.

Final audit reports are on the agency website. [PREA | Idaho Department of Correction](#)

Emotional Support Hotline

The Idaho Suicide Prevention Hotline agreed to expand services to provide outside confidential support for incarcerated sexual abuse victims. ICIO led and implemented the solution. The PREA-specific emotional support option was tested at ICIO, then included in PREA brochures and resident education at all IDOC facilities.

Training

- ⇒ An attestation to confirm understanding of PREA responsibilities was added to in-service and new employee training in January 2021.
- ⇒ PREA In-service and Peace Officer Standards Training was adjusted to provide more robust training on PREA-specific search standards.
- ⇒ All facility security staff received PREA in-service training.
- ⇒ The Special Investigations Unit provided investigations training.
- ⇒ Idaho’s SANE trainer provided training on sexual assault kit procedures during the July quarterly Statewide PREA Team meeting.

Grants

The agency received \$28,014 in Bureau of Justice Assistance Grant funds. The majority of the funds were used to add more cameras to the North Idaho Correctional Institution camera project. The remainder paid for training stipends to enhance rape crisis support in Twin Falls and Boise.

Facility Improvements

Facility Additions and Remodels

ADDITIONS

The agency's Capital Construction group managed seven projects in 2021. A facility expansion and demolition and rebuild of another housing unit were the largest projects.

St. Anthony Work Camp, Expansion

New 140 bed addition, new kitchen, dining hall, visiting/recreation center, restrooms and cameras — *Opened March 2022*

South Idaho Correctional Institution-East Dorm, Rebuild

New 152 bed dorm with restrooms, laundry, kitchenettes and cameras — *Active construction*

REMODELS, CAMERAS

Five projects updated restrooms, units and cameras.

- ⇒ **Pocatello Women's Correctional Center**, Upgrade camera system, 120 cameras total with 30-day backup — *Active Construction*
- ⇒ **Idaho State Correctional Institution**, Remodel B & C Tiers — *Completed January 2022*
- ⇒ **Idaho Falls Community Reentry Center**, Remodel Restrooms — *Completed January 2022*
- ⇒ **Idaho State Correctional Center**, Correctional Industries Print Shop, restrooms, dressing room, cameras — *Completed February 2022*
- ⇒ **North Idaho Correctional Institution**, Remodel Unit 1 & 4 restrooms — *Completed February 2022*
- ⇒ **North Idaho Correctional Institution**, Cameras Camera installation project — *In design*

Incident Reviews-Actions

2021 Results

PREA Standard 115.86 requires facility leadership to complete incident reviews in sexual abuse cases. The recommendations made and actions taken are noted below.

RECOMMENDATIONS BY TYPE	STATUS
BARRIERS/MONITORING: NICI noted cameras are needed to increase safety and assist in prevention and investigation of incidents.	NICI received funding and project design is underway for a camera system. The agency also received a Byrne Jag Grant funding to add more cameras.
ISCC recommended more cameras, and better resolution cameras in units, classrooms and storage areas.	An ISCC project to upgrade cameras and add classroom-area cameras is scheduled for 2022.
MOTIVATION: Diverse populations were noted in five reviews. Four victims and one abuser identified as gay or transgender residents.	No correction action was recommended since they were not considered to be targeted because of their sexual orientation or gender identity.
STAFFING: Two incident reviews noted COVID impacts on staffing.	The agency made hiring a priority and added hiring incentives.
TRAINING: ISCI recommended red flag training be provided.	Staff received the refresher information.

PREA Data, 2021

Resident Population Data

IDOC managed an average of 8416 residents daily during 2021.

- An average of 7152 were housed in eight state-owned prisons and six community confinement facilities.
- An average of 810 were housed at privately-operated, contract facilities.
- An average of 454 were housed in county jails.

*Population data provided by the IDOC Evaluation and Compliance Group— IDOC 2021 Averages.
PREA definitions and facility designations are explained on page 11.*

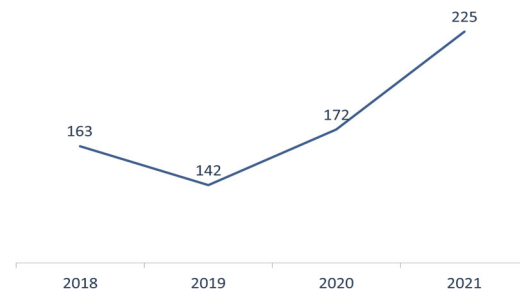
Sexual Victimization Data

The Idaho Department of Correction reported 225 allegations of sexual abuse and sexual harassment in the Department of Justice 2021 Survey of Sexual Victimization.

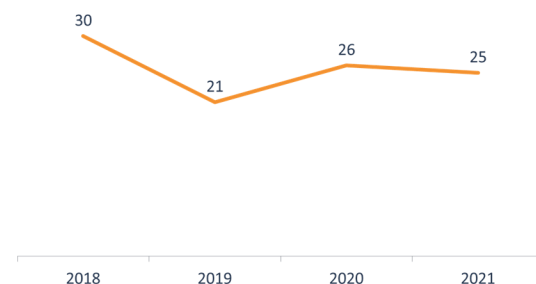
- Total cases reported in 2021 increased 31% compared to 2020, from 172 to 225 cases for all types of sexual abuse and sexual harassment.
- The rate of total cases that are substantiated dropped slightly.

The following pages provide more in-depth comparisons on resident-resident sexual abuse, staff sexual misconduct and sexual harassment.

Total Allegations, 2018-2021



Total Substantiated Allegations, 2018-2021



2021 Survey of Sexual Victimization Totals

Type	Substantiated	Unsubstantiated	Unfounded	Total
Sexual Abuse				
Resident-Resident Sexual Abuse	5	23	35	63
Staff Sexual Misconduct	3	0	30	33
Sexual Harassment				
Resident-Resident Sexual Harassment	16	39	56	111
Staff-Resident Sexual Harassment	1	1	16	18
TOTAL	25	63	137	225

PREA Data, 2021

Sexual Abuse Reports

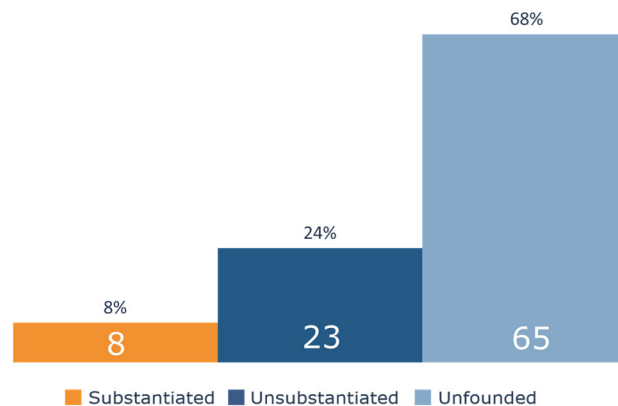
A total of 96 sexual abuse allegations were reported in IDOC-managed facilities in 2021.

Eight reports were substantiated. Two-thirds of the abuse reports (68%) 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.

Sexual Abuse Reports 2021



Comparative Sexual Abuse Data

The PREA Management Office provided guidance that all abuse reports, even recanted allegations and those involving mitigating circumstances should be included in final counts. The agency previously removed unfounded reports that were recanted or false.

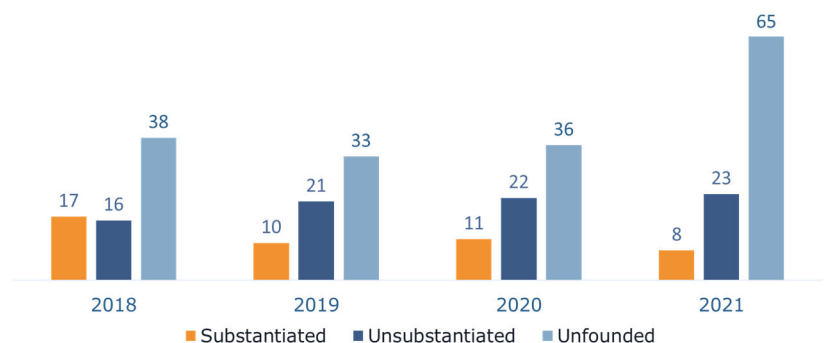
Substantiated sexual abuse allegations went down compared to past years. Eight abuse allegations were substantiated.

Victims are offered mental health support and medical follow-up support.

Residents who report sexual abuse receive a report on findings.

Those involved in substantiated and unsubstantiated cases are also monitored for retaliation.

Sexual Abuse Reports 2018-2021



Federal reporting requires sexual abuse and sexual harassment data be aggregated. IDOC removes all personal identifiers and consolidates data groupings to protect victims as is required by PREA Standard 115.87 (b)-1 and 115.287 (b)-1.

PREA Data, 2021

Resident—Resident Sexual Abuse Data

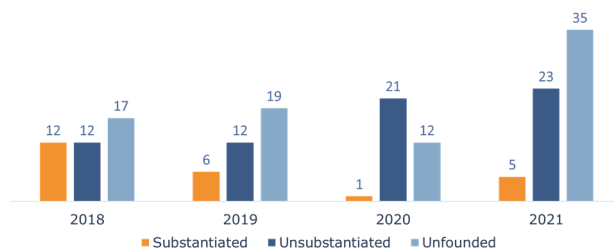
Resident-resident sexual abuse cases accounted for 63 reported abuse allegations in 2021. IDOC substantiated 5 resident-resident sexual abuse cases.

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.

Law enforcement responded to seven resident-resident cases. The responding agencies did not refer any cases for prosecution.

Resident-Resident
Sexual Abuse Reports 2018-2021



Definitions

Resident-Resident Sexual Abuse

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.

Abusive Sexual Contact

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

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

Definitions are from the Survey of Sexual Victimization, 2021 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.

Evidentiary Standard: The agency shall impose no standard higher than a preponderance of evidence in determining whether PREA allegations are substantiated. Preponderance means more than a 50% likelihood that the incident occurred.

2021 Sexual Abuse Resident-Resident Data, By Facility

PRISONS	ADP	Substantiated	Unsubst.	Unfounded	Total
Idaho Correctional Institution - Orofino Medium/Protective Custody/	552-M			1	1
Idaho Maximum Security Institution Close Custody/Segregation	533-M		1	15	16
Idaho State Correctional Center Minimum/Medium/ Close Custody	2052-M	3	2	5	10
Idaho State Correctional Institution Medium Custody/Entry Facility	1525-M	2	13	9	24
North Idaho Correctional Institution Retained Jurisdiction/Treatment	405-M		1		1
Pocatello Women's Correctional Center Minimum/Medium/Close Custody/ Entry Facility/Work Projects	352-F		5	4	9
South Boise Women's Correctional Center Retained Jurisdiction/Treatment	257-F		1	1	2
South Idaho Correctional Institution Minimum Custody/Work Projects	291-M 355-F				0
St Anthony Work Camp Minimum Custody/Work Projects	255-M				0
COMMUNITY REENTRY CENTERS Minimum Custody/Employment					
East Boise	137-F				
Idaho Falls	107-M				
Nampa	112-M				
Treasure Valley	104-M				
Twin Falls	142-M				
CRC Totals					0
TOTAL		5	23	35	63

ADP means average daily population. M indicates male and F indicates female population. CRC are smaller with very few PREA incidents. To protect victim identity the five CRC facilities are totaled as a group.

PREA Data, 2021

Staff—Resident Sexual Abuse Data

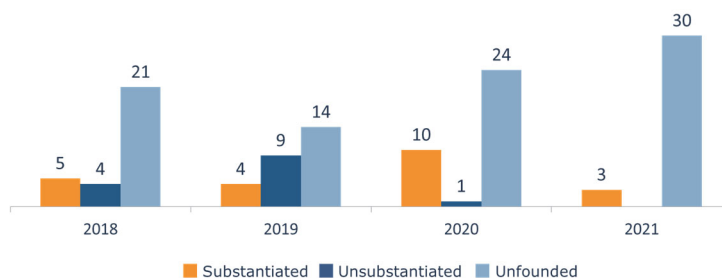
Staff–resident sexual abuse allegations accounted for 33 of reported abuse cases.

IDOC substantiated 3 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 staff–resident case was referred for prosecution in 2021.

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

Staff-Resident
Sexual Abuse Reports 2018-2021



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 (excludes family, friends or other visitors).

Sexual relationships of a romantic nature between staff and residents are included in this definition. Consensual or non-consensual 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.

Definitions are from the Survey of Sexual Victimization, 2021 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.

Evidentiary Standard: The agency shall impose no standard higher than a preponderance of evidence in determining whether PREA allegations are substantiated. Preponderance means more than a 50% likelihood that the incident occurred.

2021 Sexual Abuse Staff-Resident Data, By Facility

PRISONS	ADP	Substantiated	Unsubst.	Unfounded	Total
Idaho Correctional Institution - Orofino	552-M				
Idaho Maximum Security Institution	533-M			13	13
Idaho State Correctional Center	2052-M	2		7	9
Idaho State Correctional Institution	1525-M	1		3	4
North Idaho Correctional Institution	405-M				
Pocatello Women's Correctional Center	352-F			4	4
Saint Anthony Work Camp	255-M			1	1
South Boise Women's Correctional Center	257-F				
South Idaho Correctional Institution	291-M 355-F			2	2
COMMUNITY REENTRY CENTERS (CRC)					
East Boise	137-F				
Idaho Falls	107-M				
Nampa	112-M				
Treasure Valley	104-M				
Twin Falls	142-M				
CRC Totals					0
TOTAL		3	0	30	33

Facility Definitions, PREA Standards

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 or other community correctional facility in which individuals reside as part of a term of imprisonment while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

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 data submissions.

PREA Data, 2021

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 represented 57% of all PREA allegations received in 2021.

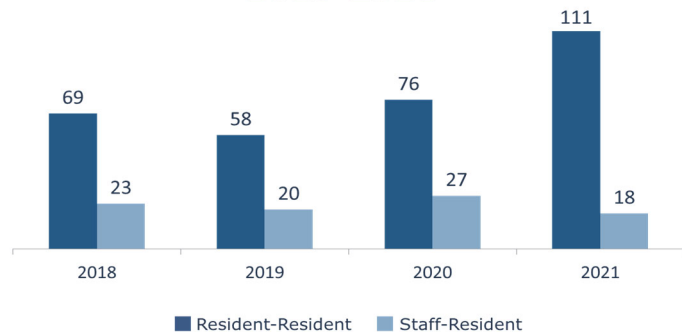
Staff-Resident Sexual Harassment

Staff-resident sexual harassment allegations accounted for 18 reports in 2021. One staff-resident case was substantiated.

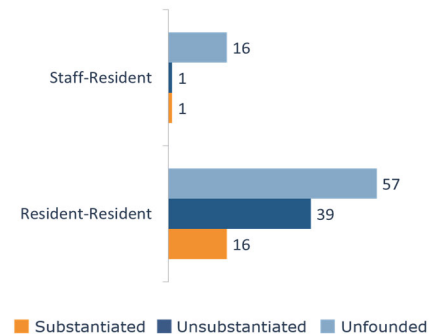
Resident-Resident Sexual Harassment

Resident-resident sexual harassment cases accounted for 111 of reported allegations in 2021. A total of 16 resident-resident cases were substantiated.

Sexual Harassment Reports
2018-2021



14% of resident-resident sexual harassment reports were substantiated



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, 2021 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.

Evidentiary Standard: The agency shall impose no standard higher than a preponderance of evidence in determining whether PREA allegations are substantiated. Preponderance means more than a 50% likelihood that the incident occurred.

2021 Sexual Harassment Data By Facility

Resident-Resident (R-R)

Staff-Resident (S-R)

PRISONS	R-R Sub.	R-R Unsubst.	R-R Unf.	R-R Total	S-R Sub	S-R Unsubst.	S-R Unf	S-R Total
Idaho Correctional Institution - Orofino	2	1	1	4			1	1
Idaho Maximum Security Institution	2	1	21	24				0
Idaho State Correctional Center	1	1	19	21	1		9	10
Idaho State Correctional Institution	5	26	8	39		1	3	4
North Idaho Correctional Institution	2	10	6	18			1	1
Pocatello Women's Correctional Center			1	1				0
Saint Anthony Work Camp				0				0
South Boise Women's Correctional Center	1			1				0
South Idaho Correctional Institution	3			3			2	2
COMMUNITY REENTRY CENTERS								
East Boise								
Idaho Falls								
Nampa								
Treasure Valley								
Twin Falls								
CRC Totals				0				0
TOTAL	16	39	56	111	1	1	16	18

Non-IDOC Facility Data

Contract and jail facilities have their own reporting requirements. That data is not included in the agency's Survey of Sexual Victimization. The IDOC Contract Unit monitors contract facilities and jails for compliance with agency policy, including PREA.

During 2021, contract facilities investigated nine sexual abuse cases involving Idaho Department of Correction residents.

2021 Contract, Jail Data

CONTRACT FACILITIES AND JAILS	ADP	Sexual Abuse
CAPP/Management Training Corp. Correctional Alternative Placement Prg.	383-M	8
Saguaro Corr. Center, AZ/CoreCivic	427-M	1
County Jails	454-M/F	0
TOTAL	1264	9

**Prison Rape Elimination Act
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