

2016 PREA Annual Report

Overview:

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

According to the National PREA Resource Center, the Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

The prevention of rape, sexual assault, or sexual misconduct is a top priority for our organization. Staff education in our Safe Environmental Standards was a 2016 company-wide initiative. Our academy has a designated PREA Site Compliance Manager that oversees that PREA compliance is maintained.

Additionally, we conduct monthly Safe Environmental Standards meetings involving all PREA Compliance Managers and our academy participates in a monthly Safe Environmental Standards CQI assessment. We employ several safe checks to ensure that our zero-tolerance policy for any incident of rape, sexual assault or sexual misconduct is maintained with fidelity; and make every effort to comply with applicable items of the Prison Rape Elimination Act (PREA).

Pursuant to §115.387 of the PREA Standards:

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Definitions:

Once a report of sexual abuse as been accepted and investigated, the incident will be classified using one of the following findings:

- *Substantiated*: allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.
- *Unsubstantiated*: Insufficient evidence to either prove or disprove the allegation.
- *Unfounded*: allegation is false or the agency that completes the investigation states that the allegation is unfounded.

The following definitions can be found in §115.6 of the PREA Standards:

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 in paragraphs (1)-(5) of this section;
- (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.

Summary:

In our continuing effort to improve the lives of youth, Hillcrest Academy (HCA) follows the principles associated with the Prison Rape Elimination Act. We have aligned our Safe Environmental Standards to ensure PREA compliance as well as to improve safety for youth in our program. Sexual activity of any type is prohibited for youth regardless of age, and pursuant to PREA standard §115.387, incidents are reported and investigated promptly. Below is a summary of the 2016 reported incidents pursuant to §115.387 which shall be considered our Annual Report:

Reports determined to be *substantiated*: 0

Reports determined to be *unsubstantiated*: 2

Reports determined to be *unfounded*: 0

Following an investigation based on PREA standards, the two (2) reports were unsubstantiated. Given this data and our analysis of the data, HCA will continue to focus on student safety and creating a culture where sexual abuse and sexual harassment does not occur, therefore the 2016 action plan focuses on staff and student education and training, and improving supervision of students and newly hired staff. These actions have contributed to increased safety for our students.