



STATE OF INDIANA
Department of Correction

Indiana Government Center - South

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2013 Sexual Assault Prevention Program Annual Report

The Indiana Department of Correction has made many improvements to the sexual assault prevention plan in 2013. This report provides a summary of the 2013 sexual incident report data, compares reporting data with the previous two years, summarizes problems identified and action plans, changes made to improve compliance with PREA standards, and identifies continued needs for compliance.

1. Summary of SIR data for 2013

Below is a summary of the sexual incident reports received from all facilities in the agency for 2013.

AGENCY TOTALS	Substantiated	Unsubstantiated	Unfounded	Ongoing Inv	Total	%
Inmate Sexual Harassment*	9	7	0	0	16	.06
Abusive Sexual Contact	10	13	0	0	23	.8
Nonconsensual Sexual Act	1	13	4	0	18	.06
Staff Sexual Harassment	2	6	4	0	12	.04
Staff Sexual Misconduct	10	8	4	0	22	.07
Totals	32	47	12	0	91	
% **	.1	.2	.05	0	.3	

*The IDOC was not tracking the incidence of inmate-on-inmate sexual harassment as it had not been reported in prior years to the DOJ in the SSV. The data being reported for ISH was obtained from SIR's that were incorrectly reported as another sexual abuse type.

**The percentage was based on the average daily population for 2013.

2. Comparison of 2013 SIR data with previous two years.

The number of substantiated reports for 2011 and 2012 are as follows:

2011 – 22 ASC, 1 NCSA, 3 SSH, 6 SSM	31 total substantiated reports
2012 – 9 ASC, 0 NCSA, 1 SSH, 12 SSM	22 total substantiated reports

The total number of substantiated incidents is up slightly from the previous two years, but that can be attributed to the inclusion of inmate-on-inmate sexual harassment incidents in the 2013 Survey of Sexual Victimization. The number of substantiated staff sexual misconduct went down and was not high at any one facility. The highest number of SSM substantiated in 2013 was 3 at the Indiana Women's Prison. The highest number of SSM substantiated at a facility during the 3 year period was 7 at New Castle in 2012. The addition of curriculum covering inappropriate relationships, IC 35-44-1-5 Sexual Misconduct by a Service Provider with a Detainee and the age

of consent to the staff/volunteer/contractor training curriculum will help reduce staff sexual misconduct. The number of substantiated cases of non-consensual sexual acts and staff sexual misconduct remained the same during the 3 year period. The number of substantiated cases of abusive sexual contact was the same as 2012, much lower than 2011, the highest number since 2004.

3. Problems identified and corrective actions taken.

During completion of the pre-audit questionnaire, the following PREA standards compliance problems were identified:

- The PREA training curriculum did not cover all topics required in the standards. The Executive Director of PREA worked with Staff Development and Training division to re-write the curriculum based on the standard.
- The Sexual Assault Prevention policy was not compliant with a few standards and has been revised.
- Several facilities had new Sexual Assault Response Team staff that had not been through SART training. SART training was coordinated in 3 regions to provide all staff the ability to attend the training.
- The juvenile Sexual Violence Assessment Tool was found to not meet the standard for assessment of offenders. It was reviewed by the 3 staff that completed PREA auditor training. A revision was drafted and was sent to select facilities for a test pilot in 2014.
- It was discovered that non-DOC crew supervisors were not receiving PREA training in the crew supervisor training during a facility assessment. Staff Development and Training was asked to add PREA curriculum to the crew supervisor training module. All facilities were required to have all non-DOC inmate crew supervisors complete this training by 12/1/13.
- There was no documentation of notifying the offender of the investigation outcome. A form was developed to be completed at the end of every investigation.
- The standard covering administrative remedies was found to be applicable due to Indiana's system of tort. Procedures were written and implemented in an executive directive to be added to the grievance policy in a revision.

4. Steps taken by the Agency to meet PREA standards.

The following occurred in 2013 to continue working to bring the agency into full compliance with the PREA standards and provide an effective sexual assault prevention plan:

- Revised the Sexual Assault Prevention policy to be compliant with DOJ standards.
- Created a master PREA audit documents list and sent to the field.
- Created a form to notify the offender of the investigation outcome.
- Implemented the new Sexual Incident Report System Oracle data base.
- Added a hotline to Indiana Coalition Against Sexual Assault to the offender phone system.
- Added an email button to the J-Pay Kiosk for offenders to request victim advocacy services or report sexual abuse to INCASA.
- Added Liberty Hall to our reporting system and provided them with our policy.

- Provided training to all PREA Coordinators covering the audit process, what is required by the standards, policy changes, and new SIRS system.
- Revised and updated the Sexual Assault Manual.
- Created a PREA Brochure for Visitors and a brochure about INCASA for the offender population.
- Added PREA training to the non-DOC Crew Supervisor Training Curriculum and required all crew supervisors be trained by December 2013.
- Posted the 2011/12 DOJ reports on the IDOC website.
- Coordinated a state wide SART training in 3 training regions.
- Began the criminal background check every 4 years on current staff and contractors.
- Contacted the counties involved in the 2012 PREA Grant for sub-grant proposals. Worked with Dir. Lloyd to educate them on the use of the grant funds.
- Applied for and received approval for the 2013 PREA Zero Tolerance Grant.
- Sent 3 staff to DOJ PREA Auditor training.
- Created emergency grievance procedures for sexual abuse grievances.
- Juvenile staff participated in a PREA training provided by the PREA Resource Center for county juvenile detention facilities and state juvenile facilities at the Correctional Training Institute.

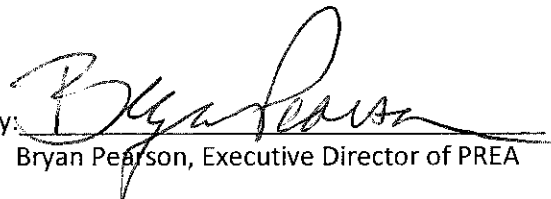
5. Continued Needs for Compliance

- **Juvenile Facilities Compliance Issues**
- Monitoring and Supervision 115.313 requires a staffing ratio for juvenile facilities of 1-8 during waking hours and 1-16 during sleeping hours. Currently, Pendleton Juvenile, Logansport Juvenile and Camp Summit Boot Camp do not meet this standard. Madison Juvenile does currently meet this standard for their current population level. This ratio is not being met in 4 of our 5 juvenile facilities. It would cost approximately 5.4 million dollars more annually to add the staff needed to meet this standard. The continued reduction in the student population will assist with meeting this standard. The deadline for compliance is October 1, 2017.
- Hiring and Promotion Decisions 115.317 requires the IDOC to disclose substantiated cases of sexual harassment and sexual abuse of offenders by former employees upon receiving a request for a background check from a prospective employer. Current SPD policy does not allow this disclosure due to civil liability from preventing former employees from getting a job.
- **Adult Facilities Compliance Issues**
- Monitoring/Supervision of offenders 115.13 – some adult facilities do not have an appropriate level of staff or video camera coverage to provide monitoring in all areas to prevent blind spots. Many facility staffing plans are not being met due to budget reductions. Approximate cost for additional staff to provide an acceptable level of supervision and meet staffing plans, as reported by facilities, is 15.2 million. The approximate cost for additional cameras to assist with monitoring offenders is \$905,000.

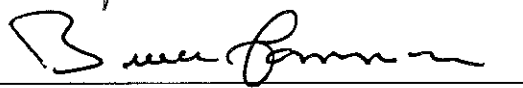
- Standard 115.14 requires Youthful Inmates (offenders under 18 convicted as an adult) to be sight and sound separated from adult offenders in housing units. The adult facilities do not have a unit small enough to house only offenders under 18. The solution may be to move all offenders under 18 to juvenile facilities. The fiscal and operational impact will need to be studied.
- Limits to Cross Gender Viewing 115.15 – the view into shower and toilet areas needs to be obstructed with partitions or other physical alterations to prevent opposite gender staff from seeing offenders in a state of undress. This will create costs for physical plant alterations and a security issue in bathrooms that are open to view to prevent assaults in those areas.
- Hiring and Promotion Decisions 115.17 requires the IDOC to disclose substantiated cases of sexual harassment and sexual abuse of offenders by former employees upon receiving a request for a background check from a prospective employer. Current SPD policy does not allow this disclosure due to civil liability from preventing former employees from getting a job.
- Disciplinary Sanctions for Inmates 115.78 – (e) prohibits disciplining an inmate for sexual contact with staff unless the staff did not consent. The Adult Disciplinary Policy allows for the offender to be disciplined if staff consents. The Agency feels like prohibiting discipline of offenders for consensual sex acts with staff will only encourage the offender to manipulate staff further.

6. Summary

The IDOC has continued to work toward full compliance with PREA. The number of substantiated cases remained relatively the same as 2012. The roll out of the PREA audit process by the DOJ provided more specific information about the requirements of the PREA standards and resulted in an evaluation of Indiana's practice and policy in preparation for future audits. With this constant evaluation and improvement in the IDOC sexual assault prevention plan, there is encouragement for a continued reduction in the occurrence of sexual abuse and harassment in our facilities. There is still work to be done. The goal of the IDOC is to meet all PREA standards in every facility.

Prepared by: 
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Date: 2/14/14

Approved: 
 Bruce Lemmon, Commissioner