



STATE OF INDIANA
Department of Correction

Indiana Government Center - South

302 W. Washington Street • Indianapolis, Indiana 46204-2738

Phone: (317) 233-6984 • Fax: (317) 232-6798 • Website: www.in.gov/idoc/

Michael R. Pence
Governor

Bruce Lemmon
Commissioner

2014 Sexual Assault Prevention Program Annual Report

The Indiana Department of Correction has made many improvements to the sexual assault prevention plan in 2014. This report provides a summary of the 2014 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 2014

Below is a summary of the sexual incident reports received from all facilities in the agency for 2014.

| AGENCY TOTALS | Substantiated | Unsubstantiated | Unfounded | Ongoing Inv | Total | % |
|---------------------------|---------------|-----------------|-----------|-------------|------------|-----|
| Inmate Sexual Harassment* | 6 | 17 | 7 | 0 | 30 | .1 |
| Abusive Sexual Contact | 9 | 21 | 4 | 1 | 35 | .1 |
| Nonconsensual Sexual Act | 1 | 13 | 6 | 2 | 22 | .08 |
| Staff Sexual Harassment | 1 | 24 | 5 | 1 | 31 | .1 |
| Staff Sexual Misconduct | 2 | 15 | 10 | 0 | 27 | .1 |
| Totals | 19 | 90 | 32 | 4 | 145 | |
| % ** | .07 | .3 | .1 | .01 | .5 | |

*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 percentage was based on the average daily population for 2014 of 28,058, excluding jail holds.

2. Comparison of 2014 SIR data with previous two years.

The number of substantiated reports for 2012 and 2013 are as follows:

2012 – 9 ASC, 0 NCSA, 1 SSH, 12 SSM 22 total substantiated reports

2013 – 9 ISH, 10 ASC, 1 NCSA, 2 SSH, 10 SSM 32 total substantiated reports

3. Problems identified and corrective actions taken.

Policies and training curriculums were audited with the PREA standards and PREA audit instruments to determine if they were compliant. Problems were found and corrections made. Facility mock audits also revealed problems with documentation that resulted in the creation of

forms to ensure proper documentation. The Agency and facilities were not completing an annual report as required.

- The PREA training curriculum did not cover all required items in the standard. The curriculum was completely re-written.
- The Juvenile SVAT was not compliant with the juvenile standard for assessment. The juvenile and adult SVAT were revised and piloted at two facilities each. Results were evaluated and a new SVAT was sent to the field for use.
- Our investigation policy didn't specifically address sexual assault investigations. A section was added to cover sexual assault investigations.
- The search policy was revised to include the requirements of cross gender search restrictions for adult females and all juveniles. Transgender searches were also addressed. More work is being done on LGBTI offender issues.
- LGBTI offenders were not being identified at intake. Case Management staff was provided a set of questions to attempt to determine LGBTI offenders to ensure follow up safety checks are conducted.
- Incident reviews were not being documented well enough to demonstrate compliance. An incident review form was created to be completed for all incidents except unfounded.
- INCASA closed its doors in May 2014. This created a need for an outside reporting system and victim advocate access for emotional support services.

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

- 13 facility mock audits were conducted to determine if practice in the field was meeting the standards and sexual abuse policy.
- PREA standards training was provided to all facility Compliance Managers and Superintendents.
- The SVAT for adult and juvenile were re-designed. An SVAT questionnaire was developed that included questions to identify LGBTI offenders at intake.
- The Sexual Abuse policy 02-01-115 was revised to address compliance issues and clarify points of compliance.
- The Internal Affairs policy was revised to add a section for sexual assault investigations in a confinement setting. All investigators were required to complete the NIC PREA investigations training CBT for additional investigations training.
- The PREA training curriculum was revised to meet all requirements of the standard for staff training. Contract staff, Community Crew Supervisors and volunteers were required to complete the same curriculum as staff to provide information above and beyond the standard for their training.
- CJCA was contracted through a 2013 Zero Tolerance grant to review the PREA culture in IDOC juvenile facilities. They toured all facilities in December and will provide training based on their assessment of needs.
- An MOU for PREA audits is being negotiated with Michigan, California and Illinois. This will provide certified PREA audits with a big cost savings over contracted auditors. Certified audits will give IDOC an external review of our program and level of compliance.

- Discussions with Indiana Coalition Against Domestic Violence to provide victim advocacy services have been positive and will result in a contract to provide 2013 Zero Tolerance Grant funds for services.
- The IDOA Ombudsman for the IDOC agreed to receive sexual abuse reports via JPay email to serve as the outside report system for all facilities. This began in September 2014 and has gone very well. Reports are forwarded to the IDOC PREA Coordinator and then to the facility Compliance Manager and Superintendent.
- Braille Offender PREA Brochures were provided to all facilities to assist with blind offenders at orientation.

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. This is being reviewed and a form for the former employee to sign is being developed authorizing IDOC to release PREA specific information.
- **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 may need to be obstructed with partitions or other physical alterations to prevent opposite gender

staff from seeing offenders in a state of undress beyond incidental viewing during security checks. The plan for modifications will be determined from certified audits.

- 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. This is being reviewed and a form for the former employee to sign is being developed authorizing IDOC to release PREA specific information.

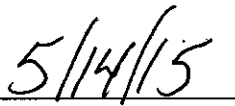
6. Summary

Although the number of reports received in 2014 has increased compared to 2013, the number of substantiated reports has decreased. The increase in reports is in part due to adding inmate/inmate sexual harassment incidents that was not previously tracked as well as increased awareness of staff and offenders as we work toward full compliance with the PREA standards. Internal audits of facilities have identified problem areas in policies and practice at the facility level. These audits also provide additional education about PREA to facility staff. Many facilities continue to need additional video monitoring capabilities and staffing to meet staffing plans. These needs will be evaluated further in certified audits during 2015. Overall the changes that have occurred this year have greatly improved the PREA culture in all IDOC facilities providing a safer environment.

Prepared by:


Bryan Pearson, Executive Director of PREA

Date:



Approved:


Bruce Lemmon, Commissioner