

# **Annual Idaho Department of Juvenile Corrections Prison Rape Elimination Act Report**

**2015**

## **History**

The Idaho Department of Juvenile Corrections (IDJC) has long embraced the principles supported by the Prison Rape Elimination Act of 2003 (PREA). Years before PREA was passed, IDJC had policies and training sessions on prohibited contact and inappropriate relationships to prevent sexual abuse within its facilities and contract providers. IDJC ensures that contract providers used by the Department to provide services to juveniles outside of the three state facilities adopt a similar stance against any incidents of sexual abuse or sexual harassment (zero tolerance).

After the passage of the final PREA standards, the IDJC pooled resources to create a PREA Implementation Team (PIT). Subsequent to the formation of the PIT, IDJC's PREA Coordinator and Deputy Attorney General assigned to IDJC trained both direct care and administrative staff on obligations under PREA. With the full support of Director Harrigfeld, the PIT refined policies and procedures to further promote a zero tolerance culture towards sexual abuse and sexual harassment. The standards have been pivotal in formalizing and refining IDJC's response to, definitions of, and collection of, reports of sexual abuse and sexual harassment. This also includes identification of key staff roles.

## **Standards**

The PREA standards are grouped into 11 categories: prevention planning; responsive planning; training and education; screening for risk of sexual victimization and abusiveness; reporting; official response following an resident report; investigations; discipline; medical and mental care; data collection and review; and audits. The standards contain 182 separate standards organized into over 40 sections. Each standard contains multiple requirements. Full compliance with the standards will require not only extensive documentation of the agency's efforts to achieve zero tolerance for sexual abuse and sexual harassment, but evidence within the culture of the organization that these efforts are embraced and in practice. The corrective action period following the audit allows time for the facilities operated by the IDJC to correct deficiencies and come into compliance.

Corrective action is taken, depending on the outcome of the investigation into a report of sexual abuse or sexual harassment, to protect the juveniles in the Department's custody. Results of investigations are used to determine if changes are necessary in the facilities and programs serving these juveniles. These changes may include, but are not limited to, policies, procedures, physical plant characteristics, staffing, shifts, trainings, personnel assignments, and supervision.

**Comparative Data**

All allegations are taken seriously and investigated. The Department of Justice (DOJ) has issued the following definitions for categories of investigative findings:

**Substantiated** – Investigated and determined to have occurred.

**Unfounded** – Investigated and determined not to have occurred.

**Unsubstantiated** – Investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

In addition to the categories provided by the DOJ above, the IDJC has created additional categories to more comprehensively track its investigations into all allegations of sexual abuse and sexual harassment; they are as follows:

**Non-abusive Contact** – The contact occurred, but was determined to have been consensual or incidental to a physical altercation (juvenile w/juvenile only), or intent was not for sexual gratification.

**Not a PREA Incident** – Investigated and determined not to meet the definition of a PREA incident.

<b>State Facility and Contract Provider reports that were investigated and determined to be Non-abusive Contact or not meet the definition of a PREA incident.</b>		
<b>Between January 1 and December 31 of the Target Year, how many reported allegations of sexual abuse or sexual harassment were investigated and found to be Non-abusive Contact?</b>	<b>2014</b>	<b>2015</b>
	11	27
<b>Between January 1 and December 31 of the Target Year, how many reported allegations of sexual abuse or sexual harassment were investigated and found not to meet the definition of a PREA incident?</b>	<b>45</b>	<b>82</b>

## Aggregated Sexual Abuse/Sexual Harassment Data Table

<b>Report Based on the Annual Survey of Sexual Violence completed by the Idaho Department of Juvenile Corrections for the Department of Justice/ Bureau of Justice Statistics</b>					
<b>State Facilities</b>					
Target Year	2011	2012	2013	2014	2015
<b>On December 31 of the Target Year, how many males were held in the 3 state facilities?</b>	206	187	188	181	159
<b>On December 31 of the Target Year, how many females were held in the 3 state facilities?</b>	32	31	29	33	33
<b>On December 31 of the Target Year, how many total juveniles were held in the 3 state facilities?</b>	238	218	217	214	192
<b>Between January 1 and December 31 of the Target Year, how many juveniles were admitted to the 3 state facilities?</b>	239	222	214	180	190
<b>Between January 1 and December 31 of the Target Year, how many allegations of youth-to-youth non-consensual sexual acts were reported?</b>	1	2	1	0	1
Of the acts above, how many were substantiated?	0	0	1	0	0
Of the acts above, how many were unsubstantiated?	1	0	0	0	1
Of the acts above, how many were unfounded?	0	2	0	0	0
Of the acts above, how many are still under investigation?	0	0	0	0	0
<b>Between January 1 and December 31 of the Target Year, how many allegations of youth-to-youth abusive sexual contact were reported?</b>	14	22	14	14	14
Of the acts above, how many were substantiated?	9	5	7	6	6
Of the acts above, how many were unsubstantiated?	4	14	6	6	6
Of the acts above, how many were unfounded?	0	3	1	2	2
Of the acts above, how many are still under investigation?	0	0	0	0	0

Target Year	2011	2012	2013	2014	2015
<b>Between January 1 and December 31 of the Target Year, how many allegations of Staff Sexual Misconduct were reported?</b>	0	1	2	4	1
Of the acts above, how many were substantiated?	0	1	0	0	0
Of the acts above, how many were unsubstantiated?	0	0	0	1	0
Of the acts above, how many were unfounded?	0	0	2	3	1
Of the acts above, how many are still under investigation?	0	0	0	0	0
<b>Between January 1 and December 31 of the Target Year, how many allegations of sexual harassment were reported?</b>					
Of the acts above, how many were substantiated?	0	0	1	6	9
Of the acts above, how many were unsubstantiated?	0	0	1	1	3
Of the acts above, how many were unfounded?	0	3	1	2	1
Of the acts above, how many are still under investigation?	0	0	0	0	0

#### **State Facilities**

In 2014 there were 214 juveniles served in state facilities and 6 substantiated incidents of abuse as defined within the PREA standards. There were 6 substantiated allegations of sexual harassment.

In 2015 there were 192 juveniles served in state facilities and 6 substantiated incidents of abuse. There were 9 substantiated incidents of harassment.

<b>Contract Providers</b>					
Target Year	2011	2012	2013	2014	2015
<b>Between January 1 and December 31 of the Target Year, how many juveniles were placed at contract providers?</b>	155	131	139	126	114
<b>Between January 1 and December 31 of the Target Year, how many youth-to-youth non-consensual sexual acts were reported?</b>					
Of the acts above, how many were substantiated?	1	1	3	3	5
Of the acts above, how many were unsubstantiated?	1	1	1	2	5
Of the acts above, how many were unfounded?	0	0	2	1	0
Of the acts above, how many are still under investigation?	0	0	0	0	0

Target Year	2011	2012	2013	2014	2015
<b>Between January 1 and December 31 of the Target Year, how many allegations of youth-to-youth abusive sexual contact were reported?</b>	2	3	6	3	13
Of the acts above, how many were substantiated?	1	3	4	2	8
Of the acts above, how many were unsubstantiated?	0	0	2	0	4
Of the acts above, how many were unfounded?	1	0	0	1	1
Of the acts above, how many are still under investigation?	0	0	0	0	0
<b>Between January 1 and December 31 of the Target Year, how many allegations of sexual harassment were reported?</b>	0	1	0	3	4
Of the acts above, how many were substantiated?	0	0	0	3	4
Of the acts above, how many were unsubstantiated?	0	1	0	0	0
Of the acts above, how many were unfounded?	0	0	0	0	0
Of the acts above, how many are still under investigation?	0	0	0	0	0
<b>Between January 1 and December 31 of the Target Year, how many allegations of staff sexual misconduct were reported?</b>	1	3	3	3	1
Of the acts above, how many were substantiated?	0	1	0	3	0
Of the acts above, how many were unsubstantiated?	0	1	1	0	0
Of the acts above, how many were unfounded?	1	1	2	0	1
Of the acts above, how many are still under investigation?	0	0	0	0	0

### **Contract Providers**

In 2014 there were 126 juveniles served at contract providers on behalf of the IDJC and 4 substantiated incidents of abuse. There were 3 substantiated incidents of sexual harassment.

In 2015 there were 114 juveniles served at contract providers and there were 13 substantiated incidents of abuse. There were 4 substantiated incidents of sexual harassment.

### **2015 Findings Summary**

The occurrence of sexual abuse at IDJC continues to be very low. IDJC will always act upon opportunities to improve reporting methods for juveniles, refine its procedures, and provide effective training for all staff, volunteers, interns and contracted service providers within its facilities, the overall institutionalization of a zero tolerance culture amongst juveniles and staff has become well embedded.

### **Moving Forward**

The leadership of the IDJC has made the commitment to achieve PREA compliance within all 3 state facilities. As of July 30<sup>th</sup> 2015 all 3 state facilities have been certified as 100% PREA compliant. IDJC intends to continue contracting for PREA compliance audits pursuant to the Department of Justice requirement that audits occur on a 3 year audit cycle. These audits will continue to help IDJC further improve its processes regarding zero tolerance of juvenile sexual abuse and sexual harassment. IDJC is also providing assistance to its various contract providers to ensure that PREA compliance is occurring at an appropriate level.

Appropriate classification of juveniles in program and strict expectations for juvenile supervision will continue to be the main tools to prevent sexual abuse and sexual harassment within facilities operated by IDJC. The IDJC realizes the importance of continuing efforts to maintain a zero tolerance towards sexual abuse and sexual harassment. The IDJC will continue to have a strong zero-tolerance policy and agency culture that embraces the rights of all juveniles to be free from sexual abuse and sexual harassment. IDJC will seek opportunities to strengthen the PREA standards within the foundation of the organization.