

Prison Rape Elimination Act (PREA) 2014 Annual Report

Alabama Department of Corrections

Introduction

The Prison Rape Elimination Act of 2003 (PREA) was signed into federal law with the purpose to provide for the analysis of 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. In 2012, The Department of Justice published the final rule of standards promulgated by the Attorney General of the United States. PREA applies to all public and private institutions that house adult and juvenile offenders. The Alabama Department of Corrections (ADOC) maintains a zero-tolerance policy regarding sexual abuse, sexual misconduct, and sexual harassment of offenders and employees within the agency's 28 state prison facilities. The agency's zero-tolerance policy not only aims to protect all offenders under ADOC jurisdiction from sexual abuse and sexual harassment, but also protects against retaliation of anyone who reports illegal activity and participates in an investigation.

ADOC is continually improving the reporting methods for both inmates and employees to ensure the highest level of compliance, as well as swift corrective action when needed. ADOC's reporting methods include internal ADOC reporting by dialing **91** through the inmate phone system; third party reporting with an outside agency by dialing **#66** through the inmate phone system; third party reporting to ADOC internal investigations through an internet third party reporting form; inmates are given internal investigation envelopes in order to write directly to ADOC Investigations & Intelligence (I&I) division; and PREA inmate and employee drop boxes have been made available throughout the facilities so confidential, anonymous reports can be made.

All allegations of sexual abuse, sexual misconduct, and sexual harassment within ADOC facilities will be investigated. To better understand the meaning of each type allegation, definitions of each is provided below.

Sexual Abuse: (as defined in PREA Standard §115.6) 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; and

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.

Sexual Harassment: (as defined in PREA Standard §115.6) 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; or
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.

Sexual Misconduct: (as defined in Alabama Code Section 13A-6-65) includes:

1. A person commits the crime of sexual misconduct if:
 - a. Being a male, he engages in sexual intercourse with a female without her consent, under circumstances other than those covered by Sections 13A-6-61 and 13A-6-62; or with her consent where consent was obtained by the use of any fraud or artifice; or
 - b. Being a female, she engages in sexual intercourse with a male without his consent; or
 - c. He or she engages in deviate sexual intercourse with another person under circumstances other than those covered by Sections 13A-6-63 and 13A-6-64. Consent is no defense to a prosecution under this subdivision.
2. Sexual misconduct is a Class A misdemeanor.

Allegations can be administrative or criminal in nature depending on the alleged incident. The Institutional PREA Compliance Manager (IPCM) at each facility tracks the progress of the investigation with constant contact with the investigator assigned to the case, if applicable. Upon completion of each investigation, appropriate disciplinary action is taken against the perpetrator, and all inmate victims are given a written notification of investigative outcome based on the following categories:

1. **Substantiated:** an allegation that was investigated and determined to have occurred.
2. **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.
3. **Unfounded:** an allegation that was investigated and determined not to have occurred.

All PREA investigations are forwarded to the District Attorney office for further review and or prosecution.

This report summarizes all 2014 PREA allegations that were generated from within the 28 ADOC facilities as well as any corrective action taken on both agency and facility level to ensure each facility becomes PREA compliant by enhancing sexual safety.

Agency Corrective Action

ADOC implemented female and male inmate handbooks to include PREA information. ADOC began implementing inmate orientation upon arrival at facilities in which all inmates are given an information pamphlet, *What You Should Know about Sexual Abuse and Sexual Assault*. ADOC implemented ADOC Administrative Regulation 454 - Inmate Sexual Abuse and Harassment (Prison Rape Elimination Act). ADOC developed an Employee PREA Awareness, Training, and Education Curricula that covers the following PREA required objectives:

1. ADOC zero tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill the responsibilities under ADOC sexual abuse and sexual harassment prevention, detection, reporting, and responding policies and procedures;
3. The right of inmates to be free from sexual abuse and sexual harassment;
4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment victims;
6. The common reactions of sexual abuse and sexual harassment victims;
7. How to detect and respond to signs of threatened and actual sexual abuse;

8. How to avoid inappropriate relationships with inmates;
9. How to communicate effectively and professionally with inmates, including LGBTI, or gender non-conforming inmates; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

Facility Corrective Action

Alex City Work Release/Work Center

An internal PREA audit was conducted at Alex City WR in May, 2014. Alex City WR/WC added mirrors to the dorm area and partitions were added to the back gate shakedown area. PREA posters were posted throughout the facility. Mirrors were installed in the kitchen and storage areas. Alex City WR installed a camera system. Inmate restroom in kitchen area became off limits to all inmates – restroom was converted to staff restroom only. A rotating training curriculum was added to each Shift Commander duties to ensure staff was being trained on PREA standards. A partition was added to the holding cell toilet area to prevent cross gender viewing. Alex City WR/WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Atmore Work Center

Atmore WC began conducting unannounced rounds of the facility. Atmore WC installed two shower partitions for transgender inmates to use during showering. PREA posters were posted throughout the facility. Atmore WC incorporated PREA information into the newsletter for staff and inmates. Mirrors were installed in the dorm. A privacy door was installed in front of the bathroom area. Atmore WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident

Bibb Correction Facility

An internal PREA Audit was conducted at Bibb CF in April, 2014. Windows at the back gate were ‘blacked out’ to ensure privacy during shakedown. Partitions were installed in bathroom area of the dorms. The inside windows in the bathroom areas of the dorm were frosted. Partitions were installed in the receiving area. Miscellaneous items in the laundry area were

relocated so that vision was no longer restricted. Mirrors were added to multiple areas throughout the facility. Bibb CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident

Birmingham Work Release/Work Center

An internal PREA Audit was conducted at Birmingham WR in March, 2014. Mirrors were placed throughout the facility and areas under stairways were enclosed. Birmingham WR/WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Bullock Correctional Facility

PREA posters were placed throughout the facility. Bullock CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Bullock CF began conducting unannounced rounds.

Camden Work Release/Work Center

Camden WR/WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Camden WR began conducting unannounced rounds.

Childersburg Work Release/Work Center

Childersburg WR/WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident Childersburg WR began conducting unannounced rounds.

Decatur Work Release/Work Center

Decatur WR updated their PREA SOPs. A camera system was installed at Decatur WR. A privacy screen was installed in the strip search area for privacy. Decatur WR/WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident

Draper Correctional Facility

PREA posters were posted throughout the facility. Draper CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Privacy screens were installed in the back gate shakedown area to ensure privacy during strip searches.

Easterling Correctional Facility

An internal PREA audit was conducted at Easterling CF in May, 2014. Easterling CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Partitions for the receiving and trade school shakedown areas were installed.

Elba Work Release Center

Elba WR created pocket size PREA reference cards for all staff. Elba WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Elba began conducting unannounced rounds of the facility. Elba updated their facility Staffing Plan SOP.

Elmore Correctional Facility

Elmore CF cut out windows in all staff office doors. Elmore CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Elmore CF installed locks for all closets throughout the facility, and restricted the keys. Partitions were installed between toilets in all bathrooms. Privacy doors were installed in the front entrances of each bathroom doorway.

Frank Lee Work Release Center

Frank Lee WR began conducting unannounced rounds at the facility. Frank Lee WR developed a PREA Staffing Plan SOP. Frank Lee WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Fountain/J.O. Davis Correctional Facility

Fountain/J.O.Davis CF developed a PREA SOP. Fountain/J.O. Davis CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Partitions were added to the back gate and trade school areas to ensure privacy during strip searches.

Hamilton Aged and Infirm

An internal PREA audit was conducted at Hamilton A&I in April, 2014. Hamilton A&I began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Shower curtains were added to the opening of the bathroom doorways. Hamilton A&I cut windows in all office doors. Modifications of all dorm bathrooms continued to progress.

Hamilton Work Release Center

An internal PREA audit was conducted at Hamilton WR in April, 2104. Hamilton WR installed a 32 camera-system that covers majority of the facility and grounds. Mirrors were installed within dorm areas. The bottom half of all bathroom windows were 'blacked out' to ensure privacy. Hamilton WR also installed a shower curtain in the bathroom of Dorm A. Partitions were added to the visitor and inmate shakedown area for privacy during strip searches. Each staff member at Hamilton WR received a packet of PREA information that included PREA standards, PREA Administrative Regulations, and PREA SOPs. Hamilton WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Holman Correctional Facility

Holman CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Holman CF began conducting unannounced rounds.

Kilby Correctional Facility

PREA posters were posted throughout Kilby CF. Kilby CF installed an inmate and staff PREA drop box for anonymous reporting. Kilby CF created a PREA Investigation Review Team. Partitions were installed between each toilet in the 'Faith Dorm.' Privacy doors were added to each shower opening in each dorm. Individual partitions were installed in the back gate

area for privacy during strip searches. The toilet areas within the isolation cells were blocked off with partitions. Kilby CF was designated as the pilot facility for the male facility PREA Risk Factors Checklist. Kilby CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Limestone Correctional Facility

Limestone CF developed a PREA SOP. PREA posters were posted throughout the facility. Limestone CF developed a Coordinated Response SOP. Limestone CF developed an Incident Review Team. Staffing Plan SOP was revised. Limestone CF began conducting unannounced rounds of facility. Limestone CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Loxley Work Release Center

Loxley WR posted PREA flyers throughout the facility. Each dorm was furnished a PREA drop box for reporting anonymously. Loxley WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Partition and privacy doors were added to the dorm bathroom areas for privacy.

Mobile Work Release Center

Partitions were built for the shakedown building to ensure privacy during strip searches. Mobile WR updated their PREA SOP. Partitions were installed in the dorm bathrooms. Mobile WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Mobile WR began conducting unannounced rounds.

Montgomery Work Release Center

An internal PREA Audit was conducted at Montgomery WC in January, 2014. Partitions were added to separate toilets and a clothes changing area was built in the bathroom. Partitions were installed at the back gate shakedown area. Montgomery WC developed a PREA SOP. Montgomery WR began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident

Red Eagle Work Center

Red Eagle WC added partitions and curtains in all bathrooms areas. The back gate shakedown area has individual partitions to allow privacy of inmates during strip searches. Red Eagle WC began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. PREA posters were placed throughout the facility. Red Eagle WC obtained a quote for an upgraded camera system due to the current system being inoperable.

St. Clair Correctional Facility

St. Clair CF developed a PREA SOP. PREA posters were posted throughout the facility. Windows were cut into office doors to prevent blind spot areas. Partitions were added to the shakedown area of the sally port to ensure privacy during strip searches. St. Clair CF began conducting unannounced rounds of facility. St. Clair CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

Staton Correctional Facility

Staton CF posted PREA flyers throughout the facility. Staton CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Staton CF began conducting unannounced rounds.

Tutwiler Prison for Women

Tutwiler PFW contracted with The Moss Group, Inc., as a consultant to assist with PREA compliance. An internal PREA Audit was conducted at Tutwiler PFW in April, 2014. Partitions and privacy curtains were installed in the toilet area of all bathrooms, as well as shower curtains in the shower area. Tutwiler PFW updated PREA SOPs and other policies, to include the addition of gender-responsive and trauma-informed principles. Tutwiler PFW began conducting unannounced rounds of the facility. Tutwiler PFW facilitated Gender Responsive Practices and Principles Training for all staff. Partitions were added in the sewing factory bathroom. Mirrors were added in all dorms. Tutwiler was designated as the pilot facility for the female population PREA Risk Factors Checklist. Tutwiler PFW began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Tutwiler PFW conducted criminal background records checks on all current employees and continues to conduct checks on new hire employees and promotional employees. In July, 2014, Dr. Barbara Owen conducted staff and inmate focus groups on the topic of sexual safety. In July, 2014, Dr. James Wells conducted a sexual safety survey of inmates at Tutwiler. A state-of-the-art video surveillance system was installed at Tutwiler PFW and

was fully operational by August, 2014. All video surveillance monitors received training on PREA implications with regard to the use of cameras.

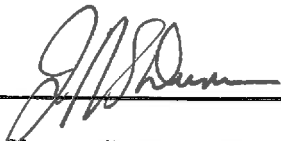
Ventress Correctional Facility

Ventress CF cut windows in classification office doors to prevent blind spot areas. Ventress developed a PREA SOP. Ventress CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident. Ventress CF began conducting unannounced rounds.

William E. Donaldson Correctional Facility

William E. Donaldson CF began incorporating PREA information into the newsletters for staff and inmates. W. E. Donaldson CF began conducting unannounced rounds of the facility. W.E. Donaldson CF began providing I&I envelopes to inmates during intake orientation for one method to confidentially report a PREA incident.

The 2014 Annual Report has been approved by:



Jefferson S. Dunn, Commissioner

Date: 7 June 2014