

# Minnehaha County Jail 2018 Annual Prison Rape Elimination Act Report



In September of 2003, President Bush signed the Prison Rape Elimination Act. In August 2012, the PREA standards promulgated by the United States Department of Justice went into effect. Since then, staff throughout the Sheriff's Office has taken action to prevent, detect, reduce and respond to sexual abuse and sexual harassment in confinement facilities, including community confinement facilities and privately operated facilities that hold contracts with Minnehaha County. The Minnehaha County Jail is pleased to publish its 2015 Annual Report. This report reflects a tremendous amount of change in 2015 as the Minnehaha County Jail continued to move forward in complying with the national standards promulgated under the Prison Rape Elimination Act (PREA). The Minnehaha County Jail is committed to keeping those in our custody safe and free from harm and has zero tolerance for sexual assault and harassment of offenders under the jurisdiction of the department.

### **Staffing**

Protecting inmates from sexual assault and harassment and compliance with PREA standards is a top priority and all staff. The Warden has assigned a senior staff person the responsibility for overseeing the agency's PREA activities. PREA Coordinators have been appointed to lead the efforts in achieving compliance with PREA standards. One PREA Compliance Manager has also been appointed to drive compliance within the facility.

In 2014, these staff, and others, worked to develop new and revise existing policies and facility operational memorandums to support compliance with PREA standards and protect inmates from sexual assault and harassment.

### **Training**

Continuous throughout 2018, Staff participated in PREA policy updating and implementation.

### **The following definitions apply to the adult data:**

**Sexual Contact includes:** Physical contact for the purpose of sexual gratification of one or more of the parties involved.

#### **Inmate Sexual abuse:**

- (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, 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:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. 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.

**Staff Sexual Abuse:** *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. 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.

### Minnehaha County Jail (MCJ) 2018

	Inmate Sexual Abuse	Inmate Sexual Abuse Touching	Inmate Sexual Harassment	Staff Sexual Abuse /Touching	Staff Sexual Harassment	Total
Substantiated	0	1	1	1	0	3
Unsubstantiated	1	1	3	0	0	5
Unfounded	7	8	4	2	7	28
<b>TOTAL</b>	<b>8</b>	<b>10</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>36</b>

**Medical Office = 1**

**Dorms = 10**

**County Corrections Center = 3**

**1<sup>st</sup> floor = 8**

**3<sup>rd</sup> floor = 11**

**Intake = 3**

## **Aggregated Data Review**

### **Report Numbers**

We have seen a significant up trend in reporting by 30 due to our training of officers and the education of the inmates. We have continued to educate both the inmates and our staff since the 2016 PREA Audit. This shows that inmates feel like they can report an incident to jail staff and it will be investigated.

### **Corrective Action**

The Minnehaha County Jail will continue to focus on staff training and education of the inmates.

### **Contract Staff Sexual Abuse**

We had a sexual abuse incident (Touching) that had taken place in one of the medical office that was used by the jail dentist. This office had no cameras at the time and he would only see a few inmates every so often to address inmate dental concerns.

### **Corrective Action**

After this incident was brought to light and full investigation was conducted and the jail dentist was charged in court for the crime. This incident brought to light that we needed to install a camera in the room that was to only be used by the jail dentist for future use. The officer assigned to bring the inmates to sick call will also be required to make walks to the back of the medical office and do visual checks every so often in every room. As always we will continue to train contact staff and volunteers and make sure they are educated on PREA.

### **Dormitory Housing**

Dormitory housing is were 40% of the reported cases came from. We believe this is due to the large number of inmates in that area with only one officer. The inmates feel as if they have more freedom to do things in the dormitory type housing than they would in a direct supervision block.

### **Corrective Action**

We will continue to have our officer in the blocks more often interacting with the inmate population. We also need to continue to educate the inmates and staff on their responsibility's to stop PREA. We

believe the cameras that we have in the dormitory setting are within standard and do not need to be updated at this time.

### **2019 Prospectus**

The Minnehaha County Jail will continue its pursuit of compliance with the PREA standards and protecting inmates from sexual assault and harassments. Policies and procedures will be review for updates and enhancements along with continued staff training and education for inmates.