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## PREA Annual Report - 2019

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### **Prison Rape Elimination Act (PREA)**

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to "provide for the analysis of the 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." (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

### **Alabama Department of Youth Services PREA Policy**

In compliance with Sections 115.311 and 115.322 of the Prison Rape Elimination Act (PREA) Standards, the Alabama Department of Youth Services (ADYS) has established a zero tolerance for incidents of juvenile sexual assault, rape or sexual harassment in any ADYS facility. The ADYS has implemented policies and procedures to ensure that the PREA Standards are upheld in all ADYS and private contract service provider facilities. All allegations of sexual assault/harassment are referred for investigations.

DYS reviews data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including. DYS conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Corrective action is taken on an on an ongoing basis.

#### **Corrective Actions**

- One-on-One Supervision
- Programming Adjustments
- School Schedule Adjustments
- Staff Refresher Training
- Youth Refresher Education

### **Department of Justice Survey of Sexual Victimization, State Juvenile Systems Summary Form (SSV-5) Reports**

#### **2018 Report of Substantiated Allegations of Abuse**

Youth-on-Youth Sexual Victimization			
Nonconsensual Sexual Acts	0		
Abusive Sexual Contact	0		
Sexual Harassment	0		
Staff-on-Youth Sexual Abuse			
Staff Sexual Misconduct	0		
Staff Sexual Harassment	0		

#### **2017 Report of Substantiated Allegations of Abuse**

Youth-on-Youth Sexual Victimization			
Nonconsensual Sexual Acts	0		
Abusive Sexual Contact	0		
Sexual Harassment	0		
Staff-on-Youth Sexual Abuse			
Staff Sexual Misconduct	0		
Staff Sexual Harassment	0		

## Definitions

### Youth-on-Youth Sexual Victimization

The survey utilizes the definition of "sexual abuse" as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of youth-on-youth sexual victimization. These categories are:

#### Nonconsensual Sexual Acts (more severe)

Sexual Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

and

- Sexual Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

or

- Contact between the mouth and the penis, vulva, or anus;

or

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.

#### Abusive Sexual Contact (less severe)

Sexual Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

and

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Exclude incidents in which the contact was incidental to a physical altercation.

#### Sexual Harassment

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

#### Staff-on-Youth Sexual Abuse

The survey utilizes the definition of "sexual abuse" by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

#### Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward youth by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.)

Sexual relationships of a romantic nature between staff and youth are included in this definition. Consensual or nonconsensual sexual acts include--

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
- or
- Completed, attempted, threatened, or requested sexual acts;
- or
- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

#### Staff Sexual Harassment

Repeated verbal statements, comments or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Includes--

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;
- or
- Repeated profane or obscene language or gestures.

## **PREA Certification & Standards Assurance for Audit Cycle 3**

### **Audit Year One**

#### **Facilities Audited (August 20, 2019 – August 19, 2020)**

##### Alabama Department of Youth Services Facility

Autauga Campus - Audited November 14, 2019 (pending final determination)

##### Private Providers Contracting with DYS

- Working on Womanhood Facility - Scheduled for 2020/PREA Compliant August 17, 2017
- Sequel Madison – Closed/PREA Compliant July 10, 2017
- Sequel Owens Crossroads, Directions - Scheduled for 2020/PREA Compliant July 10, 2017
- The Bridge, Mitchell and Kennington- Scheduled for 2020/PREA Compliant May 15, 2017
- Teen University - Scheduled for 2020/PREA Compliant June 22, 2017
- King's Home - Scheduled for 2020/PREA Compliant June 22, 2017
- Lee County Youth Development Center - Scheduled for 2020/PREA Compliant August 9, 2017
- Troy Group Home - Closed/PREA Compliant August 18, 2017
- Big Brother's Home Away From Home - Scheduled for 2020/PREA Compliant July 17, 2017
- Laurel Oaks - Scheduled for 2020/PREA Compliant July 17, 2017



## **Schedules for Years Two and Three of the Third Audit Cycle**

### **Audit Year Two**

#### **Facilities Audited (August 20, 2020 – August 19, 2021)**

Alabama Department of Youth Services Facility

Vacca Campus – TBA/PREA Compliant February 17, 2018

Private Providers Contracting with DYS

- J. Walter Wood Treatment Facility (Rite of Passage) – TBA/PREA Compliant November 8, 2018
- Sequel Tuskegee – TBA/PREA Compliant July 27, 2018

### **Audit Year Three**

#### **Facilities Audited (August 20, 2021 – August 19, 2022)**

Alabama Department of Youth Services Facility

Mt. Meigs Campus – TBA/PREA Compliant March 10, 2019

  
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Steven P. Lafreniere, Executive Director

12-18-19  
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Date

  
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Bobby Latham, Agency PREA Coordinator

12-18-19  
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Date