

Minnehaha County Jail 2017 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 2017, 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) 2017

	Inmate Sexual Abuse	Inmate Sexual Abuse Touching	Inmate Sexual Harassment	Staff Sexual Abuse /Touching	Staff Sexual Harassment	Total
Substantiated	1	0	0	0	0	1
Unsubstantiated	0	0	1	0	0	1
Unfounded	2	0	2	0	0	4
TOTAL	3	0	3	0	0	6

Aggregated Data Review

An adult facility review of aggregate and incident specific data for 2017 was conducted by the Facility administrators, senior staff and the PREA Compliance Manager.

Corrective Action

The Minnehaha County Jail will continue to focus on staff training and awareness programs - emphasizing programs for contract staff.

2018 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.