

Prison Rape Elimination Act 2016 Annual Report

Montana Department of Corrections
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Approved by:

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Our Mission

Together we enhance public safety, support victims of crime, promote positive change in offender behavior, and reintegrate offenders into the community.

Purpose

The Prison Rape Elimination Act (PREA) requires that each facility collect and review data “...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training” (Standard 115.88 a).

This overview is intended to:

- Identify problem areas and corrective action taken on an ongoing basis for each facility and the agency as a whole;
- Preserve current year’s data and corrective actions for comparison with future years; and
- Assess the agency’s progress in addressing sexual abuse (Standard 115.88 a and b).

This report provides information for calendar year 2016.

Background

PREA was signed into federal law in September 2003 following 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). PREA seeks to establish a zero-tolerance policy regarding rape and sexual abuse in federal, state, county, and city correctional systems, including prisons, jails, police lock-ups, and other confinement facilities for adults and juveniles. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection, and response strategies in addressing sexual abuse and assault.

The final rules/standards were published in the federal register on June 20, 2012, and became effective on August 20, 2012. Standards require annual audits of one-third of the facilities under the agency’s jurisdiction, along with Governor Certification of statewide compliance in all facilities under the operational control of the state’s executive branch, including private facilities operated on behalf of the executive branch to house offenders. Failure to comply with standards will result in a loss of 5 percent of identified federal grant funding.

Agency Achievements in 2016

2016 DOC PREA Progress:

2016 is the third and final year in the first audit cycle for completion of PREA audits. As such, the emphasis in 2016 was to successfully complete audits of all facilities under executive control. This includes the Montana State Prison, the Montana Women's Prison, the Treasure State Correctional Training Center, Pine Hills Youth Correctional Facility, Riverside Youth Correctional Facility, and the Youth Transition Center.

Priorities for 2016:

1. Schedule audits for adult facilities with the Western States Audit Consortium.
2. Contract with a certified auditor to conduct audits of the youth facilities.
3. Complete a pre-audit or assessment of all DOC facilities.
4. Achieve auditor certification for additional DOC staff.
5. Secure funding for PREA audits.

Achievements:

1. Montana Women's Prison hosted our first audit in March 2016.
2. Montana State Prison and the Treasure State Correctional Training Center were audited in May 2016.
3. Pine Hills Youth Correctional Facility, Riverside Youth Correctional Facility and the Youth Transition Center were audited in June 2016.
4. Michele Morgenroth, the DOC Policy Manager, attended PREA auditor training in May 2016. Morgenroth is certified as both an adult and juvenile auditor.
5. In the 2014 PREA grant, \$90,000 was budgeted each year of the biennium for audits.

FACILITIES

Montana State Prison

Montana State Prison (MSP) in Deer Lodge, MT, is the largest correctional facility in the state, housing nearly 1,500 male inmates in a 68-acre compound designed to handle all custody levels: maximum, close, medium and minimum. Montana State Prison and its staff of about 640 uniformed and non-uniformed employees serve the citizens of Montana by providing a secure correctional environment that supports public safety by encouraging positive offender change.

The prison is divided into three compounds: low side, high side, and locked housing. Within those custody levels are different types of supervision. Inmates range from general and special management populations to inmates housed for pre-hearing confinement, detention, or those in locked housing due to ongoing or serious behavior management problems.

Montana State Prison uses a unit management structure that is ultimately managed by a warden, four associate wardens and three bureau chiefs. Outside the fenced perimeter is a 192-bed Work and Reentry Center, which houses minimum-custody inmates who work on the 35,000-acre ranch and dairy program operated by Montana Correctional Enterprises (MCE).

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	1	5	0	9	15
2015	2	0	5	1	9	14
2016	2	0	4	2	7	13

Corrective Actions/Progress in Addressing Sexual Abuse:

Montana State Prison was audited in May 2016. The initial report identified nine areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in October 2016 showing compliance with all standards.

Lewistown Infirmery

The Lewistown Infirmery is a 25-bed unit for aging inmates and inmates who require extensive health care. The inmates in this facility have ranged in age from 45 to 87 years.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	0	0	0	0	0
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0

Montana Women’s Prison

Montana Women’s Prison (MWP) transferred to Billings in 1994 from Warm Springs, MT. It is a 194-bed secure facility that operates consistently at or over capacity, with approximately 200 female felony inmates. Montana Women's Prison has a staff of about 92, including 20 contract personnel. The main prison building has an intake area and eight housing units that have varying levels of security for different classifications of inmates. Another building within the secure, fenced perimeter is used for programming and work activities. Five low-security units at MWP house minimum- and medium-custody prisoners. The units have capacities ranging from 24 to 40 inmates. Prisoners needing a higher level of custody are held in another unit. The prison also has two locked units, where inmates have fewer privileges and are generally confined to their cells because of disciplinary or behavioral problems. The locked units can each house up to 11 inmates.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	3	0	0	1	6	5
2015	8	2	23	19	13	48
2016	4	1	1	1	15	18

Corrective Actions/Progress in Addressing Sexual Abuse:

Montana Women’s Prison was audited in March 2016. The initial report identified nine areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in August 2016 showing compliance with all standards.

Treasure State Correctional Training Center

Treasure State Correctional Training Center (TSCTC) in Deer Lodge, MT, is a holistic environment geared toward positive change, self-respect, discipline, accountability and responsibility. It is a correctional re-entry program that emphasizes restorative justice and cognitive programming through a structured and disciplinary environment that emphasizes responsibility and accountability.

TSCTC’s goal is to change the criminal thinking patterns of men and women in order for them to become safe, contributing members of society. During their participation in this program, trainees are confronted when their behavior and attitudes are not in line with the program’s overall goals. Staff members who guide the trainees are expected to be demanding, not demeaning. Trainees are expected to perform duties and physical exercise they never thought possible. They can build self-respect and integrity. A trainee who pays attention, internalizes the program, and makes a commitment to change can graduate and become a solid and productive citizen.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	0	1	0	0	0
2015	0	0	0	0	0	0
2016	0	0	0	0	1	1

Corrective Actions/Progress in Addressing Sexual Abuse:

Treasure State Correctional Training Center was audited in May 2016. The initial report identified nine areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in October 2016 showing compliance with all standards.

Riverside Youth Correctional Facility

The Riverside Youth Correctional Facility (RYCF) is the State of Montana’s secure correctional facility for adjudicated delinquent females between the ages of 10 and 18. The facility is located in Boulder, MT. The program, with 20 beds, provides care, supervision and treatment to youth in a manner that recognizes the unique needs of females. The program operates under the Relationship Based theory, recognizing the ongoing research that supports this approach as being the most effective when working with females. Using research-based cognitive restructuring curriculum and reality-based counseling techniques, the program places a strong emphasis on youth accepting responsibility for their actions, regaining trust, and developing individual competencies, including long-term educational goals, which will help them choose to make pro-social choices in the future. The program also recognizes that females in the correctional system often deal with trauma from prior sexual/physical abuse and incorporates trauma recognition/recovery as a topic in various groups. The youth are challenged to fully realize and utilize their talents, knowledge, abilities and skills in the facility and upon release to meet their work, education and personal goals.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	0	1	0	0	0
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0

Corrective Actions/Progress in Addressing Sexual Abuse:

Riverside Youth Correctional Facility was audited in June 2016. The initial report identified 12 areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in December 2016 showing compliance with all standards.

Pine Hills Youth Correctional Facility

Pine Hills Youth Correctional Facility (PHYCF) in Miles City, MT, is the only long-term state-operated facility for adjudicated delinquent male youth, ages 12 to 18, committed to the Department of Corrections by the District Youth Court. Pine Hills programming includes chemical dependency treatment, sex offender treatment, intake and reentry planning, education, restitution, and vocational training to meet the emotional, social and educational needs of youth.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	0	0	0	6	0
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0

Corrective Actions/Progress in Addressing Sexual Abuse:

Pine Hills Youth Correctional Facility was audited in June 2016. The initial report identified four areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in December 2016 showing compliance with all standards.

Youth Transition Center

The Youth Transition Center (YTC) is a 7-bed facility in Great Falls, MT, for delinquent male youth between the ages of 10 and 17. The youth in the program are low, medium, and high risk. Youth in the program are placed in education programming that meets each youth's individual needs, as well as counseling for mental health, chemical dependency, or sexual offenses. Youth are encouraged to seek employment in the community, allowing them to pay court ordered restitution or save money for their future.

Allegations of Inmate-Inmate Sexual Abuse and Staff-Inmate Sexual Abuse*

	Substantiated*		Unsubstantiated*		Unfounded*	
	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate	Inmate-Inmate	Staff-Inmate
2014	0	0	0	0	0	0
2015	0	0	0	0	0	0
2016	0	0	0	0	0	0

Corrective Actions/Progress in Addressing Sexual Abuse:

Youth Transition Center was audited in June 2016. The initial report identified 11 areas where the standards were not met. All areas were addressed in a corrective action phase and resolved. A final report was issued in December 2016 showing compliance with all standards.