

PRISON RAPE ELIMINATION ACT (PREA) FACILITIES 2023 ANNUAL REPORT

Minnesota Department of Corrections Vision, Mission Values and Goals:

Vision

Achieving justice through promotion of racial equity, restoration from harm, and community connectedness.

Mission

Transforming lives for a safer Minnesota.

Values

Safety • Dignity • Honesty • Service • Equity • Fairness • Respect

Leadership Philosophy

Create successful experiences for others.

Strategic Priorities

Agency Reorganization
Transformative Programming
Safety and Wellbeing

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Commissioner of Corrections

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Minnesota Department of Corrections
Prison Rape Elimination Act (PREA)
Facilities
2023 Annual Report

This material will be made available in an alternate format upon request.

Background

The Prison Rape Elimination Act of 2003 (PREA) was signed into federal law to require reporting of, and analysis related to, incidences and effects of custodial rape, sexual abuse, and sexual harassment in federal, state, or local institutions in order to inform prevention efforts. The federal standards also provide information, resources, recommendations, and funding to protect individuals from sexual violence and harassment while incarcerated. In 2012, the U.S. Department of Justice published standardized guidelines circulated by the U.S. Attorney General to govern the Prison Rape Elimination Act. This federal law and associated rules apply to all public and private institutions which house adult, youth, or juvenile incarcerated persons (incarcerated people).

This report is written and published in part to meet one of the standards to which correctional agencies are required to meet. Standard § 115.88 *Data review for corrective action* requires a report highlighting department wide allegations statistics, acknowledge audit findings and discuss challenges as well as accomplishments in PREA implementation the agency has experienced over the year. It is designed to educate the public and give decisionmakers, as the standard demands, information to “*identify problem areas, and to take ongoing corrective action to improve the prevention, detection and response policies and practices of the facility and agency.*”

This report outlines PREA data within the 11 facilities operated by the Minnesota Department of Corrections (DOC) for calendar year 2022.

§ 115.88 Data review for corrective action

PREA § 115.88 states that the purpose of the standard is:

“To ensure that required sexual abuse data is used to identify problem areas, and to take ongoing corrective action to improve the prevention, detection and response policies and practices of the facility and agency. To require the agency to prepare an annual report for each facility and for the agency as a whole on the prevalence of sexual abuse and to provide this report to the public through the agency website or other means thus ensuring transparency. Comparing the current year’s data with data from prior years and providing an assessment of the agency’s progress promotes agency accountability.”

This report is part of the DOC’s obligation to meet this standard as well as providing information to leadership and the public.

The § 115.88 standards as they apply to prisons and jails are:

- a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - 1. Identifying problem areas;
 - 2. Taking corrective action on an ongoing basis; and
 - 3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

- b) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- c) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.

The DOC is committed to look at both its' successes and its failures in order to learn, grow and improve safety of those who were entrusted to our care.

§ 115.87 Data Collection

PREA § 115.87 states that the purpose of the standard is:

"To ensure that agencies collect uniform data on how many allegations of sexual abuse are made at its facilities, the type of sexual abuse alleged, and how the allegations were resolved. Collecting this data and comparing the data annually can reveal trends or changes in facility sexual safety. The standard envisions sharing of the data annually with the Department of Justice to increase the knowledge of the prevalence of sexual abuse in correctional facilities. Additionally, increasing the available data and information on the incidence of sexual abuse consequently improves the agency and facility management."

To meet these responsibilities the DOC strives to conduct this data collection by using the methods as directed by the standard and within its current capability.

The § 115.87 standards are:

- a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d) The agency shall maintain, review, and collect data as needed from all available incident- based documents, including reports, investigation files, and sexual abuse incident reviews.
- e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Use and Meaning of Specific Terms

The Minnesota Department of Corrections (DOC) has adopted person-centered language to align with its person-centered approach to working with incarcerated people, rather than calling them offenders and labeling them for an act, deed, or criminal status. Through this report, the term *Incarcerated Person* is used and sometimes abbreviated to “IP” to shorten figure titles, which reference persons serving a sentence under the authority of the Minnesota Commissioner of Corrections and has no meaning in conflict with the federal definition. Used on its own, the term IP refers only to adults.

In terms of this report, any persons under the jurisdiction of the state juvenile system or youthful authority, regardless of age or reason for placement will be referred to as “*Youth*” (Y).

As examples of this usage, a violation for adults could be reported as “Incarcerated Person-on-Incarcerated Person Abusive Sexual Contacts” or be shortened to “IP-on-IP Abuse”. In the context of a violation between two juveniles, a violation could be documented as “Youth-on-Youth Abusive Sexual Contacts”, or “Y-on-Y Abuse”. The terms and usages in this report do not match but reflect existing federal definitions as merged with DOC language. This hybrid usage should not be taken as matching either the State of Minnesota’s statutory or DOC policy definitions of the incarcerated population.

Zero-Tolerance

The Minnesota DOC maintains a policy regarding sexual abuse, assault, misconduct, or harassment between individuals incarcerated in our facilities. Sexual activity between staff, volunteers, or contract personnel and incarcerated persons is also prohibited and subject to administrative and criminal sanctions.

All employees, contractors, and volunteers are expected to have a clear understanding that the department prohibits active and ongoing sexual relationships with an individual under the department's supervision and considers such a relationship a breach of the employee code of conduct. Mandatory staff training and education to the incarcerated population are both provided to communicate this expectation.

The DOC has a statewide PREA coordinator responsible for the development, implementation, and oversight of the agency's efforts to implement these standards. The department also has PREA compliance managers at each facility for individual oversight.

All sexual abuse and sexual harassment allegations are investigated. In 2022, each investigation was documented via an incident report and entered into the ImageTrend database. The originating facility was required to complete an investigation for each allegation and retain all investigation documents at the local level. The statewide coordinator tracked the progress of the investigations through contact with the facility's compliance manager. The compliance managers then moved along the investigations through harassment investigators who have had specialized training for these sensitive cases. Allegations of possible criminal acts were reviewed and investigated by the DOC's Office of Special Investigations (OSI) Special Investigators depending on the nature of the alleged incident.

When an incarcerated individual reports current or former sexual violence, they are offered an opportunity to meet with an advocate. Anyone requesting PREA advocacy services is referred to the DOC's Victim Services and Restorative Justice (VSRJ) Unit. Advocate staff then make a connection between the incarcerated individual and community-based sexual violence advocacy services. VSRJ also provides support to those community-based sexual violence advocacy services.

When an act violated Minnesota Criminal Statute, the investigation is then presented to the county attorney for prosecution through OSI special investigators. Upon completion of each investigation, appropriate disciplinary action may be taken. Unfounded investigations could carry administrative sanctions for the incarcerated person if the investigation revealed someone knowingly falsified a written or oral statement with the intent to mislead, misrepresent a fact, or if it was made with malicious intent.

Scope of Report

This report summarizes all 2022 sexual harassment and abuse allegations generated from the facilities. The Minnesota DOC compiles and investigates sexually related allegations in four major categories including equivalents involving youth:

- 1] staff-to-incarcerated person abuse (S/IP Abuse);
- 2] staff-to-incarcerated person harassment (S/IP Harassment);
- 3] incarcerated person-to-incarcerated person abuse (IP/IP Abuse);
- 4] incarcerated person-to-incarcerated person harassment (IP/IP Harassment)

These investigations are documented in a specialized database and are classified using the verbiage and federal definitions found within the federal standards. Information in this report was gathered from investigations created during the calendar year and their documented outcomes.

Sexual Abuse and Harassment Definitions

Sexual abuse is categorized into different types of sexual violence.

Incarcerated Person-on-Incarcerated Person Non-Consensual Sexual Acts:

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

AND
- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;

OR
- Contact between the mouth and the penis, vagina, or anus;

OR
- Penetration of the anal or genital opening of another person by hand, finger, or other object.

Incarcerated Person-on-Incarcerated Person Abusive Sexual Contacts:

- 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;

AND

- Excludes incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit (such as may occur in a physical altercation).

Staff Sexual Misconduct:

Staff sexual misconduct includes behaviors or acts of a sexual nature directed toward an incarcerated person by an employee, volunteer, contractor, official visitor, or other agency representative, excluding an incarcerated person's family, friends, or visitors. Sexual relationships of a romantic nature between an incarcerated person and a staff are included in this definition.

Consensual or non-consensual sexual acts include:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks 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 sexual gratifications.

Incarcerated Person-on-Incarcerated Person 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 inmate, detainee, or resident directed toward another.

Staff-on-Incarcerated Person Sexual Harassment:

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.

Disposition Definitions

- A. Substantiated:** The event was investigated and determined to have occurred.
- B. Unsubstantiated:** Evidence was insufficient to make a final determination as to whether the event did or did not occur.
- C. Unfounded:** The event was determined not to have occurred.
- D. Investigation Ongoing:** A final determination has not yet been made whether the event occurred.

Total Allegations

During calendar year 2022, there were 630 PREA allegations documented (see *figure 1*). Of those, 611 allegations were documented as meeting the classification definitions within the standards.

Of those classified at the time of analysis:

- 22 remained ongoing investigations;
- 295 were unsubstantiated;
- 197 were unfounded;
- 97 were substantiated.

The remaining 18 investigations consist of 5 consensual sexual encounters, which though against DOC rules are not PREA violations, and 13 which were not given any category and cannot be fairly considered without more information.

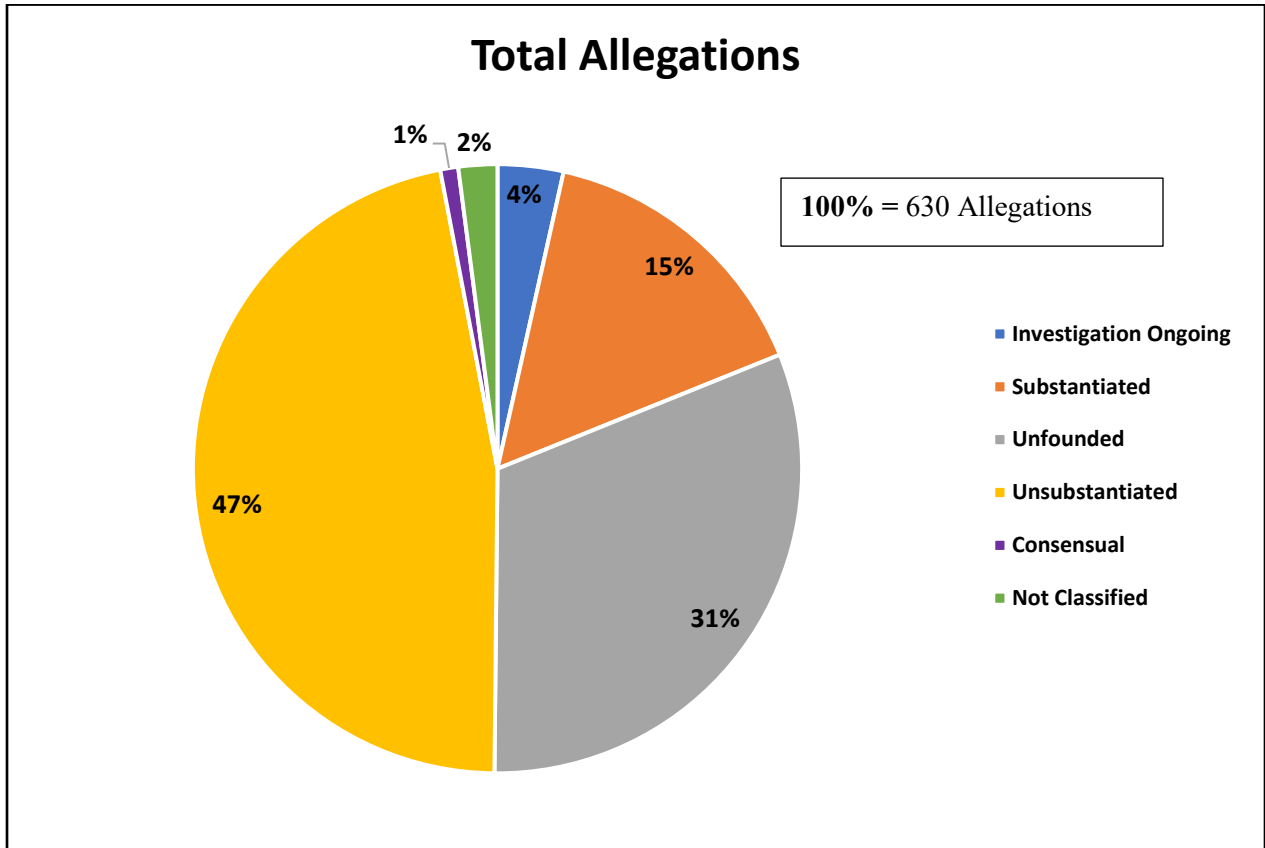


Figure 1

Allegations by Type

The 611 allegations meeting definitions documented in 2022 fall into several classifications, or types (see *figure 2*).

- 24 were categorized as incarcerated person-on-incarcerated person non-consensual sexual act;
- 175 were staff-on-incarcerated person sexual harassment;
- 83 were staff-on-incarcerated person misconduct (sexual abuse);
- 208 were incarcerated person-on-incarcerated person sexual harassment;
- 80 were incarcerated person-on-incarcerated person abusive sexual contacts;
- 6 were staff-on-youth misconduct (abusive sexual contact);
- 6 were staff-on-youth sexual harassment;
- 28 were youth-on-youth sexual harassment;
- 1 was youth-on-youth abusive sexual contact;

There were no reported youth-on-youth non-consensual sexual acts.

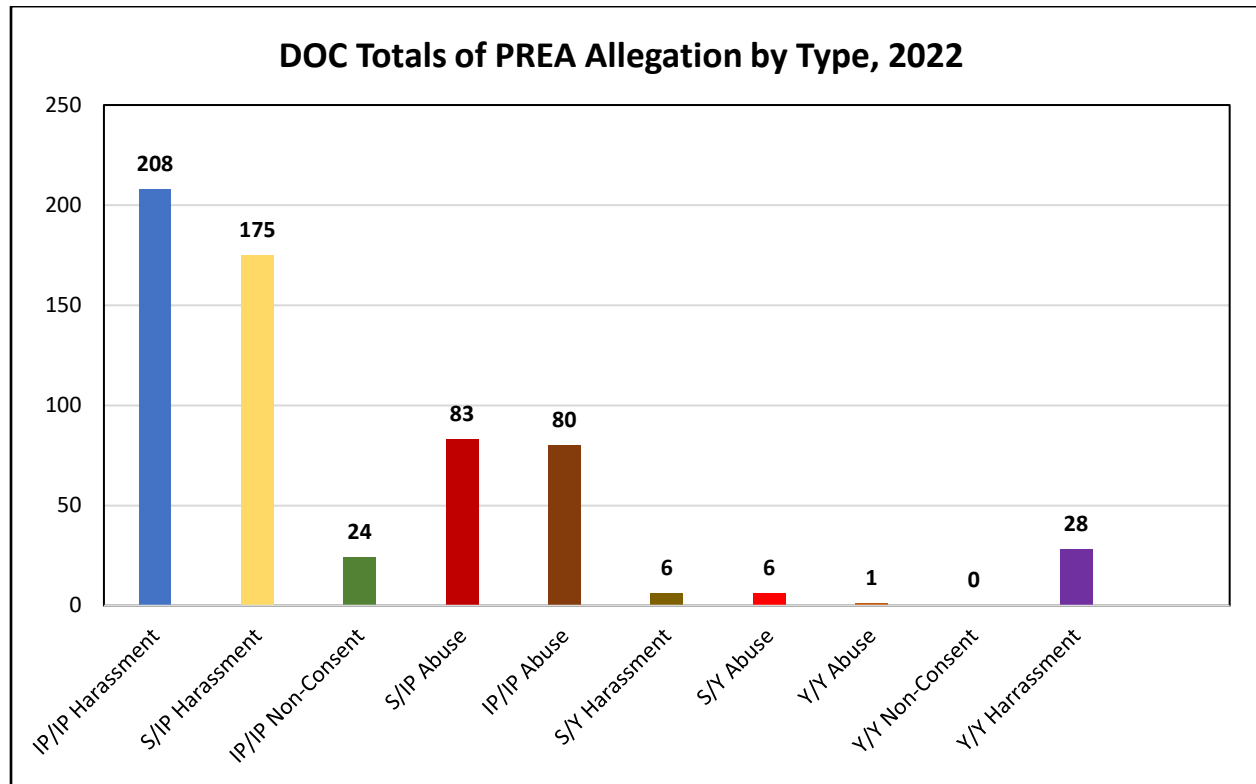


Figure 2

Allegations by Location

Within the 2022 calendar year, reporting at Minnesota DOC facilities was not evenly distributed across the agency (*see Figure 3*). This is an expected outcome due to the diversity of the 11 institutions overseen by the DOC. Each facility within the department houses different numbers of incarcerated people, each site having different physical characteristics, varying classifications, and different programming. Other factors such as age, gender, awareness of the PREA standards, or facility reporting culture may all affect both incidents occurring and the likelihood of allegations being reported.

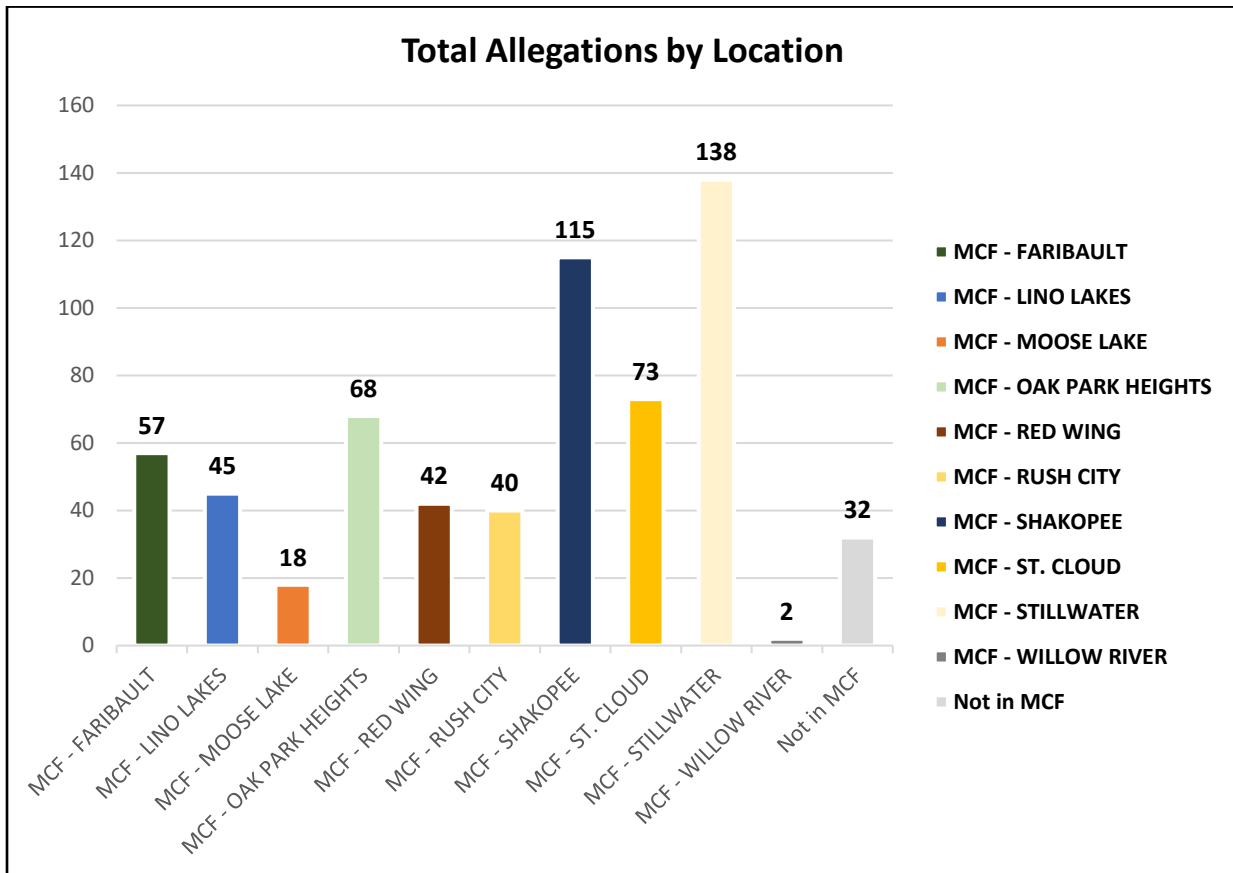


Figure 3: Note - MCF-TOGO had no reported allegations in the tracking period.

2022 Substantiated Allegations

Of the **611** allegation investigations reported at our DOC operated facilities in the calendar year, **97** were found to be substantiated (see Figure 4). Of the substantiated incidents:

- 18 were incarcerated person-on-incarcerated person abusive sexual contacts;
- 42 were incarcerated person-on-incarcerated person harassment;
- 12 were staff-on-incarcerated person sexual-harassment;
- 4 were staff-on-incarcerated person abuse (misconduct);
- 2 were staff-on-youth sexual harassment;
- 18 were youth-on-youth sexual harassment;
- 1 was incarcerated person-on-incarcerated person non-consent.

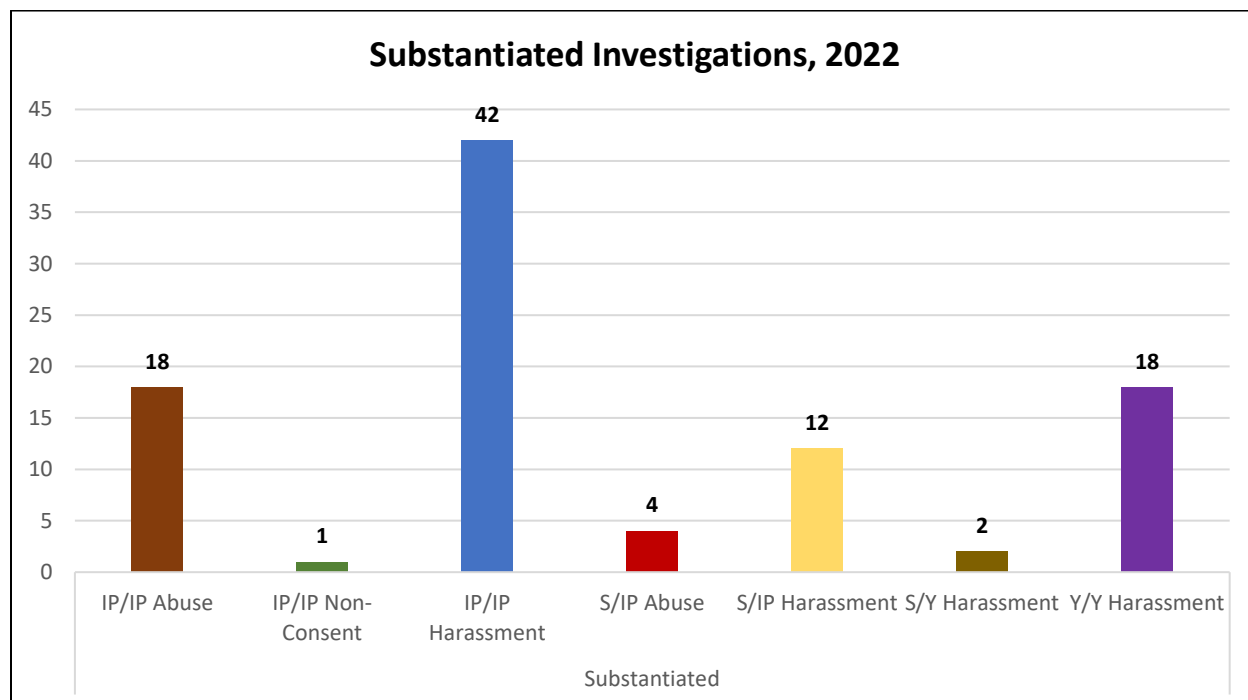


Figure 4: Note - MCF-TOGO had no reported allegations in the tracking period.

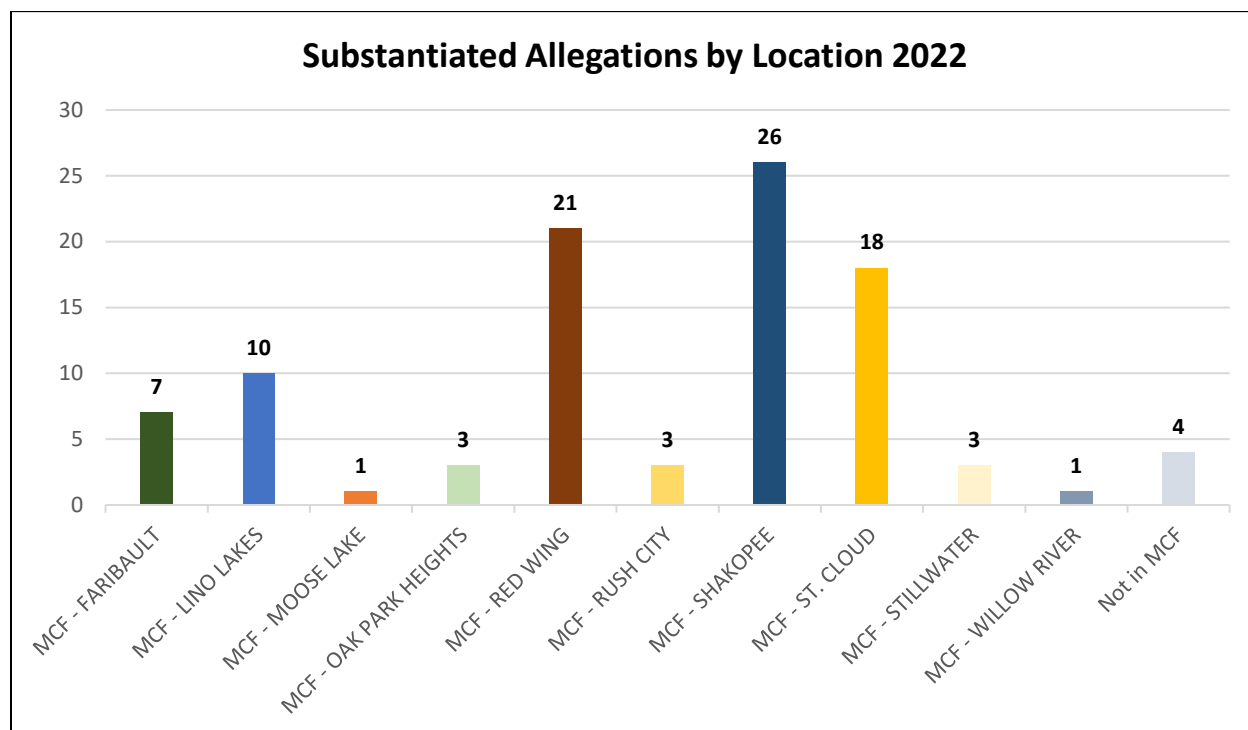


Figure 5: Note - MCF-TOGO had no reported allegations in the tracking period.

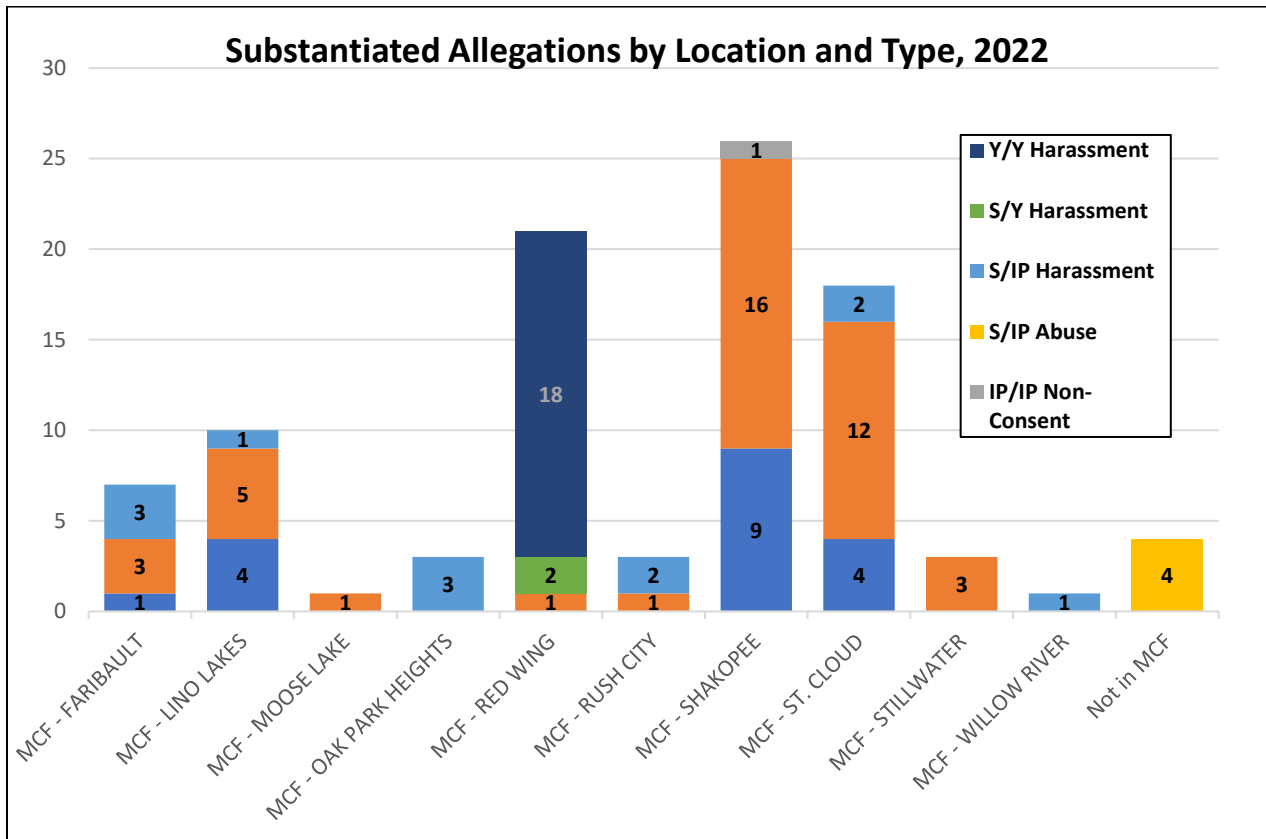


Figure 6: Note - MCF-TOGO had no reported allegations in the tracking period.

Substantiated Incident Outcomes

Staff-on-Incarcerated Person Abuse Incidents

In 2022, there were four substantiated investigations of Staff-on-Incarcerated Person Abuse (misconduct) documented. It is required that these allegation types lead to both administrative and criminal investigations. This is because criminal investigations and administrative investigations review different aspects of the alleged sexual abuse (suspected criminal activity and suspected agency policy violations, respectively). Criminal investigations must be completed any time criminal activity regarding sexual abuse or harassment allegations have been suspected of taking place. All criminal investigations should be forwarded to the appropriate county attorney for review and/or prosecution. In the case of these investigations, one was referred to prosecution and the others were not. No substantiated investigations resulted in staff convictions. The staff are no longer employed by the department at the time of proper documentation.

Unusually, as of the time of collection one Staff-on-Incarcerated Person Abuse incident which is still an Ongoing Investigation resulted in criminal conviction of the involved (previously) terminated staff. This instance does not yet fall into the substantiated category and does not change totals.

Staff-on-Incarcerated Person Sexual Harassment

Twelve substantiated Staff-on-Incarcerated Person Sexual Harassment investigations were documented in 2022 involving eleven perpetrators. All investigations included administrative investigations. Eight of the staff are no longer employees of the department. There is no documented sanction for the remaining three. The dissimilarity in outcome is due to sexually harassing activity consisting of a wide degree of behaviors which must be dealt with differently.

Staff-on-Youth Sexual Harassment

Two allegations of Staff-on-Youth Sexual Harassment were substantiated in 2022. Both were administratively investigated. One perpetrator is no longer employed with the department. No sanction was noted in the documentation for the other instance.

Staff-on-Youth Sexual Abuse

No allegation of Staff-on-Youth Sexual Abuse was substantiated in 2022.

Incarcerated Person-on-Incarcerated Person Sexual Abuse

Eighteen investigations of Incarcerated Person-on-Incarcerated Person Sexual Abuse were substantiated in 2022. All had criminal and administrative investigations conducted. Six were referred to prosecution. Two resulted in internal discipline and restrictive housing, one investigation resulted in a unit transfer. Fourteen investigations resulted in the incarcerated person being placed in restrictive housing, three resulted in internal discipline, and one resulted in referral to prosecution. None resulted in criminal sanctions.

Youth-on-Youth Abuse Incident

No allegation of Youth-on-Youth Sexual Abuse was substantiated in 2022.

Incarcerated Person on-Incarcerated Person Non-Consensual Sex Act

There was one substantiated investigation of Incarcerated Person-on-Incarcerated Person Non-Consensual Sex Acts in 2022. Both administrative and criminal investigations were completed. The perpetrator was not criminally charged but received restrictive housing and extended incarceration penalties.

Incarcerated Person-on-Incarcerated Person Sexual Harassment

In 2022, there were 42 substantiated investigations of incarcerated person-on- incarcerated person sexual harassment involving 35 perpetrators and 41 victims. All instances led to administrative investigations being conducted. Thirty-five of these investigations resulted in documented administrative remedies including internal discipline, removal from the victim, termination from work assignments, and restrictive housing.

Youth-on-Youth Sexual Harassment

In 2022, there were 18 substantiated investigations into Youth-on-Sexual Harassment. All instances led to administrative investigations being conducted. Twenty-one perpetrators were identified, eight of which were subject to restrictive housing.

Aggregated Reporting Data: 2012-2022

Statewide total allegations of all sexual abuse and harassment combined regardless of outcome over a multi-year period of time.

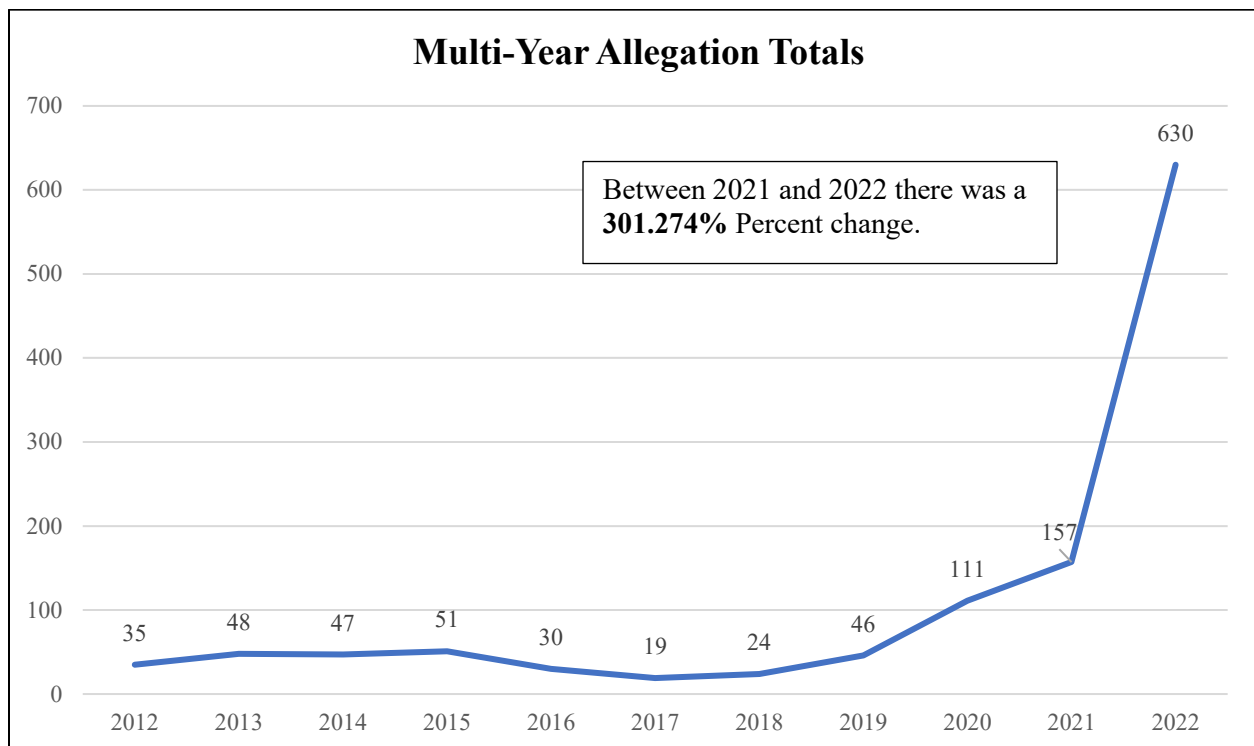


Figure 7

Non-Consensual Sexual Acts (youth/ juvenile data included)

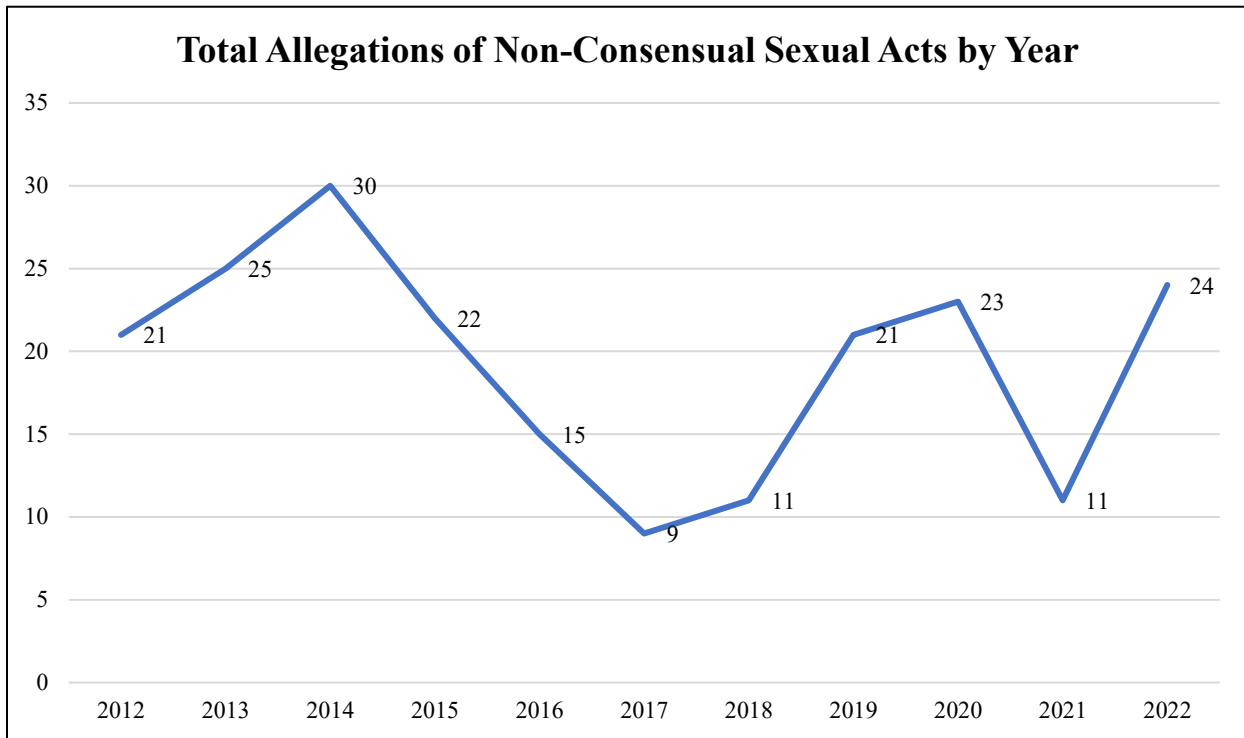


Figure 8

IP-on-IP Abusive Sexual Contact (youth/juvenile data included)

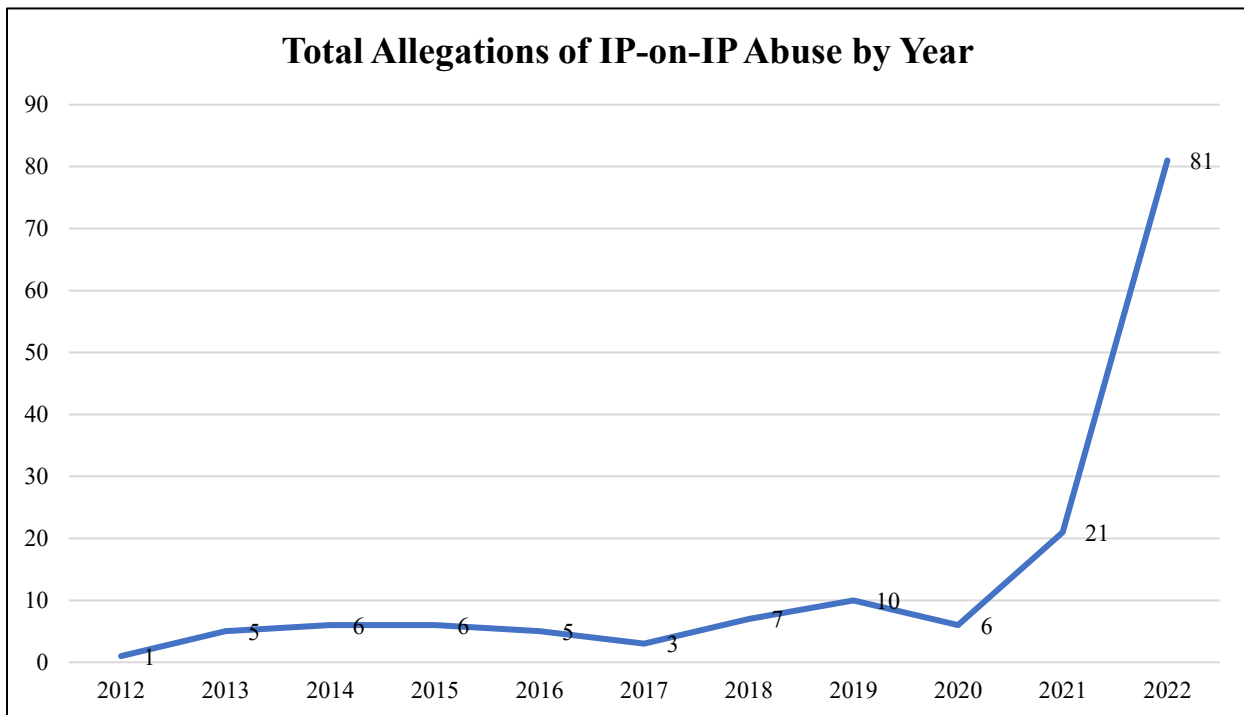


Figure 9

Sexual Misconduct by Staff-on-IP (youth/juvenile data included)

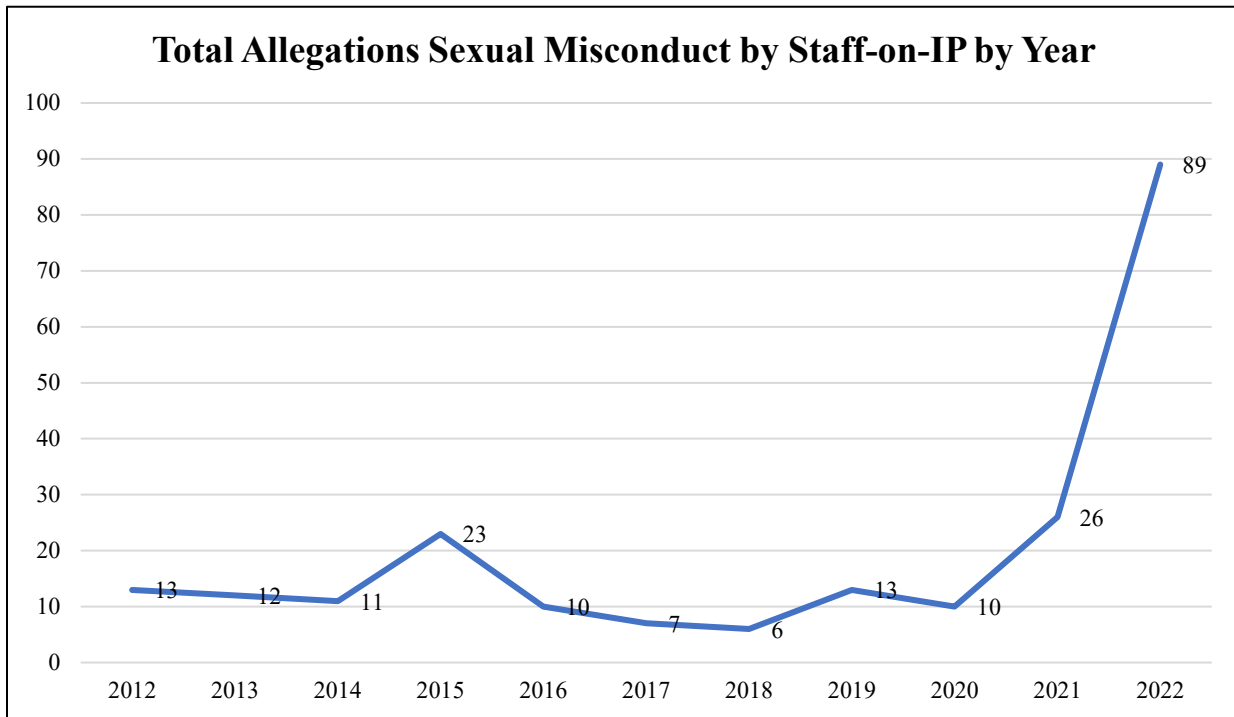


Figure 10

During calendar year 2022, there were 630 PREA allegations documented, up from 157 the previous year. As can be observed in *Figure 7*, this represents a sharp increase and is a one-year percent change of 301%. Further, this is part of 1,700% percent change which occurred between 2012 and 2022. This increase dwarfs the previous tracked increases and by implication, reinforces the need to focus on allegations as an important issue.

As can be observed in *Figure 8*, reports of *Non-Consensual Sexual Act* allegations have been on a long-term downward trajectory despite yearly rises and drops. In 2022, allegations rose from 11 instances in 2021 to 24 allegations. This rise is in line with a short-range rising trend that has asserted itself since 2017. This increase has been significant enough that it may reverse the long-term trend in the near future.

In *Figure 9*, allegations of *IP-on IP Abuse* can be observed to be on an upward trend since 2012. Allegations rose from 21 allegations in 2020 to 81 in 2022. This is a sharp increase and the highest number of allegations since these classifications have been tracked.

Similarly in *Figure 10*, the allegations of *Sexual Misconduct by Staff-on-IP* also rose sharply to a record high from 26 reports in 2021 to a tracked high of 89 in 2022.

It is interesting to observe in *Figure 9* and *Figure 10* that since 2019, reports of abuse by both staff and incarcerated people have followed the same pattern annually.

Sexual Safety Allegations- Community and Field Services (Not in MCF)

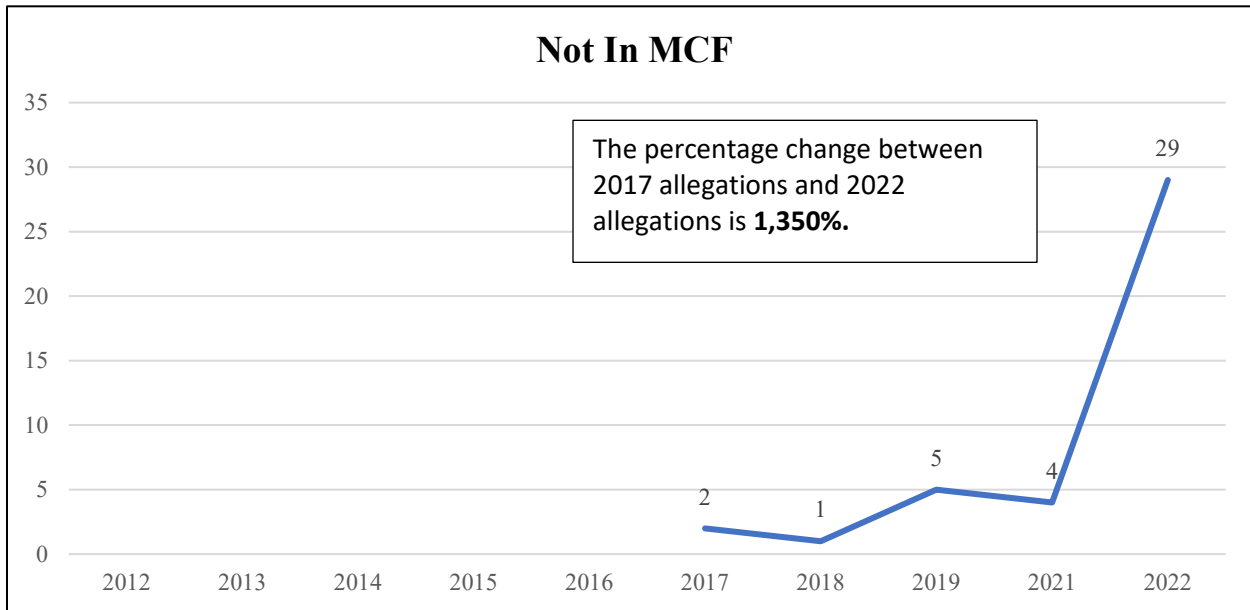


Figure 11

Prior to 2017, allegations which did not originate inside a Minnesota state prison were not tracked. As can be observed in *Figure 11*, allegations which have been reported to the DOC that originate outside the departmentally owned and operated Minnesota Correctional Facilities (MCF) has greatly increased since 2017 amounting to 1,350 percent by 2022. This increase reflects only the allegations which have come to the department's attention and been properly documented.

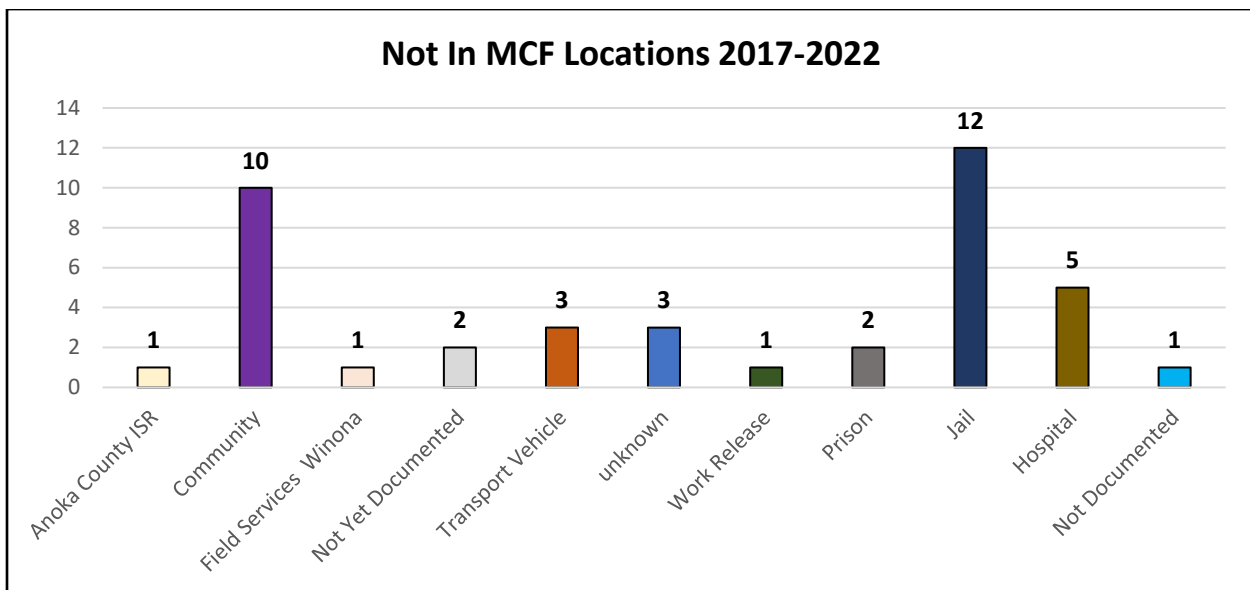


Figure 12

The largest number of allegations in *Figure 12* are reports of sexual offenses in jails. The second largest were in the “community.” These allegations may or may not involve incidents in a facility and are most often reported during the screening process of an incarcerated person on admission to the DOC. Other locations mentioned in allegations include Hospitals, Prisons, Probation and Transportation.

More information on Community and Field Services allegations can be found in the *Overall Data Totals* section. The information in the *Aggregated Reporting Data; 2012-2022* section is set out merely to reflect numbers as reported over time and not attribute any causation. In any year, a number of factors not examined may influence sexual safety, reporting activities etc. When looking at the numbers reported in the three-year period from 2020 through the end of 2022, the stresses of that time should be acknowledged as a societal disrupter which had a broad impact inside DOC facilities as well as in the broader world. When observing the multi-year aggregated reporting, there appears to be a significant increase in documented investigations during the heart of the pandemic. It would be speculative however to make claims that COVID-19 was causative or had consequences on either actual incidents occurring, or on allegations being reported. The DOC has no corroborating information at this time which has been compiled or examined to indicate if or how these circumstances may have influenced data.

Overall Data Totals

The information included in this report is based on the investigation creation date occurring between the 1st of January and the 31st of December 2022, and is the most accurate available at the time of collation. The data in this report has moved from a reliance on the yearly Sexual Survey of Victimization [SSV] and shifted to investigations documented in the DOC database. This is due to investigations being pulled from the sexual offense investigation database, analyzed, and corrected. This includes reclassification of some investigations to better match the definitions in the standards. When studying this report in comparison to other methods of reporting, it is important to take into consideration that the SSV and the audits the DOC participates in does not follow a calendar year and fall under their own timeframes. For instance, when PREA audits occur, auditors review data from previous months and years. This, along with other factors such as consistency of facility-level knowledge of definitions and methods, has led to some discrepancy between the historic facility report numbers and the annual department totals reflected in this report. By focusing on creation dates, the information reflects the work being done within the department during the year. This also is an attempt to make allowances for the lack of accuracy that often surrounds the actual dates of occurrence for incidents and the significant delays that can exist in victim reporting.

Community and Field Services (Not in MCF)

A large part of the DOC is adult felony probation and supervised release as well as supervision of juvenile and other services in many counties. Another responsibility is the licensing and in some cases funding of jails, community correctional facilities, halfway houses, or other non-federal places of detention within the state. Allegations of violations of the federal standards occasionally come to the attention of the Statewide Coordinator from these areas of responsibility. However, the focus of PREA enforcement and the volume of allegations come from those directly incarcerated in facilities operated by the department. This, along with a lack of personnel and widely known reporting methods, has led to these allegations rarely coming to the attention of those responsible. Over time this has led to a backlog of allegations. As the state authority the DOC has interest and responsibility in sexual safety throughout Minnesota. Recognizing this, efforts have been made to establish organization and methods to assure that the department is aware of, documenting and informing local authorities of PREA allegations in the areas of their responsibility. Occasionally this includes direct communication of victims or the use of investigative resources to assure that department responsibilities are met. To better meet these challenges, work has been made to establish PREA Compliance Manager (PCM) positions in both Field Services and Community Services and a team of trained investigators in Field Service. As of 2021, Field Services has been organized to see to sexual safety allegations made regarding DOC Corrections Agents similarly classed employees, and their supervisees. Additional difficulty has been identified in establishing an organization around the other Community Services responsibilities. It is an urgent implementation goal to identify an individual or position to act as a PCM for halfway houses and allegations involving other authorities throughout the state.

Audits

In addition to investigation documentation and tracking, the PREA statute has many other standards which agencies and institutions are accountable for. Among these are conducting audits of conditions, procedures, and compliance with all of the federal rules encompassed by the law.

Audits may reveal good practices by an agency or areas for improvement. To assist in areas of improvement, governors are required to send a certification of “full compliance” of facilities subject to their jurisdiction. If a governor is not able to certify that their jurisdiction is in full compliance, they may submit a formal guarantee called an “assurance” to the U.S. Department of Justice (DOJ) that commits that no less than five percent of certain DOJ grant funds will be used solely to achieve and certify full compliance with the Standards in future years, or that the funds be held in suspension by the federal

government pending correction required by the law. If a governor cannot certify full compliance but decides not to submit an assurance, the state will lose five percent of particular grant funds that it would otherwise be entitled to.

The DOC maintains eleven facilities, however, for audit purposes, MCF-Red Wing is separated into two facilities to account for the adult unit separately from the juvenile population. This separation makes the audit schedule reflect twelve facilities.

The Minnesota DOC continues to maintain compliance in accordance with *§ 115.401 Frequency and Scope of Audits*, by contracting with a federal PREA auditor to audit all facilities in a three-year cycle from August 20th of the first year to August 19th of the final year. During each year of the cycle, one-third of DOC facilities are audited. Year three of the audit cycle ended August 19, 2022. In this period, Federal PREA Audits were conducted for 3 out the 12 state sites. These audits ended with assurances due to facilities being out of compliance with the standards. More information on these audits can be found in the 2022 audit reports found on the DOC website at <https://mn.gov/doc/about/prea-policy/>.

Proactive Action

In 2022, the statewide PREA coordinator position was filled as required by the standards. Efforts continued beyond this to give the position the requisite authority and ability to be effective as required.

Grants have been pursued to provide temporary staffing increase. Additionally, legislative action is being pursued to provide budget increases directed to PREA staffing. A previous department staffing request to support the facility PREA Compliance Managers was also under consideration during the year. These increases in resources are expected to take effect within the next year. This is an ongoing concern and will be revisited in coming years as a requirement to attain full implementation of the standards.

As in past years, the DOC continues to use several training and education tools. Upon intake and transfer, all incarcerated people receive information on their rights to be free from sexual abuse while incarcerated. Information on how and where to report, the availability of assistance, advocacy services, and how to access the agency's behavioral health and medical staff is provided. DOC staff from the VSRJ Unit provide advocacy support. Work has continued between DOC staff and community-based advocacy programs on how to best provide services to victims of sexual abuse. Information and telephone numbers are posted in the facilities for reminders. Additional information posters have been added and distributed throughout the department's facilities.

The agency conducts intake screenings on all incarcerated adults and youth intakes, transfers, and those returning from court appearances. The screenings allow for a private conversation with medical staff for reporting any past abuse. The screening provides information to other staff, on a need-to-know basis, on an incarcerated person's risk factors for vulnerability or propensity toward likely abusiveness. Timely, private follow-ups are conducted to assist in having a safe and secure environment.

The agency continues initiatives to foster a safe and secure environment. All staff have mandatory training to understand the federal standards and their responsibilities in prevention, detection and response to sexual abuse and harassment. All staff, volunteers, and contractors receive training which moved to online methods over the course of the pandemic. A specific sexual safety and federal standards training component has continued in the pre-service academy for incoming staff. The agency has also maintained a refresher course required annually.

A high priority has been given to all sexual abuse and federal PREA standard trainings being updated with both new department branding and reflecting the change of naming convention from "offenders" to "incarcerated persons".

A comprehensive training on meaningful sexual safety investigations is in development. As of the date of publication, training has been increased in duration and frequency allowing more investigators to be available.

The DOC's VSRJ Unit is responsible for connecting victims with advocacy resources when requested. By the end of 2022, the unit had established a network of sexual assault advocacy organizations who were under contract and/or a Memorandum Of Understanding with the DOC to provide these services. Anyone requesting advocacy services was referred to the VSRJ Unit to make the connection with community-based advocacy services. The unit saw an increase from eight requests for advocacy in 2021 to 95 requests in 2022. The requests in 2022 were linked to reports of current sexual assault and/or sexual harassment and prior sexual violence victimization.

Referral information on local resources, including local sexual assault advocacy organizations, were posted in each DOC facility. Educational brochures on what advocacy services were created and distributed to each DOC facility. Staff within the DOC facilities provide the informational brochure to any incarcerated person who reports a PREA incident.

DOC policies, as well as staff and incarcerated individuals' discipline regulations, reflect the standard requirements. Accountability for sexual abuse and harassment for both incarcerated people and staff are

outlined.

All new investigators, health services, and behavioral health staff continue to receive specialized training in working with victims of sexual abuse. The new staff training is aimed at ongoing efforts to create an environment which fosters a culture of reporting.

Proper investigations and documentation are the heart of the Prison Rape Elimination Act.

Implementation of this is an on-going and ever-present project requiring the cooperation and vigilance of staff throughout the department. As part of this project, the need for consistency has been reenforced with compliance managers at each facility. This includes reminders and guidance on the use of mandatory investigation templates, instructing investigators to provide outcome memos to all victims, offering and documenting support services to all victims, retaliation monitoring being provided to all victims, reporters and witnesses, the conclusion of investigations being prompt, evidence being secured and maintained, investigations being peer reviewed, and notification being given to the program coordinator. Facility PREA Compliance Managers were reminded of the necessity of mandatory quarterly meetings for each facility and for SART responses. The requirement for quarterly training and refresher training on investigations annually was also reemphasized. These improvements and reminders will continue into the foreseeable future.

In addition to all of these actions, the department has also increased the trained administrative investigators throughout the entire state by providing specialized training on a regular basis.

Database

The agency's original PREA database system, ImageTrend, provided tracking of investigations, the care of victims and the management of abusers over this period. The information is available for the designated PREA Compliance Managers, Sexual Abuse Response Team members and investigators. This provides a manner for facilities to document, monitor progress, and respond to an allegation. As discussed in past reports, ImageTrend had not been utilized to its capabilities, nor did it meet all of those needed by the department. Enhancements to this system in order to meet DOC needs, would include all aspects of documentation for the PREA standards which are not being currently met by the contractor. ImageTrend provides many superior options for users, however, there were many needed changes, that other systems were explored in past years and a new investigation database was decided on as the best course of action. Throughout 2022, a new system was obtained and in development to replace the existing system. This change is necessary to increase the ability of capturing the documentation both to meet the federal standard requirements internally, and to provide evidence of this to auditors. Efforts are in process to replace ImageTrend within the calendar year of 2023.

Areas of Opportunity

The year of 2022 provided many challenges to all Minnesota state agencies including the DOC. Through serious dedication and committed staff, the department continued to focus on its mission of protecting the sexual safety of those incarcerated. Despite the 2022 pandemic conditions improving over time, challenges directly and indirectly posed by these circumstances continued. This included continuing to navigate the agency restructuring and the loss of many statewide positions, which had occurred in 2021. Operational priorities, such as ongoing emergency planning, contact tracing, testing for COVID-19, other pandemic response requirements, and staff shortages continued to influence the overall ability to maintain constant implementation of the standards throughout the state. These issues were extraordinary yet had improved by the end of the year. The reestablishment of expertise, funds, and staffing started during this period which will lead to growth of compliance with standards. Through audit processes, site visits, and monitoring, the statewide PREA coordinator found both gaps and opportunities for growth and observed the following:

Investigations

- Audits have repeatedly shown a need for systematic improvement in investigations and documentation.
- Clear documentation in the database management system for all classifications.
- The high number of allegations without definitive outcomes.
- Evidence of notification of outcomes.
- Evidence of all retaliation monitoring.
- Evidence of consequences for perpetrators following outcomes.
- Evidence of Credibility Assessments.
- Evidence of administrative investigations.
- The ImageTrend database not meeting the department's needs.
- Completed, thorough, objective investigations.

Victim/Aggressor Screenings

- Remove or improve the inconsistencies with follow-up screenings and placement of vulnerable and high-risk individuals.
- The need for an improved and more integrated offender management system enhanced to capture the standard data required for both implementation purposes and audits.

Community Services

- A need for new PREA investigators in Field Services due to the team dropping from twenty-one to only one.
- An increase in the requests for assistance from our contracted partners who are enduring staff shortages and ongoing training needs.
- A gap exists in the lack of compliance managers for Community Services and Field Services to provide oversight on the investigations and requests coming from jails, halfway houses, third parties, supervised release agents and other community justice partners.

Training

- A gap in qualified and available training partners was observed following the elimination of facility training staff positions. This was found to impact the single PREA resource position's ability to provide and track training.
- More advanced training on administrative investigations as facility investigators have become involved in more complicated circumstances.

Policy

- Intake and the Receiving and Orientation Policy were reviewed and submitted.
- The PREA sexual abuse prevention, reporting and response has been examined and determined to require separation into both criminal response and investigation as well as administrative sexual abuse investigation reporting and response.

Support

- There has been a 1,700 percent increase in allegations reported throughout the department without an increase in staff dedicated to sexual offense issues.
- The standard § 115.11 necessitates that the Statewide PREA Coordinator have the time, ability, and authority to manage and enforce the standards. Currently, improvements are needed to meet this requirement.
- Opportunity exists to increase services and meet our standard's mandates by increasing staffing and ability to respond to incidents by both the statewide PREA coordinator position, creating support for this position and for the compliance managers.

Advocacy

- The Victim Services & Restorative Justice unit will continue to expand the number and diversity of community-based sexual assault advocacy organizations who are part of the advocacy response network for the DOC.

- Establish consistent approaches to provide training and support to the community-based advocacy organizations to increase their knowledge of DOC practices and strengthen their work with incarcerated individuals.

Actions and proposals have been made to address many of these areas where growth is both possible and desirable. The department is looking forward to meeting these challenges forthrightly and in applying its problem-solving expertise to find innovative and responsible ways to become a national leader on sexual safety and PREA implementation.

Conclusion

The Minnesota DOC enforces a zero-tolerance policy of sexual harassment and sexual abuse. To ensure this policy is implemented in the most effective way, the DOC continues to work to improve the processes of how sexual assault, sexual abuse, and sexual harassment allegations are interpreted, reported, and tracked. Investigations, coupled with prevention trainings, greatly assist our efforts to maintain consistent applications of the standards and to create a safer environment for the incarcerated population. Overall, we provide a sexually safe environment.

2022 marks the 11th year since DOC adopted and implemented PREA standards for our facilities. There have been significant internal changes to department operations during this period. Population increases, staffing challenges, both lean, and healthy budget years and pandemic responses have all occurred while the number of sexual safety investigations has increased. These challenges and new ones will continue to impact the department and its goals. The DOC's commitment to fuller implementation of the standards has remained constant, and growth opportunities have abounded in this time as the first decade of PREA ends.

The DOC continues to prioritize compliance and preventing facility sexual abuse and harassment.

Further Information

For clarification of any information, or to report a PREA allegation, the Statewide PREA coordinator can be contacted on the DOC public website's PREA page, <https://mn.gov/doc/about/prea-policy> or correspondence may be sent addressed to Minnesota Statewide PREA Coordinator Diana Magaard, Office of Special Investigations, MCF- Lino Lakes 7525 Fourth Avenue Lino Lakes, MN 55014.



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Commissioner of Corrections