



2024 Annual PREA 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

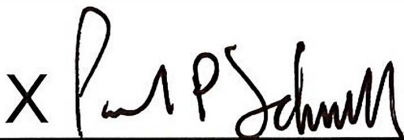
Create successful experiences for others.

Strategic Priorities

- Agency Reorganization
- Transformative Programming
- Safety and Wellbeing

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Approved for Publication by:

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PAUL SCHNELL

Commissioner of Corrections

Background

The federal 2003 Prison Rape Elimination Act (PREA) protects individuals from sexual abuse and sexual harassment in confinement facilities. It provides national standards to achieve the goals set forth under the law and requires reporting and analysis related to incidents and effects of custodial rape, sexual abuse, and sexual harassment in federal, state, and local institutions. Federal standards also provide information, resources, recommendations, and funding to protect individuals from sexual violence and harassment while incarcerated.

In 2012, the Department of Justice (DOJ) published standardized guidelines promulgated by the U.S. Attorney General to govern PREA. These federal standards apply to all public and private institutions which house adult, youth, or juvenile incarcerated persons (IPs).

Standard **§ 115.88 Data Review for Corrective Action** requires an annual report highlighting department-wide allegation statistics, audit findings, and agency challenges and accomplishments in PREA implementation. It is designed to educate the public and give decision makers information to identify problem areas, and to take ongoing corrective action to improve the prevention, detection, and response policies and practices of facilities and the agency. To meet these responsibilities, the DOC strives to conduct this data collection by using the methods as directed by standard **§ 115.87 Data Collection**.

Zero-Tolerance

The DOC maintains a zero-tolerance 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 DOC prohibits sexual relationships with an individual under the department's supervision and considers such relationships a breach of the employee code of conduct. Mandatory staff training and education to the incarcerated population are provided to convey this expectation.

In line with standard **§ 115.11 Zero-Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator**, the DOC has a statewide PREA Coordinator responsible for the development, implementation, and oversight of the agency's efforts to implement the standards. The department also has PREA Compliance Managers at each facility for oversight.

For further information on the standards mentioned in this section visit the PREA Resource Center:

- <https://www.prearesourcecenter.org/standard/115-11>
- <https://www.prearesourcecenter.org/standard/115-88>
- <https://www.prearesourcecenter.org/standard/115-87>

Scope of Report

This report outlines sexual harassment and abuse data within the 11 institutions operated by the Minnesota Department of Corrections (DOC) for calendar year 2023. It will also outline our 2023 facility audit findings as well as our accomplishments and future goals for our agency to continue to build on a culture that promotes safety and adherence to the national PREA standards.

This data summarizes all abuse and sexual harassment allegations involving IPs from DOC facilities, Community Services, and Field Services in 2023. The facilities include 9 adult male facilities, 1 juvenile facility (MCF Red Wing), and 1 female facility (MCF- Shakopee). The DOC maintains 11 facilities, however, for audit purposes, MCF-Red Wing is separated into two facilities to account for the adult unit which is separate from the juvenile population. The DOC compiles and investigates allegations in four main categories (including the same categories for youth, abbreviated “Y”):

- Staff-to-Incarcerated Person Abuse (S/IP Abuse)
- Staff-to-Incarcerated Person Harassment (S/IP Harassment)
- Incarcerated Person-to-Incarcerated Person Abuse (IP/IP Abuse)
- Incarcerated Person-to-Incarcerated Person Harassment (IP/IP Harassment)

Information in this report was gathered from investigations opened during the calendar year and their documented outcomes.

Sexual Abuse and Harassment Definitions:

Sexual abuse is categorized into different types of sexual violence. Youth versions of each category also exist.

Incarcerated Person-on-Incarcerated Person Non-Consensual Sexual Acts, defined as:

- 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, defined as:

- 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, defined as:

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

Incarcerated Person-on-Incarcerated Person Sexual Harassment, defined as:

Repeated and unwelcome sexual advances and requests for sexual favors; or verbal comments, gestures, or actions of a derogatory or offensive sexual nature; by one IP, detainee, or resident directed

toward another.

Single instances are also tracked and investigated by the DOC, consistent with PREA Resource Center guidance.

Staff-on-Incarcerated Person Sexual Harassment, defined as:

Repeated verbal comments or gestures of a sexual nature to an IP, 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 (findings) Definitions:

Substantiated: The event was investigated and determined to have occurred.

Unsubstantiated: Evidence was insufficient to make a final determination as to whether the event did or did not occur.

Unfounded: The event was determined to have not occurred.

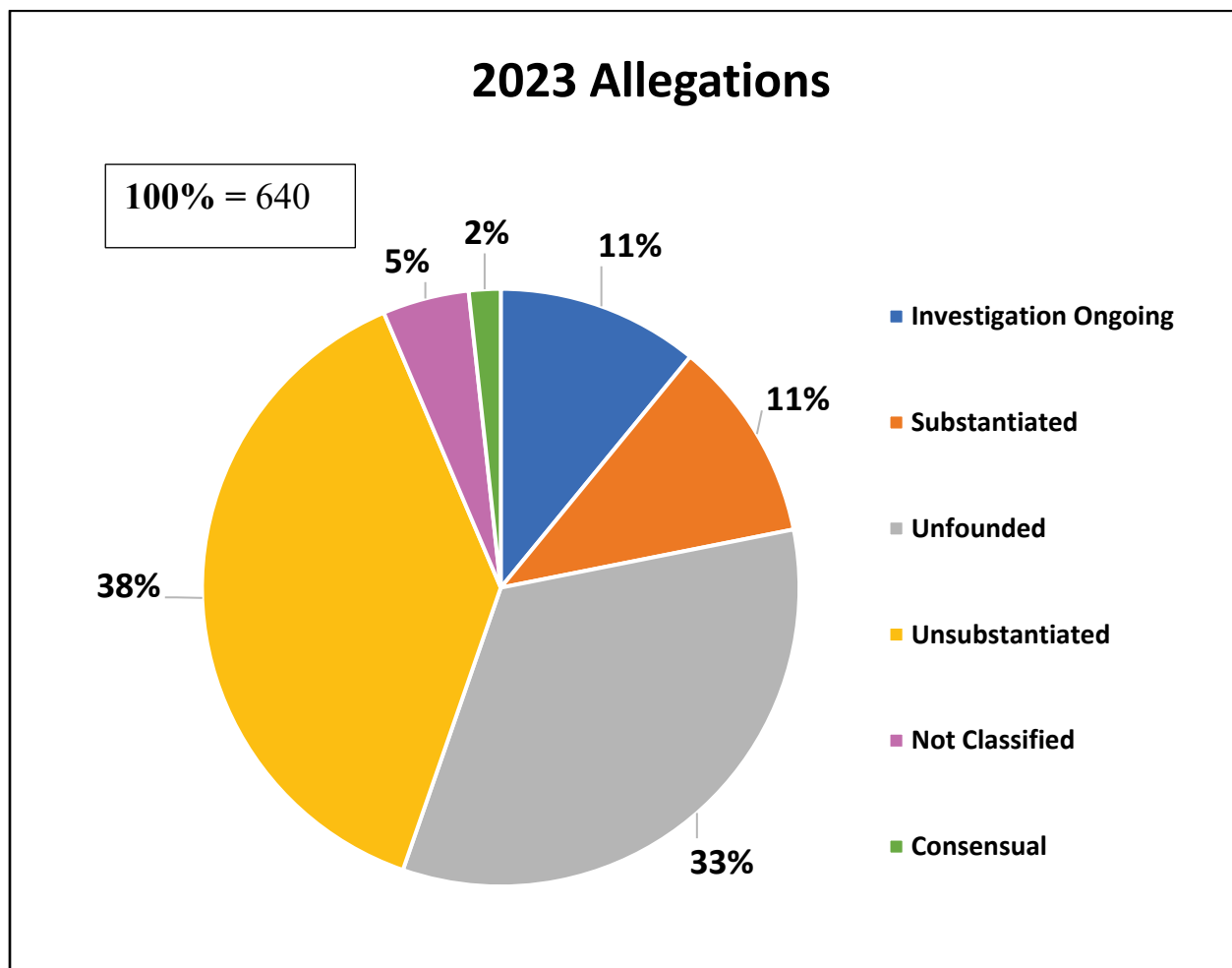
Investigation Ongoing: A final determination has not yet been made whether the event occurred.

Minnesota DOC 2023 PREA Aggregate Data

Minnesota tracks and maintains data on all PREA related allegations. The following charts will display the total number of allegations, types of allegations, and where they originate from. Collecting this data is essential to identifying areas of concern and success. There are many variables that we must also consider when analyzing data such as population trends, level of security, types of allegations, etc. Even without an analysis of these additional factors, the data is important for our agency leaders to review and determine how we can continually improve.

Total Allegations

All allegations that were reported to any DOC staff member are documented and examined but not all are found to be PREA standard violations. During calendar year 2023, there were 640 allegations reported and documented by staff.



Non-classified Allegations

All allegations are examined or investigated, but not all are found to be PREA standard violations. Thirty investigations were documented which were not given any classification type, or could not be confirmed as meeting definitions, and must therefore be excluded from totals. These allegations can include technical non-person violations, unrelated complaints, and/or naming errors in reporting.

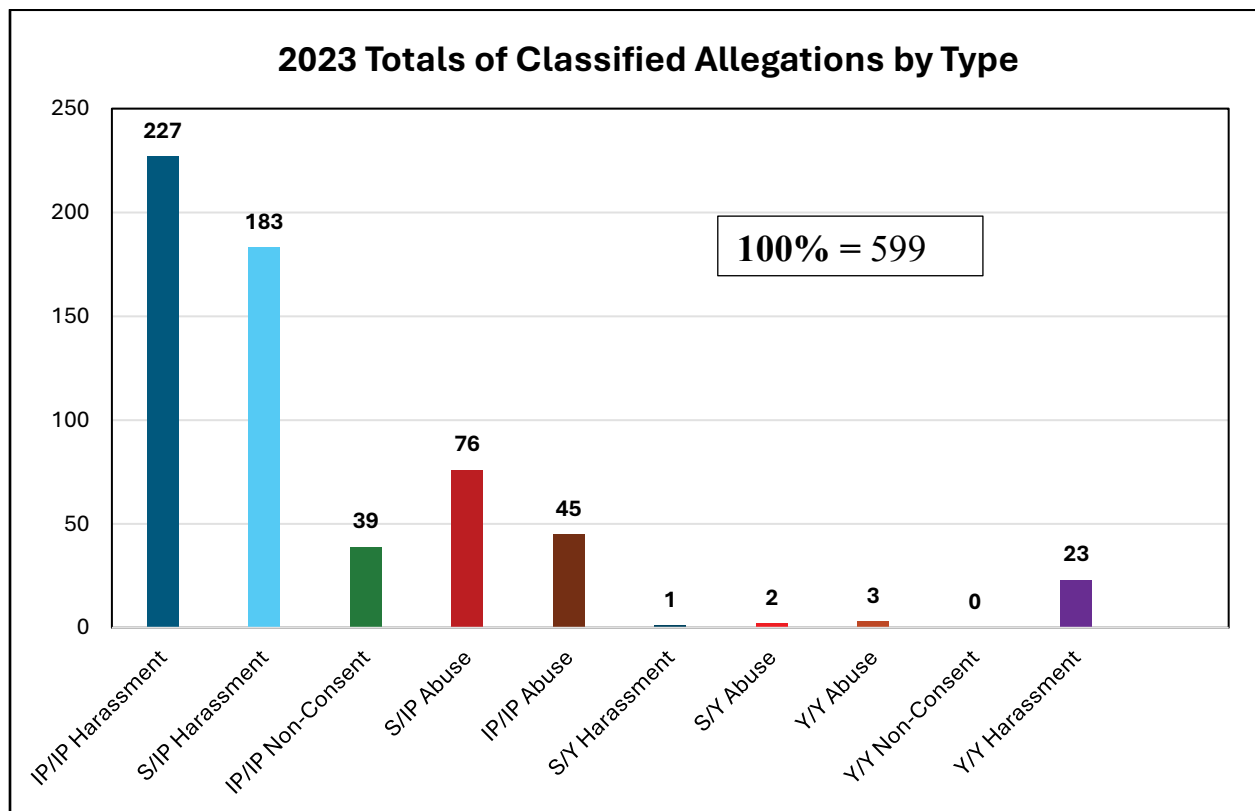
Consensual Acts

An additional 11 reports were investigated and determined to be consensual in nature. While consensual sexual acts are against DOC rules, and subject to the discipline process, these are not PREA offenses. All allegations and

incidents including those that may be consensual are examined to ensure safety and determine the nature of the circumstance is voluntary and non-coercive.

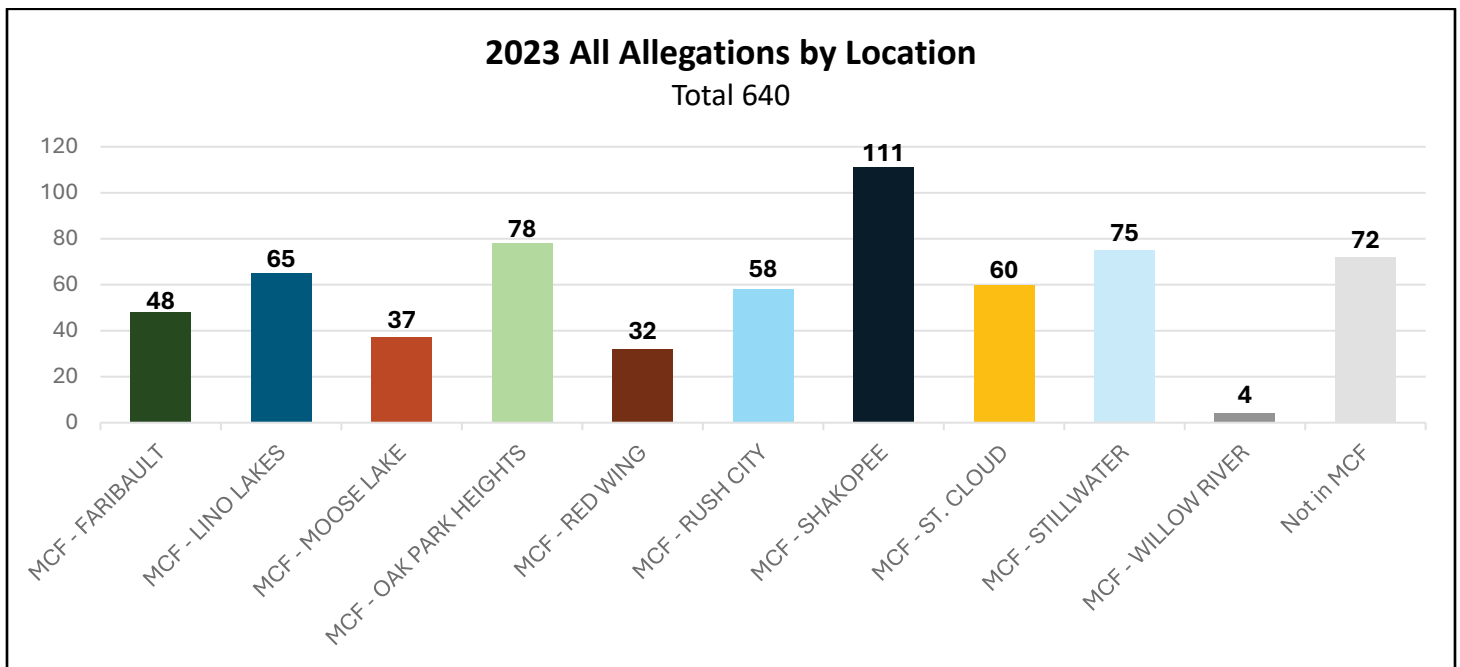
Classified Allegations

Five hundred and ninety-nine allegations were documented as meeting the classification definitions within the standards. Most investigations resulted in unfounded or unsubstantiated findings, with only a small percentage resulting in a substantiated outcome.

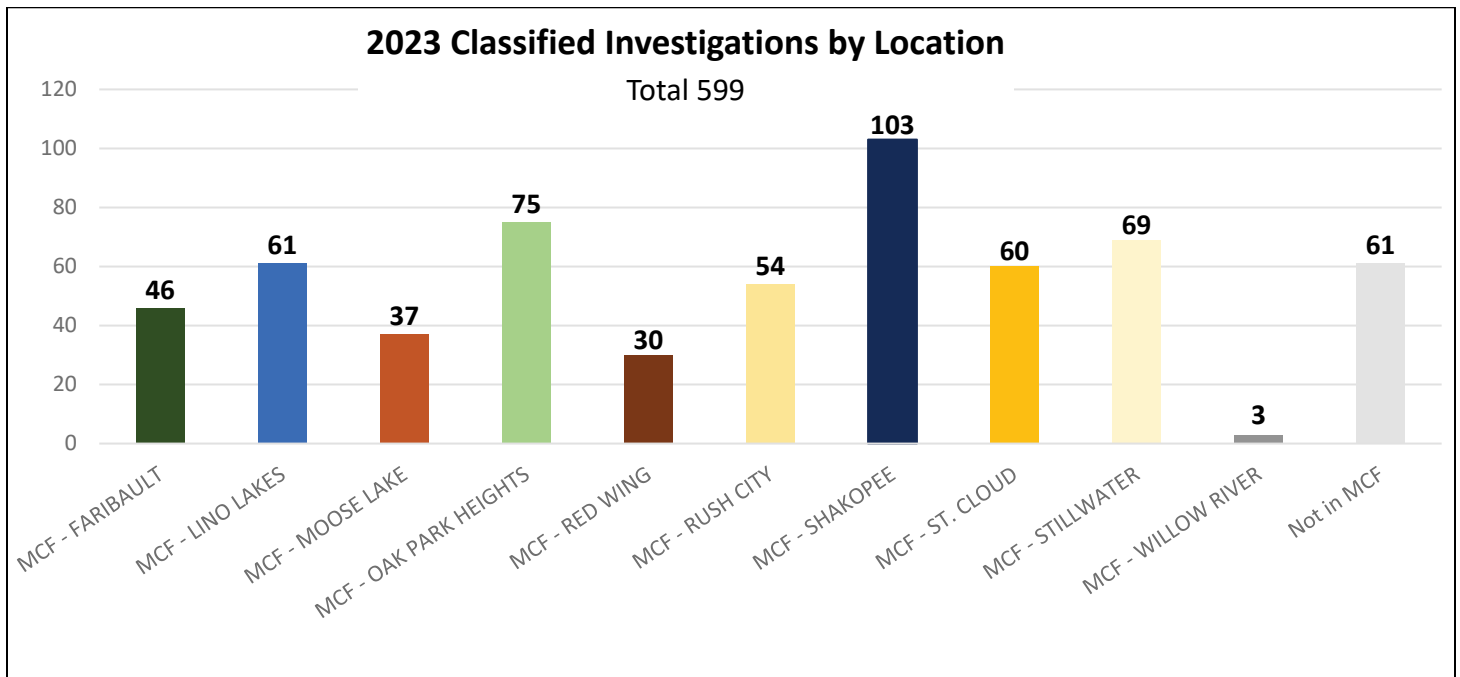


Locations

Allegations are not evenly distributed across the agency. This is expected due to the diversity of the 11 institutions overseen by the department. Each institution within the department houses different numbers of incarcerated people, and each site has different physical characteristics, varying classifications, and different programming. Other factors such as age, gender, awareness of the federal standards, or facility reporting culture may also affect both incidents occurring and the likelihood of allegations being reported. This can be observed in both reported allegations and substantiated investigations.



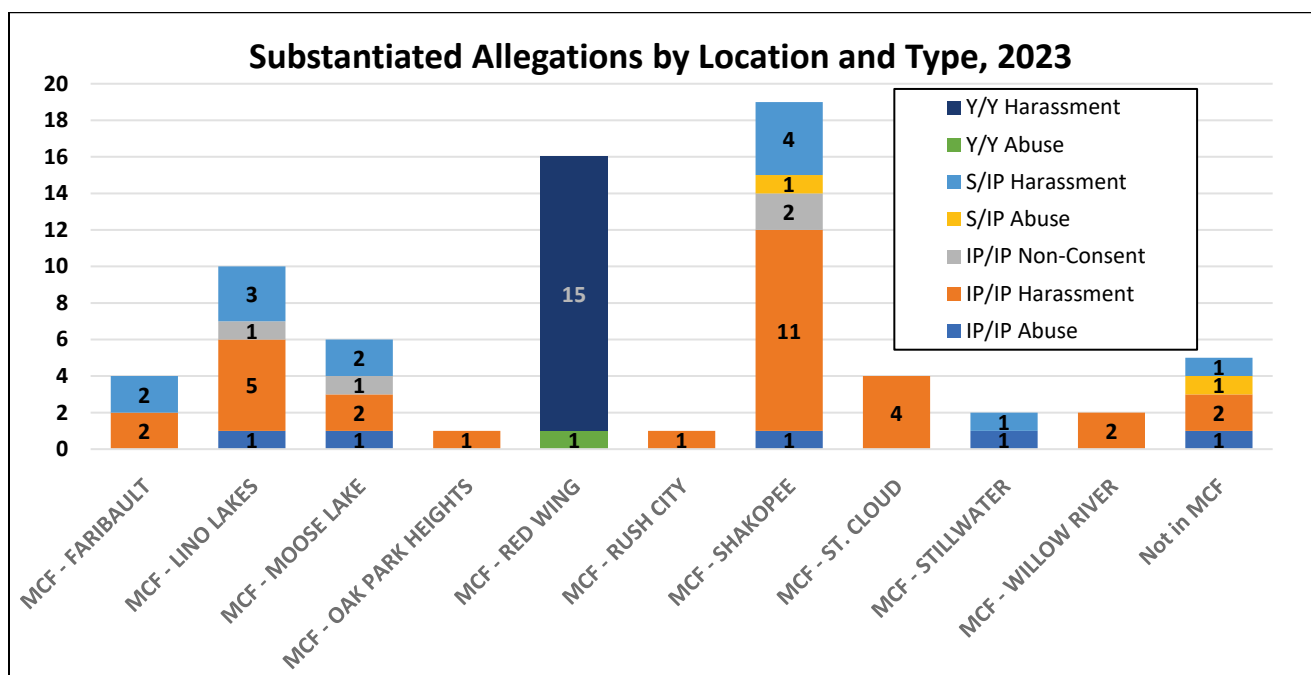
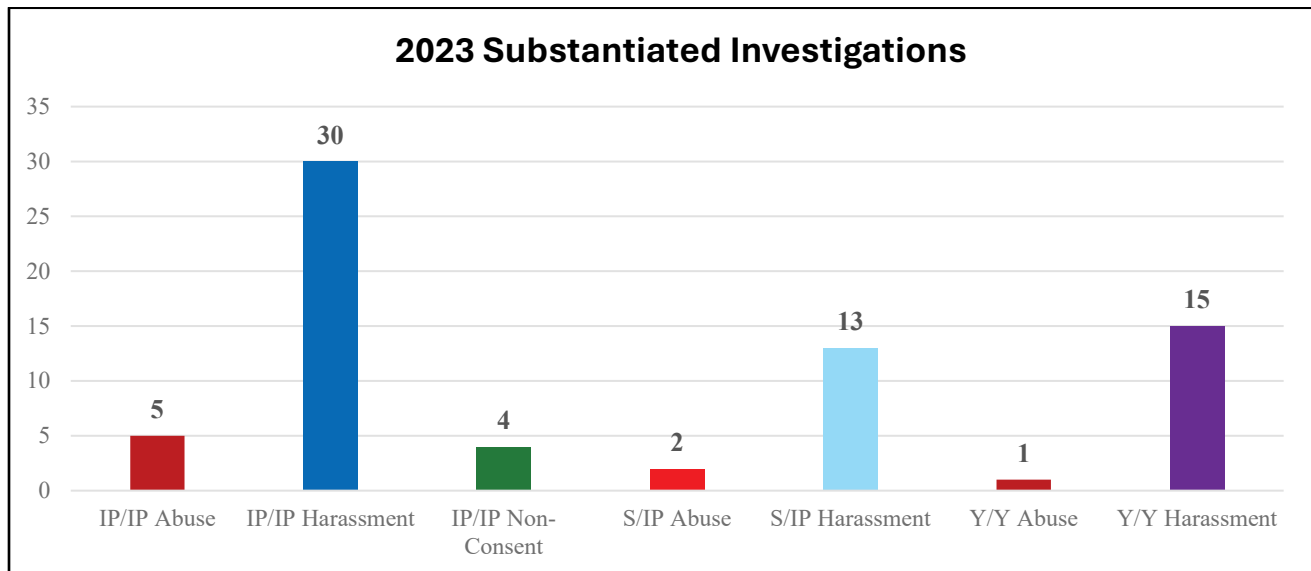
Note - MCF-Togo had no reported allegations in the tracking period. MCF-Red Wing had no adult investigations.



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2023 Substantiated Allegations

Of the 599 classified investigations reported at DOC operated facilities in calendar year 2023, 70 were substantiated. As consistent with reporting, the largest substantiated classifications across all institutions are IP/IP and Y/Y harassment allegations, with MCF- Shakopee and MCF- Red Wing, accounting for more than 50% of the allegations. S/IP harassment is the next largest classification and is spread across the institutions in small concentrations.

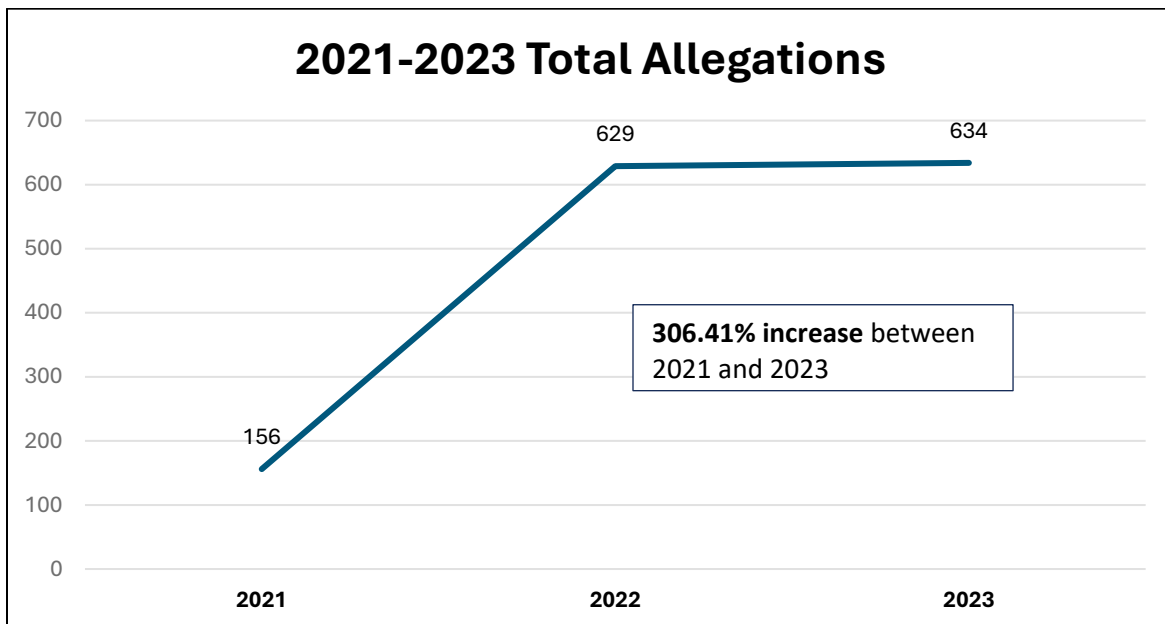


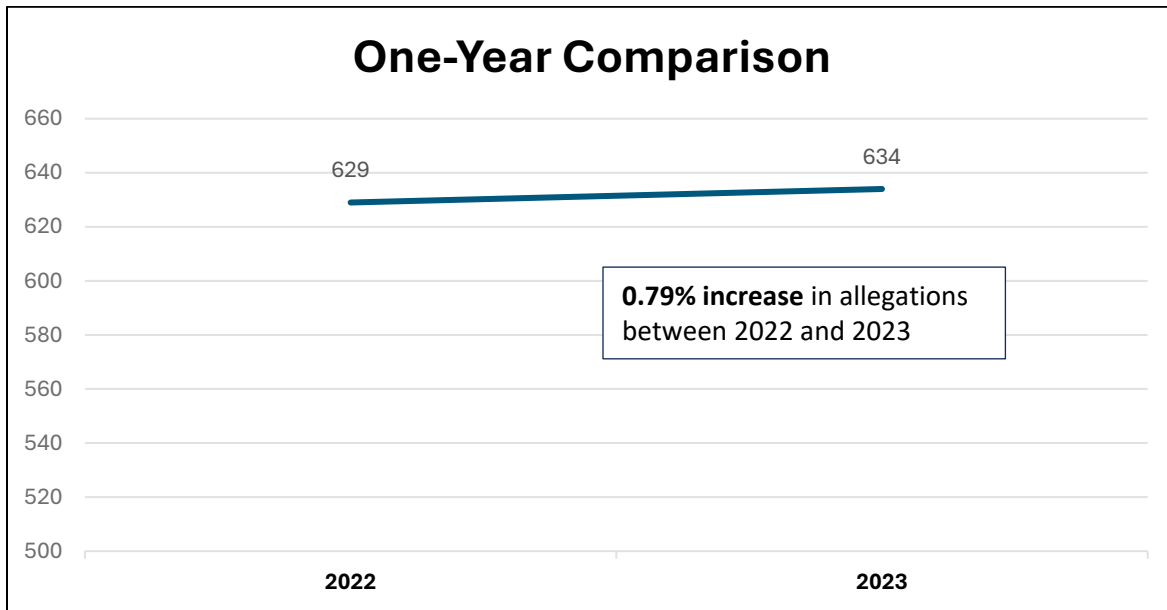
Note - MCF-Togo and MCF-Red Wing's adult facility had no reported allegations in the tracking period.

	MCF-Faribault	MCF-Lino Lakes	MCF-Moose Lake	MCF-Oak Park Heights	MCF-Red Wing	MCF- Rush City	MCF-Shakopee	MCF-St. Cloud	MCF-Stillwater	MCF-Willow River	Not in MCF
Y/Y Harassment	-	-	-	-	15	-	-	-	-	-	-
Y/Y Abuse	-	-	-	-	1	-	-	-	-	-	-
S/IP Harassment	-	3	2	-	-	-	4	-	1	-	1
S/IP Abuse	-	-	-	-	-	-	1	-	-	-	1
IP/IP Non-Consent	-	1	1	-	-	-	2	-	-	-	-
IP/IP Harassment	2	5	2	1	-	1	11	4	-	2	2
IP/IP Abuse	2	1	1	-	-	-	1	-	1	-	1

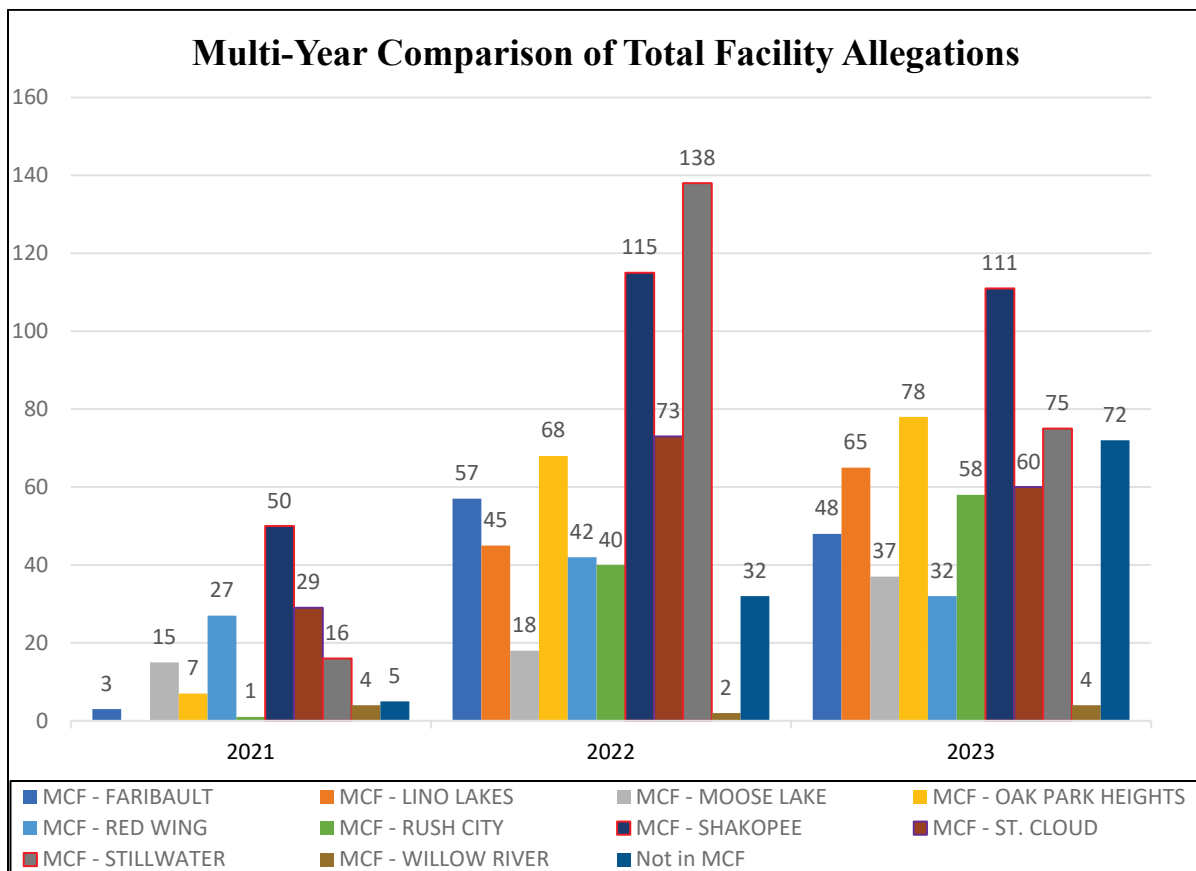
Multi-Year Comparison

In 2023, reported allegations plateau with only a slight increase in numbers. In reviewing the sharp increase from 2021 to 2022, we can note that several factors may have contributed: new reporting standards for harassment claims; contact restrictions lifted from COVID that increased population interactions; and increased education and reporting access. Seeing a plateau in reporting is a positive trend, and our goal with a new PREA resource team in place will be to see decreases in allegations and incidents in the coming years.





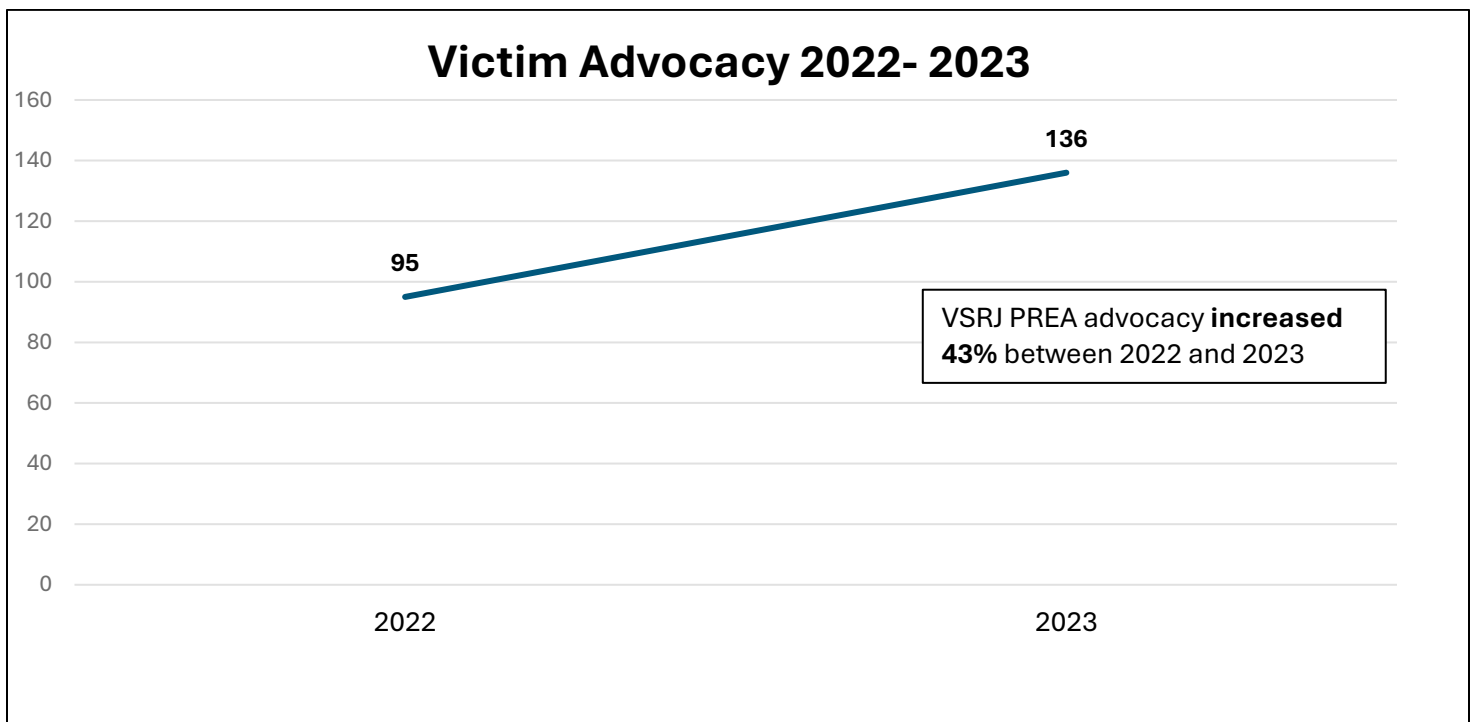
There was a slight increase in total allegations agency-wide in 2023, but the extreme rise in allegations that occurred at most facilities in 2022 had moderated. It is expected that trends will continue to moderate in the next several years, but that it is unlikely to fall back to the pre-2022 levels in the foreseeable future.



	MCF-Faribault	MCF-Lino Lakes	MCF-Moose Lake	MCF-Oak Park Heights	MCF-Red Wing	MCF- Rush City	MCF-Shakopee	MCF-St. Cloud	MCF-Stillwater	MCF-Willow River	Not in MCF
2021	3	0	15	7	27	1	50	29	16	4	5
2022	57	45	18	68	42	40	115	73	138	2	32
2023	48	65	37	78	32	58	111	60	75	4	72

PREA Advocacy Services Multi-Year Comparison

The DOC's Victim Services and Restorative Justice (VSRJ) unit collects data on their advocacy work throughout the state and are responsible for connecting IPs who request advocacy services with community-based advocacy services. VSRJ tracks the number of referrals for advocacy that are received. From 2022 to 2023 PREA services rose 43% with the majority of that occurring at DOC facilities with a handful of requests coming from halfway houses and from those on community supervision. All of those requesting advocacy services were connected with a community-based advocacy service.



Audit Findings

In 2023, three facilities (MCF-Faribault, MCF-Oak Park Heights, and MCF-Rush City) were audited. These audits ended with assurances due to facilities being out of compliance with several standards. Any areas of correction noted in the audits were fully addressed by our agency. Many improvements are noted in the facility achievements below. Audit reports can be found at: <https://mn.gov/doc/about/prea-policy/>.

Agency and Facility Achievements

Each year, we analyze the aggregate data, and our facility audit reports for opportunities for improvement and to correct deficiencies. Below is a compilation of achievements also drawn from this review and analysis.

- Increased staff training on PREA standards.
- Added cameras and bathroom privacy screening to our facilities to reduce PREA related events.
- Created the structure for a statewide PREA unit to assist facilities in prevention, detection, and response to PREA allegations. The unit will be comprised of the Statewide PREA Coordinator, a Data Management Analyst, two Regional Assistants for investigations, and an Audit Specialist.
- Replaced the agency's original sexual offense database system ImageTrend with a new system named PREATrac at the end of July 2023. This ensures better tracking and follow up of all allegations.
- Provided training on the new PREATrac system was conducted and Master Instructors established at each facility to ensure better documentation of allegations, investigations, and understanding of the database.
- Increased Facility Administrative Investigators who attend specialized training on a regular basis.
- Used grant funds provided by Impact Justice, the administrators of the PREA Resource Center, for specialized training for Human Resources, Health Services, the PREA Compliance Manager, and investigators.
- Reemphasized the importance of facility SART meetings in partnership with facility leadership.
- Improved victim response rates by developing better access to DOC's VSRJ.
- Connected 100% of requests for advocacy services received by VSRJ with community-based services.

- Consistently held a sexual violence trauma and healing support group through VSRJ at Shakopee.
- Developed an agency wide retention schedule for all PREA information.

Conclusion

The 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 continuously improves its processes around 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 application of the standards and create a safer environment for the incarcerated population.

2023 marks the 12th 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 PREA investigations has increased. However, the DOC has continually improved our response to PREA allegations and our approach to meeting the national standards. Education of our incarcerated people and our staff, along with increased technology and data tracking, has increased tremendously.

As an agency, we have developed a comprehensive PREA Resource Unit that includes a Statewide PREA Coordinator, Data Management Analyst, Audit Specialist, and two Regional Assistants positions. We anticipate hiring for these positions in 2024. This unit will assist the agency in prevention, detection, and ensuring proper responses to sexual abuse and harassment allegations.

DOC is committed to zero tolerance of sexual abuse and harassment, and will continue to seek improvements in our efforts to maintain consistent application of the PREA Standards, creating a safer environment for our incarcerated population.