



# Alaska Department of Corrections

## Calendar Year 2016 Annual Prison Rape Elimination Act (PREA) Report



### **Mission Statement & Vision:**

The Alaska Department of Corrections (DOC) provides secure confinement, reformatory programs, and a process of supervised community reintegration to enhance the safety of our communities.

We are trained professionals committed to a safe, open and respectful organization. We are dedicated to public safety and will always respect the rights and dignity of victims of crime. Offenders in our charge will be treated in a safe and humane manner, and will be expected to enhance their ability to reform every day.

### **PREA Report Purpose:**

The federal Prison Rape Elimination Act (PREA) requires that each facility collect and review data pursuant to Public Law §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training. This review is intended to:

- Compare the current years data with those from the previous years;
- Identify problem areas and corrective action taken; and
- Assess the Department's progress in addressing sexual abuse.

This report has been reviewed and approved by:

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Dean Williams  
Commissioner  
AK Department of Corrections

## **Background:**

The Prison Rape Elimination Act (PREA) was signed into federal law in September 2003, with the final standards being published on June 20, 2012, becoming effective on August 20, 2012. The goal of PREA is to prevent, detect and respond to sexual abuse and sexual harassment within confinement setting by establishing a zero tolerance policy for such acts.

DOC has zero tolerance for all forms of sexual misconduct and will impose disciplinary sanctions for such misconduct, up to and including dismissal for staff and serious infractions for offenders who victimize other offenders. Incidents of sexual misconduct will be referred to law enforcement agencies when applicable. DOC policies regarding sexual misconduct apply to all offenders. They also apply to employees, contract staff, volunteers and any other person providing services in Department facilities or offices. Retaliation against any person because of his / her involvement in the reporting or investigation of a PREA claim is prohibited and will be investigated.

## **Definitions:**

The federal standards relating to PREA contained in *28 CFR §115.6* provides the following definitions:

### **Offender-on-Offender Sexual Abuse:**

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.

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva and the anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
- 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.

### **Offender-on-Offender 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 offender, detainee, or resident directed toward another.

### **Other Allegation:**

An allegation that the Alaska Department of Corrections defines as being investigated and determined to not meet the federal definitions of sexual abuse or sexual harassment.

### **Staff-on-Offender Sexual Abuse:**

Sexual Abuse of an offender, detainee or resident by a staff member, contractor or volunteer including any of the following acts, with or without consent of the offender, detainee or resident:

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

- 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;
- Any attempt, threat, or request by a staff member, contractor or volunteer to engage in the activities described above;
- 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
- Voyeurism by a staff member, contractor or volunteer.

**Staff-on-Offender Sexual Harassment:**

The Alaska Department of Corrections defines Sexual Harassment as verbal comments or gestures of a sexual nature to a prisoner, probationer or parolee by a Department employee, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures.

**Substantiated Allegation:**

An allegation that was investigated and determined to have occurred.

**Unfounded Allegation:**

An allegation that was investigated and determined to not have occurred.

**Unsubstantiated Allegation:**

Means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Voyeurism:**

Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of an inmate, detainee or resident by staff for reasons unrelated to official duties, such as peering at an inmate using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals or breasts or taking images of all or part of an inmate’s naked body or an inmate performing bodily functions.

**Department’s Sexual Abuse Data:**

| Year | Substantiated |     | Unsubstantiated |     | Unfounded |     |
|------|---------------|-----|-----------------|-----|-----------|-----|
|      | I-I           | S-I | I-I             | S-I | I-I       | S-I |
| 2014 | 4             | 1   | 10              | 3   | 0         | 3   |
| 2015 | 4             | 0   | 21              | 6   | 4         | 3   |
| 2016 | 1             | 0   | 16              | 5   | 5         | 1   |

*I-I: Inmate on Inmate  
S-I: Staff on Inmate*

## Department's Sexual Harassment Data:

| Year | Substantiated |     | Unsubstantiated |     | Unfounded |     |
|------|---------------|-----|-----------------|-----|-----------|-----|
|      | I-I           | S-I | I-I             | S-I | I-I       | S-I |
| 2014 | 8             | 0   | 4               | 2   | 3         | 4   |
| 2015 | 3             | 1   | 9               | 4   | 3         | 2   |
| 2016 | 1             | 1   | 12              | 3   | 2         | 7   |

*I-I: Inmate on Inmate  
S-I: Staff on Inmate*

## 2016 Breakdown by DOC Facility:

| Facility: | Type:  | Substantiated: | Unsubstantiated: | Unfounded: |
|-----------|--------|----------------|------------------|------------|
| ACC       | I-I SA | 0              | 1                | 1          |
|           | I-I SH | 0              | 0                | 0          |
|           | S-I SA | 0              | 1                | 0          |
|           | S-I SH | 0              | 0                | 1          |
| AMCC      | I-I SA | 0              | 1                | 2          |
|           | I-I SH | 0              | 1                | 0          |
|           | S-I SA | 0              | 0                | 0          |
|           | S-I SH | 0              | 0                | 1          |
| FCC       | I-I SA | 0              | 0                | 1          |
|           | I-I SH | 0              | 0                | 0          |
|           | S-I SA | 0              | 0                | 0          |
|           | S-I SH | 0              | 1                | 0          |
| GCCC      | I-I SA | 0              | 5                | 0          |
|           | I-I SH | 0              | 3                | 0          |
|           | S-I SA | 0              | 0                | 0          |
|           | S-I SH | 0              | 1                | 1          |
| HMCC      | I-I SA | 0              | 1                | 0          |

|      |        |   |   |   |
|------|--------|---|---|---|
|      | I-I SH | 1 | 2 | 1 |
|      | S-I SA | 0 | 1 | 0 |
|      | S-I SH | 1 | 1 | 1 |
|      |        |   |   |   |
| KCC  | I-I SA | 0 | 0 | 0 |
|      | I-I SH | 0 | 0 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| LCCC | I-I SA | 0 | 0 | 0 |
|      | I-I SH | 0 | 0 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| MSPT | I-I SA | 0 | 1 | 0 |
|      | I-I SH | 0 | 0 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| PCC  | I-I SA | 0 | 3 | 1 |
|      | I-I SH | 0 | 2 | 0 |
|      | S-I SA | 0 | 3 | 1 |
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| PMCF | I-I SA | 0 | 0 | 0 |
|      | I-I SH | 0 | 0 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| SCCC | I-I SA | 0 | 2 | 1 |
|      | I-I SH | 0 | 4 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 3 |
|      |        |   |   |   |
| WWCC | I-I SA | 1 | 0 | 0 |
|      | I-I SH | 0 | 0 | 1 |
|      | S-I SA | 0 | 0 | 0 |

|      |        |   |   |   |
|------|--------|---|---|---|
|      | S-I SH | 0 | 0 | 0 |
|      |        |   |   |   |
| YKCC | I-I SA | 0 | 2 | 0 |
|      | I-I SH | 0 | 0 | 0 |
|      | S-I SA | 0 | 0 | 0 |
|      | S-I SH | 0 | 0 | 0 |

**Legend:**

ACC—Anchorage Correctional Complex  
AMCC—Anvil Mountain Correctional Center  
FCC—Fairbanks Correctional Center  
GCCC—Goose Creek Correctional Center  
HMCC—Hiland Mountain Correctional Center  
KCC—Ketchikan Correctional Center  
LCC—Lemon Creek Correctional Center  
MSPT—Mat Su Pretrial Facility  
PCC—Palmer Correctional Center  
PMCF—Point Mackenzie Correctional Farm  
SCCC—Spring Creek Correctional Center  
WWCC—Wildwood Correctional Center  
YKCC—Yukon Kuskokwim Correctional Center

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I-I SA—Inmate on Inmate Sexual Abuse  
I-I SH—Inmate on Inmate Sexual Harassment  
S-I SA—Staff on Inmate Sexual Abuse  
S-I SH—Staff on Inmate Sexual Harassment

**Other Data:**

In the above reported data tables, the following information has not been included, due to ongoing investigations or the result of an investigation revealing that the reported incident wasn't a PREA matter due to the failure of an incident to meet the federally defined definitions:

| <b>Facility:</b> | <b>Open Cases:</b> | <b>Not PREA related:</b> |
|------------------|--------------------|--------------------------|
| ACC              | 0                  | 2                        |
| AMCC             | 0                  | 0                        |
| FCC              | 1                  | 0                        |
| GCCC             | 0                  | 1                        |
| HMCC             | 0                  | 2                        |
| KCC              | 0                  | 0                        |
| LCCC             | 3                  | 1                        |
| MSPT             | 0                  | 2                        |
| PCC              | 0                  | 0                        |

|      |   |   |
|------|---|---|
| PMCF | 0 | 0 |
| SCCC | 1 | 3 |
| WWCC | 2 | 1 |
| YKCC | 1 | 1 |

**Summary of Aggregated Data:**

During calendar year 2015, DOC processed 65 PREA related cases. Out of these cases, 8 cases were substantiated to have occurred. The calendar year 2016, produced 73 total PREA related cases, with 3 cases being substantiated.

**Problem Areas:**

Through input from PREA Compliance Managers and the process of investigations DOC recognized that a policy was needed which addressed the flow of investigations and requirements for monitoring. This was evident with open cases and the need to regular monitor the status of cases which had been referred to our outside investigative authority.

It was noted that the definitions for staff sexual harassment were vague, as the definition required repeated occurrences to qualify as sexual harassment.

**Progress and Summary:**

In 2016, the Governor of the State of Alaska certified that Alaska is providing assurances to the Department of Justice, Bureau of Justice Assistance that Alaska is working towards full compliance with the National Prison Rape Standards.

The Department of Corrections efforts to be fully compliant with the PREA standards include the DOC’s endeavor to train all staff, volunteers and contractors on their responsibilities under PREA. Staff members are required to complete PREA training every two years. In years when a staff member does not receive the refresher training, a review of current sexual abuse and sexual harassment policies along with conducting pat searches and communication with LGBTI individuals is conducted.

Inmates who are processed through a facility receive basic PREA education, centering on how to report incidents and what defines sexual abuse and sexual harassment. Inmates who remain at a facility for more than 30 days receive a comprehensive PREA education. All incoming inmates are screened within 72 hours for their potential risk to be a PREA Aggressor or PREA victim. This information is utilized in determining housing, program and employment placements.

In 2016, DOC updated their website to include information regarding PREA. The website includes information for family and friends on how to report incidents of sexual abuse and sexual harassment and audit information regarding facilities and contracted agencies. DOC continues to improve with reporting, education, investigations and follow-up of all incidents involving sexual harassment and sexual abuse. While the DOC facilities are not completely compliant with the PREA standards, it is a goal that we continue to work towards.