



Date: 8.24.2018
To: Tracy Dompeling, Division Director
Thru: Barb Murray, Deputy Director of Administration and Programs
Steve Kiefer, acting Deputy Director of Operations
From: Matt Davidson, PREA Coordinator
Subject: 2017 Prison Rape Elimination Act Annual Report

Director's Signature Tracy A. Dompeling

Introduction:

The Division of Juvenile Justice is committed to the safety of all juveniles under its care and to the standards of the Prison Rape Elimination Act (PREA). The Division of Juvenile Justice (DJJ) is working to maintain to compliance with the PREA Standards for juvenile facilities released in 2012 and make improvements to existing policies, practices, education, and trainings as needed.

The division has zero tolerance for all forms of sexual abuse and sexual harassment of juveniles. The division is committed to the prevention and detection of this conduct and immediately responds to all allegations, pursues appropriate disciplinary action, and refers for investigation and prosecution all those who perpetrate criminal conduct.

PREA requires that the division collect and review data "...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training." (PREA Standard 115.388 a). This review is intended to meet this standard and:

- Identify problem areas and corrective action taken on an ongoing basis for each facility and the division as a whole;
- Compare the current year's data and corrective actions with those from prior years; and
- Assess the agency's progress in addressing sexual abuse. (standard 115.388 a and b)

2017 PREA Activities

During calendar year 2017, the division continued its efforts to maintain full PREA compliance:

- **Facility PREA audits:** Due to the nature of the PREA audit cycle, no audits of DJJ facilities were required or conducted during calendar year 2017. Bethel Youth Facility and McLaughlin Youth Center were successfully audited in October 2016.
- **Governor's Certification:** In October 2017, Governor Walker certified that the Alaska Division of Juvenile Justice is compliant with the PREA Juvenile Standards. This certification means that DJJ will not be subject to the OJJDP Title II grant penalties. The division expects to maintain this compliance moving forward, however the continued lack of compliance by the Alaska departments of Corrections and Public Safety will put DJJ's certification in jeopardy due to a deadline of 2022 for all states to come into compliance.

Sexual Violence Reporting

Since calendar year 2004, the Division has been participating in the annual Survey of Sexual Violence conducted by the US Census on behalf of the US Department of Justice. The summary of this reporting through calendar year 2016 (figure 1) shows the low number of sexual abuse and harassment incidents occurring in DJJ facilities- even prior to full implementation of PREA related policies and practices. I have also included 2017 data on this table, although the official data has not yet been requested by the Department of Justice.

The division has zero tolerance for sexual abuse and harassment and is actively working to eliminate these activities in our facilities. The sexual abuse and harassment definitions used for the Survey of Sexual Violence and the division's incident reporting mirror the definitions from the PREA juvenile standards. These definitions are included as an appendix to this report.

Figure 1. Survey of Sexual Violence- DJJ Summary of Reports

Calendar Year	Allegations of Youth Sexual Assault	Substantiated Youth Sexual Assault	Allegations of Youth Abusive Sexual Contact	Substantiated Youth Abusive Sexual Contact	Allegations of Youth Sexual Harassment	Substantiated Youth Sexual Harassment*	Allegations of Staff Sexual Misconduct	Substantiated Staff Sexual Misconduct	Allegations of Staff Sexual Harassment	Substantiated Staff Sexual Harassment
2004	1	0	0	0	*	*	0	0	0	0
2005	?	0	?	0	*	*	1	1	0	0
2006	?	0	?	0	*	*	0	0	0	0
2007	0	0	3	3	*	*	1	1	1	1
2008	0	0	5	0	*	*	2	2	0	0
2009	0	0	2	2	*	*	2	0	0	0
2010	0	0	3	1	*	*	4	0	0	0
2011	2	0	1	1	*	*	2	0	0	0
2012	0	0	2	1	*	*	1	0	1	0
2013	0	0	2	2	4	4	0	0	3	0
2014	0	0	3	2	6	4	0	0	2	0
2015	0	0	3	1	7	5	4	2	6	0
2016	0	0	2	1	6	3	0	0	2	0
2017 ¹	1	0	1	1	6	2	1	0	0	0
Total	4	0	27	15	29	16	18	6	15	1

¹2017 data has not been requested by DOJ at time of publishing

Calendar year 2017 PREA related incidents

As noted above, the division's PREA related efforts have been ongoing for several years, however major training, educational, and screening components primarily went into effect in CY 2015. As expected, the implementation of the juvenile educational video led to an increase in allegations of PREA related incidents involving both other juveniles and staff. The facility staff, PREA compliance managers, and superintendents continue to handle these allegations in a professional manner, especially considering the sensitive nature of allegations against staff members.

Allegations of PREA Sexual Harassment between juveniles

In calendar year 2017, a total of 6 allegations of sexual harassments between youth were reported at DJJ facilities. Of the allegations, 2 were found to be substantiated. The majority of these incidents involved one time horseplay or minor actions of a sexual nature, and none of the allegations resulted in criminal charges.

The identification and review of sexual harassment continues to be a challenge in our PREA reporting efforts. The division has made the decision to use a more expansive definition of sexual harassment than currently included in the PREA Juvenile Standards. DJJ reports all instances of sexual harassment, not just *repeated* instances as defined by the PREA standards. Further, identifying when an inappropriate

comment is sexual harassment vs. crude horseplay or juvenile teasing, but not sexually aggressive can be subjective. DJJ has erred on the side of caution and absent clear intent, reports these instances in our PREA sexual harassment data. The results of this caution bare out in the number of reports of youth on youth sexual harassment.

Allegation of Youth Abusive Sexual Contact

In 2017, the division received one allegation of abusive sexual contact (IR 8900) between juveniles. This incident was found to be substantiated, abusive sexual contact involving a number of juveniles and horseplay of a sexual nature. This allegation was determined to be non-criminal.

This is a very low number of incidents of youth on youth abusive sexual contact. Credit goes to the high level of supervision in DJJ facilities and the orientation and educational materials provided to youth on expectations related to appropriate conduct and the seriousness of PREA related offenses.

In all cases, staff and supervisors responded appropriately to the allegations. Actions included:

- Immediate separation of alleged victim and perpetrator
- Comprehensive criminal and/or administrative investigations
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Immediate protection of youth from retaliation
- Periodic follow-up monitoring by the local PREA Compliance Manager

Allegation of youth on youth sexual assault (IR 8856)

In 2017 the division received one allegation of youth on youth sexual assault (IR 8856). After an investigation by the Anchorage Police Department and internal review by McLaughlin Youth Center staff, it was determined that this allegation was unfounded. These youth had a long documented "relationship" prior to residence at MYC and evidence points towards one youth intentionally making a false allegation against the other. These allegations were addressed through the internal MYC discipline process.

In all cases, staff and supervisors responded appropriately to the allegations. Actions included:

- Immediate separation of alleged victim and perpetrator
- Comprehensive criminal and/or administrative investigations
- Documentation and notification under the PREA policy and statewide facility Notification and Reporting Policy
- Immediate protection of youth from retaliation

- Periodic follow-up monitoring by the local PREA Compliance Manager

Allegations of PREA Incidents between Juveniles and Staff

In calendar year 2017, there was one allegation of staff sexual misconduct (IR 9692) received by the division, involving staff and a youth at McLaughlin Youth Center. After a detailed internal review, including review of available video footage, it was determined this allegation was unfounded. The youth making the allegation has serious deficits and admitted the incident was a fabrication. This allegation was not referred to law enforcement.

As a result of this allegation the staff on this unit were reminded about appropriate procedures and staffing while escorting residents to avoid allegations such as this.

APPENDIX: Sexual Abuse Definitions

Abusive Sexual Contact (by juveniles): Non-penetrative contact of any person without his/her consent, or of a person who is unable to consent or refuse. This includes one or more of the following behaviors:

- (1) intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks;
- (2) sexual contact does not include unintentional contact or kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than sexually exploit.

Sexual Assault/Nonconsensual Sexual Act (between juveniles): An incident in which one or more of the following acts occurs WITHOUT consent between the parties involved:

- (1) contact between the penis and the vagina or the penis and the anus involving penetration, however slight. It does not include kicking, grabbing, or punching genitals when the intent is to harm rather than sexually exploit;
- (2) contact between the mouth and the penis, vagina, or anus;
- (3) penetration of the vagina or anus of another person by hand, finger, or other object.

Sexual Harassment (by staff or between juveniles): Repeated unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, sexually offensive language, comments or gestures or any physical conduct that is of a sexual nature or sexually suggestive when:

- (1) influencing, promising, or threatening a juvenile's safety, custody, or security level (including recommendations for court actions), privacy, housing, privileges, work detail or program status in exchange for sexual favors;
- (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual;
- (3) such conduct has the purpose or effect an intimidating, hostile, or offensive environment for a juvenile or others by engaging in or permitting, sexually offensive behavior or language that is directed at or observed by a juvenile or others; and/or

(4) Creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

Staff sexual misconduct (includes one or more of the following behaviors):

- a) Consensual or non-consensual sexual acts, including verbal or written communication, involving a juvenile and staff.
- b) Any behavior of a sexual nature, that involves touching, directed toward a juvenile by staff.
- c) Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire. It does not include kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than to sexually exploit.
- d) All completed, attempted, threatened, or requested sexual acts between staff and the juvenile.
- e) Incidents of indecent exposure, voyeurism, or invasion of privacy for sexual gratification.