



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Health and Social Services

DIVISION OF JUVENILE JUSTICE  
Director's Office

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**Date:** November 14, 2019

**To:** Tracy Dompeling, Division Director

**Thru:** Barb Murray, Deputy Director of Administration and Programs  
Heidi Redick Deputy Director of Operations

**From:** Matt Davidson, PREA Coordinator

**Subject:** 2018 Prison Rape Elimination Act Annual Report

Director's Signature

A handwritten signature in blue ink that reads "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 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.

The PREA regulations 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). The data collected must include the information submitted as part of the annual Survey of Sexual Victimization. The 2018 data collection is due November 29, 2019.

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)

### **2018 PREA Activities**

During calendar year 2018, the division continued its efforts to maintain full PREA compliance:

- **Facility PREA audits:** Three DJJ facilities received PREA audits during CY2018. Johnson Youth Center, Mat-Su Youth Facility, and Kenai Youth Facility were each audited for their compliance with the PREA standards. This is the second time each of these facilities has been audited. Since the last round of audits the US Department of Justice increased the expectations for the audits. Each of these facilities rose to the challenge and provided the contract audit with all necessary information. All three facilities were found compliant with PREA.

Copies of their completed audit reports are found on the DJJ website at:

[dhss.alaska.gov/djj/Pages/GeneralInfo/PREAAnnualReports.aspx](http://dhss.alaska.gov/djj/Pages/GeneralInfo/PREAAnnualReports.aspx)

- **Governor's Certification:** In October 2018, Governor Walker certified that the Alaska Division of Juvenile Justice is compliant with the PREA Juvenile Standards. This certification means that DJJ are 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 Victimization* conducted by the US Census on behalf of the US Department of Justice. The summary of this reporting through calendar year 2018 (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.

The division has zero tolerance of 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.

### **Calendar year 2018 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, these education and training efforts have been successful. Staff regularly counsel youth on appropriate behavior in the facilities and reference the PREA educational materials. This education likely leads to a reduction in the number and severity of incidents, and increases the likelihood that incidents- however minor- are reported by youth and staff.

Facility PREA Compliance Managers and staff continue to work through false and misleading allegations from youth, however 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.

### **Other Sexual Behavior of Concern- Consensual Sexual Acts**

PREA incidents involving youth on youth sexual activity that appear consensual continues to be a challenge for the division. Although not required by PREA, the Division of Juvenile Justice prohibits any form of relationships or sexual activity in DJJ facilities. This prohibition is especially necessary considering the history of trauma, sexual offending, sex trafficking, and other sexual victimization many DJJ youth have experienced prior to admission to a DJJ secure facility. These experiences can lead to a variety of types of sexual acting out, including use of coercion, grooming, and outright threats as a precursor to "consensual activity" between youth.

Any sexual activity initiates the incident notification and reporting process and generally notification of the facility's PREA coordinator. Through an initial review, staff attempt to determine the extent of the conduct, whether the behavior was consensual, and/or a if law enforcement investigation is necessary. Regardless of these determinations, DJJ staff take direct action to prevent the activity from occurring in the future and take appropriate disciplinary steps to hold youth accountable for the rule violations. Incidents determined to be consensual or involving other behaviors not considered by PREA are not reported in the annual Survey of Sexual Victimization.

**Figure 1. Survey of Sexual Victimization- 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	0	1	1	7	3	1	0	0	0
2018	0	0	0	0	9	7	2	0	0	0
<b>Total</b>	<b>4</b>	<b>0</b>	<b>27</b>	<b>15</b>	<b>39</b>	<b>24</b>	<b>20</b>	<b>6</b>	<b>15</b>	<b>1</b>

\*Prior to CY2013, youth on youth sexual harassment reporting was not requested by DOJ.

**Allegations of PREA Sexual Harassment between juveniles**

In calendar year 2018, a total of 9 allegations of sexual harassments between youth were reported at DJJ facilities. Of the allegations, 7 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 2018 no allegations of abusive sexual contact (non-penetrative touching of a youth's private areas) were reported. This is good news and reflects the high level of supervision provided by DJJ of youth residing in DJJ facilities and the division's efforts to educate youth about appropriate behavior in secure facilities.

### **Allegation of youth on youth sexual assault**

In 2018 no allegations of youth on youth sexual assault were reported.

### **Allegations of PREA Incidents between Juveniles and Staff**

In calendar year 2018, there were two allegations of staff sexual misconduct received by the division, involving staff and a youth at Fairbanks Youth Facility. Both these incidents were investigated by law enforcement who determined the allegations were unfounded.

Incident 11022- A youth at Fairbanks Youth Facility alleged staff touched her inappropriately during a restraint. The Alaska State Troopers (AST) investigated the allegation. During the AST interview, the youth making the allegation admitted the incident was a fabrication.

Incident 12035- A youth at Fairbanks Youth Facility requested access to the DJJ PREA Hotline. The youth left two messages alleging non-specific PREA violations. The Statewide PREA Coordinator contacted the facility and learned that the youth had also contacted the facility's outside reporting agency. The outside reporter and Alaska State Troopers interviewed the youth and determined that the allegations against staff were unfounded. The facility's review of video coverage collaborated this conclusion.

## **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.