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# PREA ANNUAL REPORT

July, 2019

Trends and figures based on data collected for calendar year 2018 and prior years.



# ANNUAL PREA REPORT 2018

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## **Background**

The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President George W. Bush in 2003. In 2012, the Department of Justice (DOJ) published final standards to govern implementation of the purposes of PREA which are to enable corrections systems to better detect, prevent, reduce, and punish for sexual violence committed against offenders who are housed in this nation's corrections and confinement systems. This Annual PREA Report is prepared and published pursuant to PREA Standard 115.88.

This year the U.S Department of Justice requested the Governor's Office to provide a copy of all final audit reports completed to date from (August 20, 2017 through August 19, 2018) for confinement facilities under operational control of the executive branch of a state. These facilities include all nine institutions and the State Training School for Boys in Eldora, Iowa. All certification requirements and supplemental documentation was forwarded to DOJ by October 15, 2018.

## **Annual reports to DOJ/BJIS**

The Iowa Department of Corrections (IDOC) has reported PREA investigation data to DOJ, Bureau of Justice Statistics (BJS), for the Iowa Corrections System from 2006 through 2018.

## **Governor's Certification**

Upon completion of audit year two of the second audit cycle, all of the institutions under operational control of the executive branch, Office of the Governor, has met the requirements of all PREA standards and is fully certified.

## **Data Comparison 2018 and Prior Years**

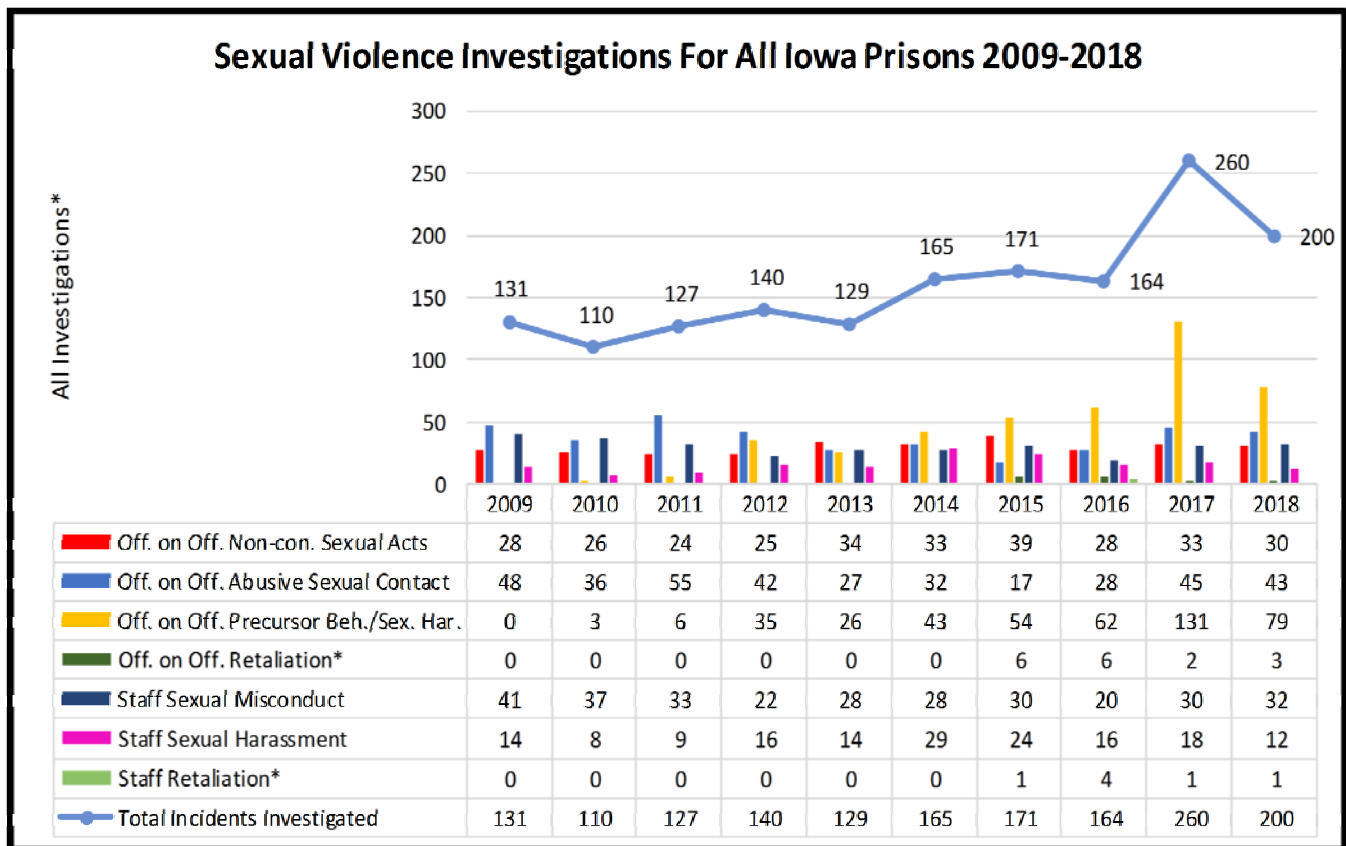
Investigation data for Iowa prisons is set forth in the charts below.

1. Investigative Trends for All Prisons
2. Investigative Trends by Prison
3. Trends for Prison Populations and Investigations
4. Offender on Offender Allegations - Sexual Assault
5. Offender on Offender Allegations - Sexual Abuse
6. Offender on Offender Allegations - Precursor Behavior/Sexual Harassment
7. Staff, Contractor, or Volunteer on Offender Allegations - Sexual Misconduct
8. Staff, Contractor, or Volunteer on Offender Allegations - Sexual Harassment



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## 1. TRENDS - SEXUAL VIOLENCE INVESTIGATIONS FOR ALL PRISONS

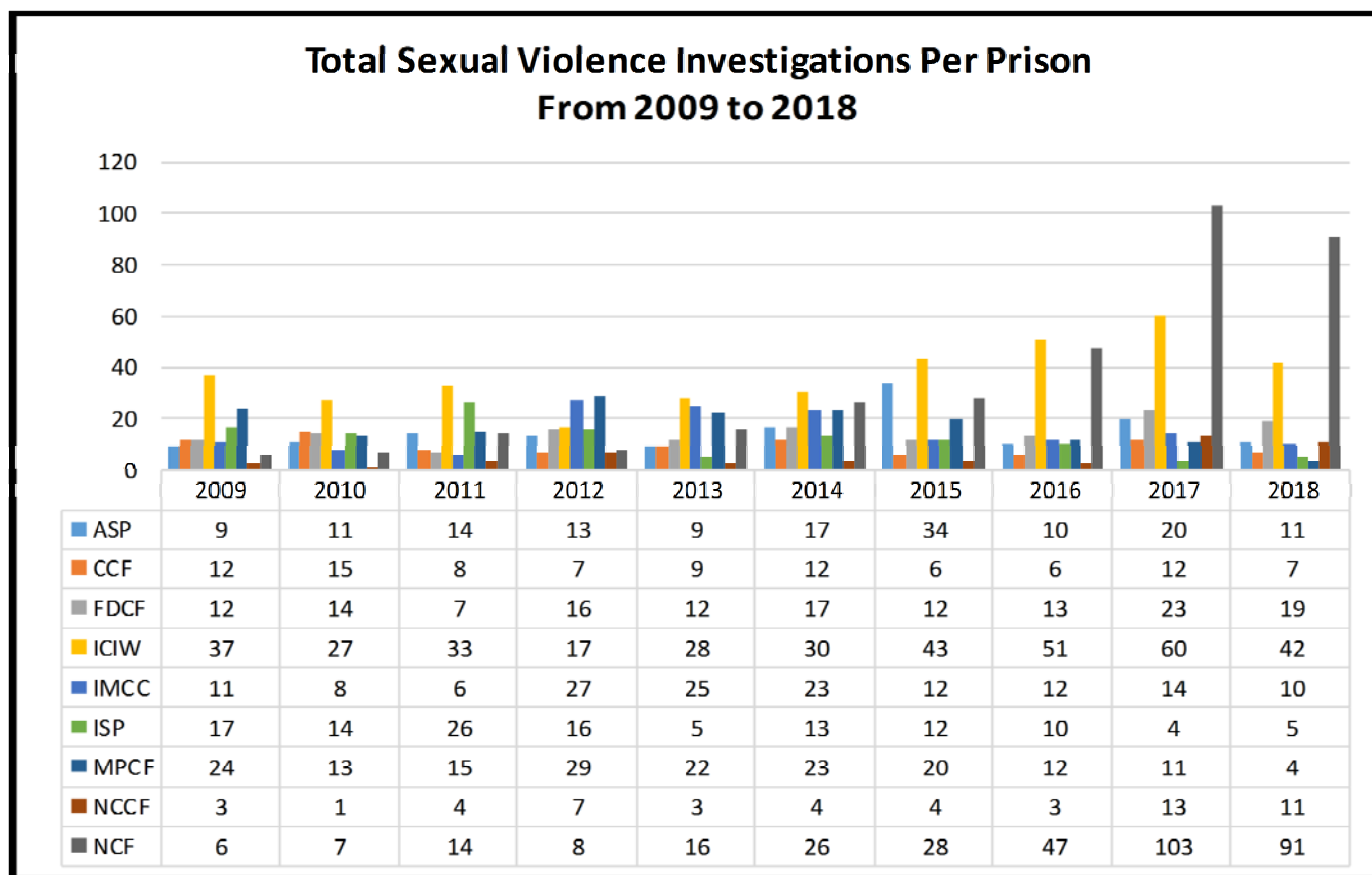


- \* All Investigations include: Substantiated, Unsubstantiated, Unfounded and Other findings.
- \* Offender on Offender Precursor Behavior investigation case type did not begin until 2010.
- \* 2015 was the first year for all PREA Retaliation case types.



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## 2. TRENDS - SEXUAL VIOLENCE INVESTIGATION TOTALS BY PRISON

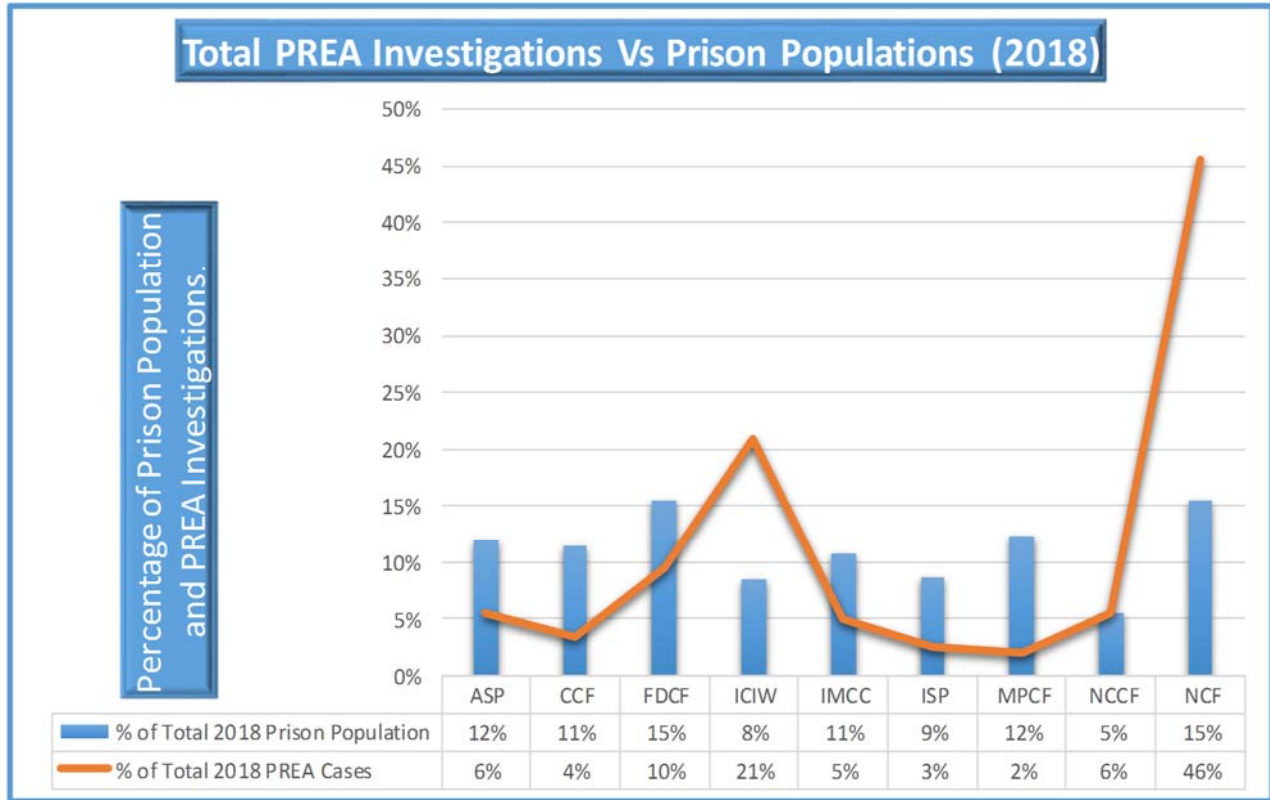


**Note:** In 2017 the Newton Correctional Facility (NCF) received the majority of IDOC's sex offender population. This represents the escalated number of reported incidents.



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## 3. TRENDS - PRISON POPULATIONS AND PREA INVESTIGATIONS



This graph shows the percentage of each prison’s population based on the 2018 calendar year end total prison population of **8,553** incarcerated individuals.

Also shown is the percentage of each institution’s share of the **200** Sexual Violence investigations concluded during the 2018 calendar year.



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**PREA Sexual Violence investigations are conducted and findings are formed according to the content of definitions prescribed by BJS**

## **4. OFFENDER-ON-OFFENDER ALLEGATIONS**

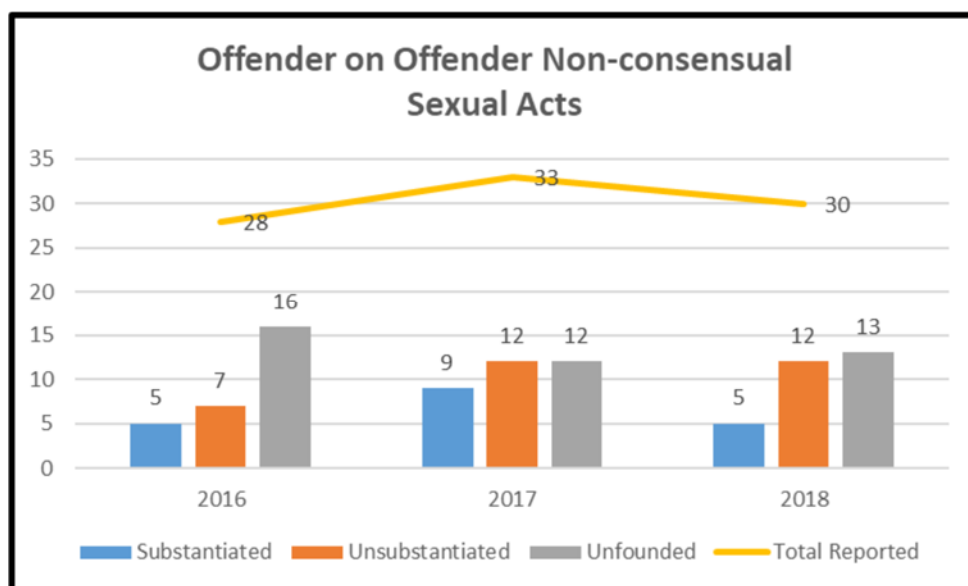
### **Sexual Assault / Abuse**

(Non-consensual Sexual Acts)

The victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse and the contact consists of:

- Contact between genitalia or between genitalia and anus including penetration, however slight.
- Contact between the mouth and genitalia or 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.

### **TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE**





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## 5. OFFENDER-ON-OFFENDER ALLEGATIONS

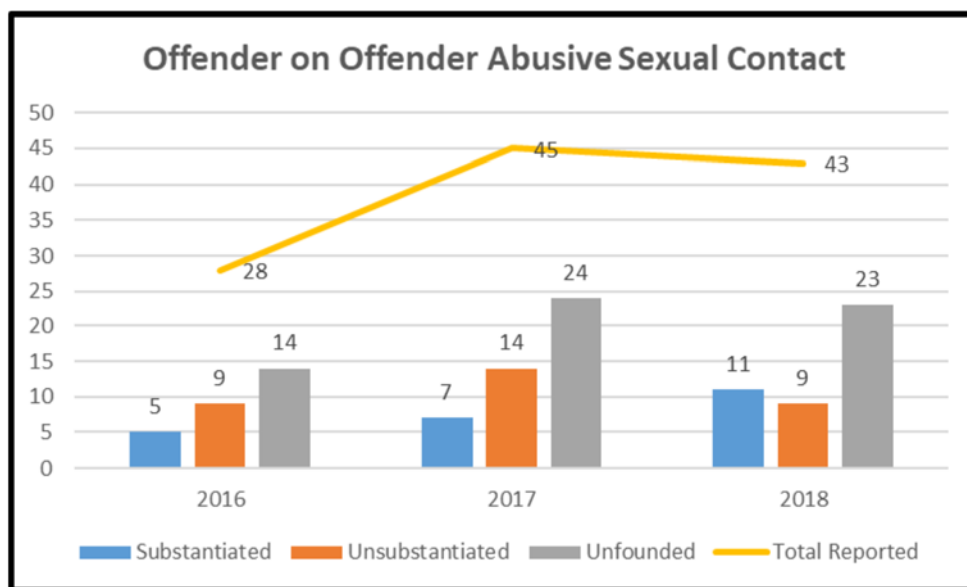
### Sexual Assault / Abuse

(Abusive Sexual Contact)

The victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse and the contact consists of:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- Excludes contact incidental to a physical altercation with no sexual intent for the assault.

### TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE







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## 6. OFFENDER-ON-OFFENDER ALLEGATIONS

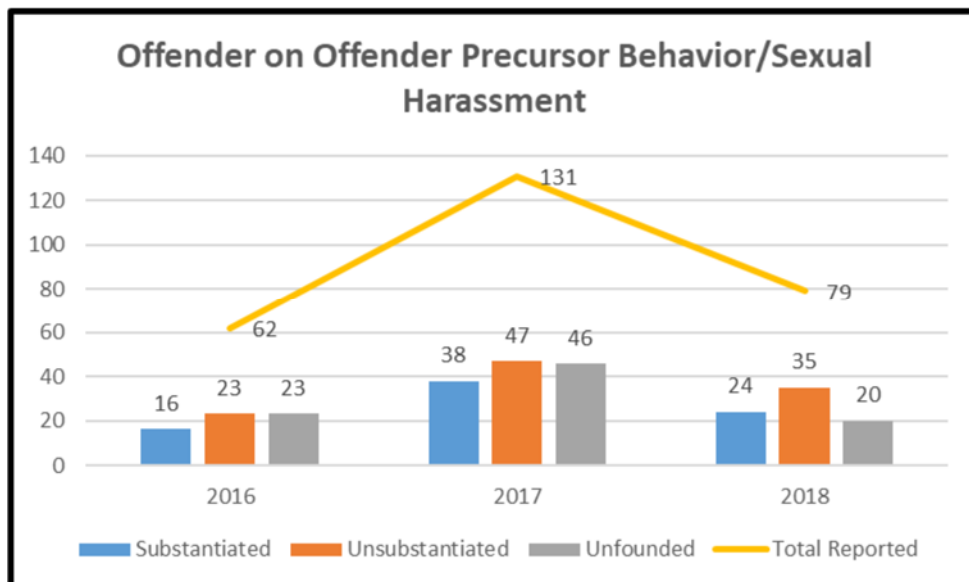
### Precursor Behavior / Sexual Harassment

(Intent to obtain non-consensual sexual acts and/or Sexual Harassment)

All other acts the intent of which are to force, harass, intimidate, or otherwise compel an unwilling offender into any sex act. This includes any behavior that exhibits:

- 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; and
- Coercion and voyeurism.
- Grooming.
- Overt or implied threats of violence where sexual acts would appear to be imminent for the purpose of accomplishing sex acts against an offender who would not otherwise consent. This includes protective pairing.

### TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE





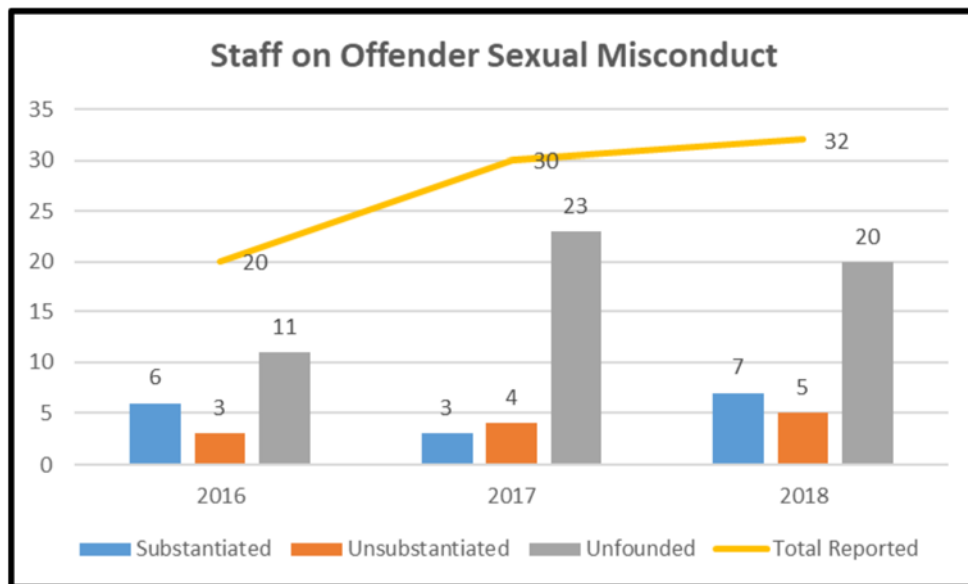
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## 7. STAFF, CONTRACTOR, OR VOLUNTEER ON OFFENDER ALLEGATIONS Sexual Misconduct / Sexual Abuse

Any behavior or act of a sexual nature directed toward an offender, whether it appears to be consensual or nonconsensual, including:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire.
- Completed, attempted, threatened, or requested sexual acts.
- Occurrences of indecent exposure including display of uncovered genitalia, buttocks, or breasts, invasion of privacy.
- Voyeurism for sexual gratification including invasion of privacy unrelated to official duties, such as staring or glaring at an offender using the toilet for a longer period of time than necessary for security checks, requiring an offender to expose buttocks, genitals or breasts for reasons not related to approved security measures or normal medical procedures, or taking images of the same.

### TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE



**Note:** As of July 2019, Iowa and Vermont remain the only two states in the U.S. where sexual violence, committed by staff on offenders, is not classified as a felony offense.



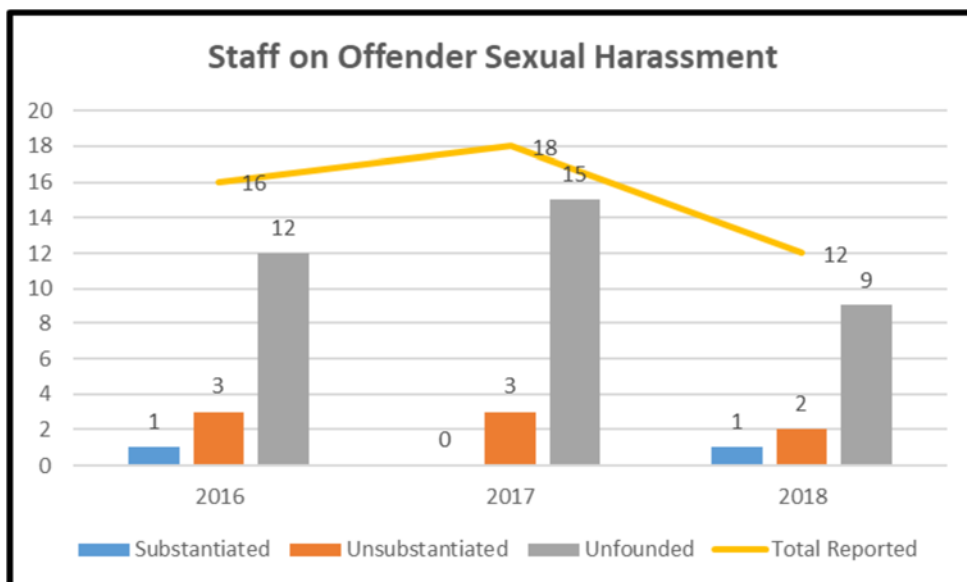
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## 8. STAFF, CONTRACTOR, OR VOLUNTEER ON OFFENDER ALLEGATIONS Sexual Harassment

Sexual Harassment Includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate, detainee, or resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or residents 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.

### TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE





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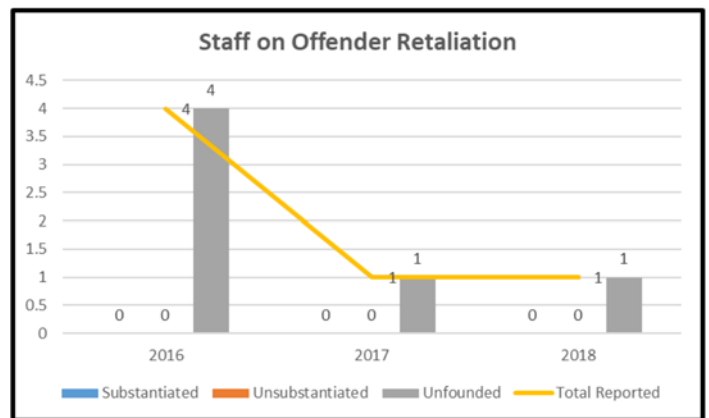
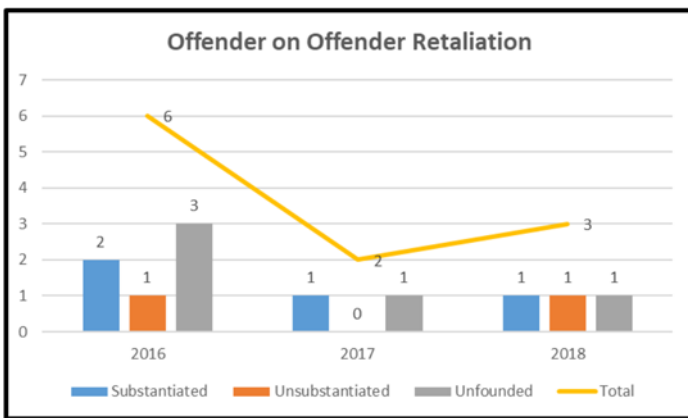
## 10. BOTH STAFF, CONTRACTOR, OR VOLUNTEER ON OFFENDER ALLEGATIONS AND OFFENDER ON OFFENDER ALLEGATIONS.

### Retaliation

Includes, but is not limited to, acts of vengeance, covert or overt action or threat of action, or harassment against an offender, staff, contractor, or volunteer in response to a complaint of sexual violence or cooperation in the reporting or investigation thereof, regardless of the merits or the disposition of the complaint.

- Unnecessary discipline, changes in work program assignments.
- Unjustified transfers and/or placements.
- Denials of privileges or services.
- Intimidation, threats, assaults, or other physical violence.

### TOTAL INVESTIGATIONS, WITH FINDINGS, FOR ALL PRISONS STATEWIDE



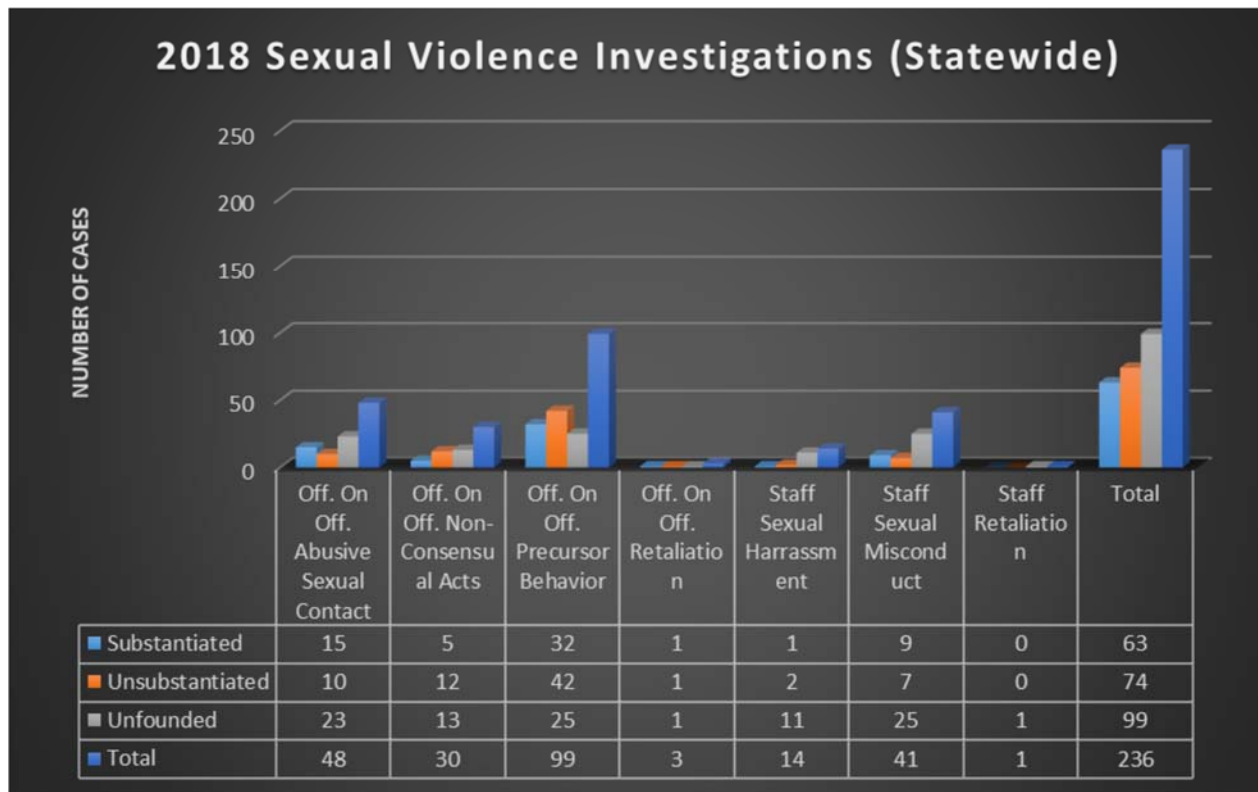


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## 11. PREA SEXUAL VIOLENCE INVESTIGATION CASE FINDINGS.

Upon completion, investigators conclude an investigation with one of the following three official findings for the allegation:

- **SUBSTANTIATED:** The investigation found a preponderance of evidence that shows the allegation to be true.
- **UNSUBSTANTIATED:** The evidence is insufficient to prove the allegation true or false. A preponderance of credible evidence could not be obtained. The evidence is inconclusive and cannot show whether the allegation did, or did not happen.
- **UNFOUNDED:** A preponderance of evidence indicates the allegation to be untrue. Does not mean the investigation failed to prove the misconduct happened.
- **OTHER:** Not an official finding. “Other” has been used in the past to conclude rare cases with special circumstances. No cases with a finding of “Other” were reported in 2018.

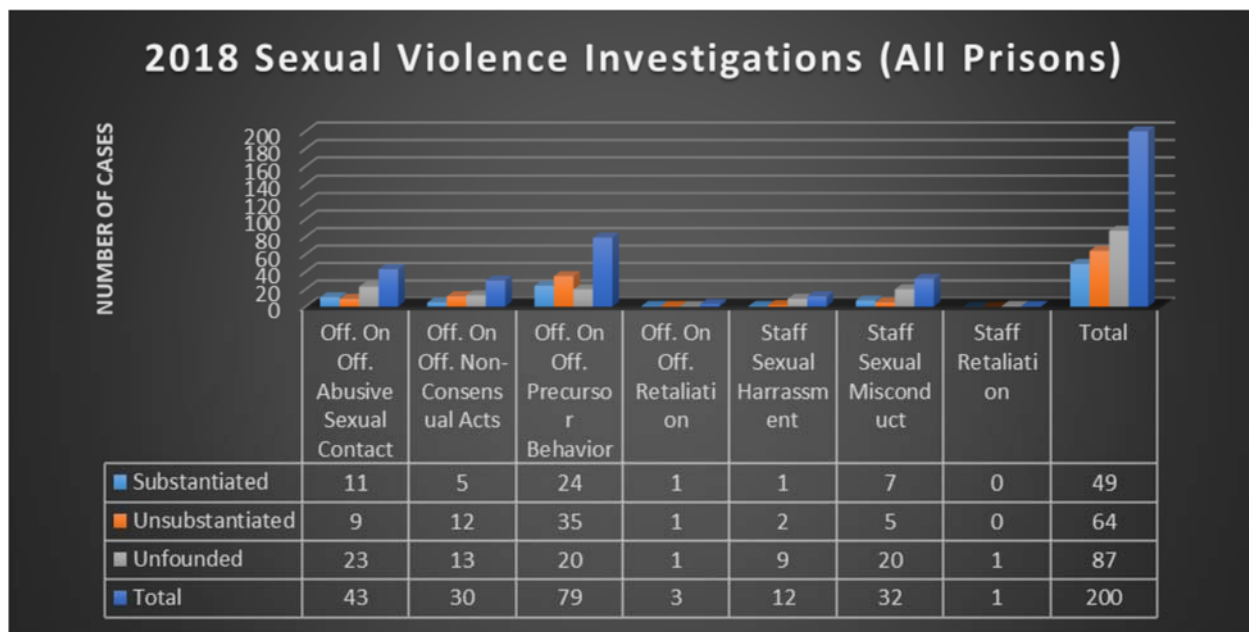


Data includes all Prisons and Community Based Corrections (CBCs).

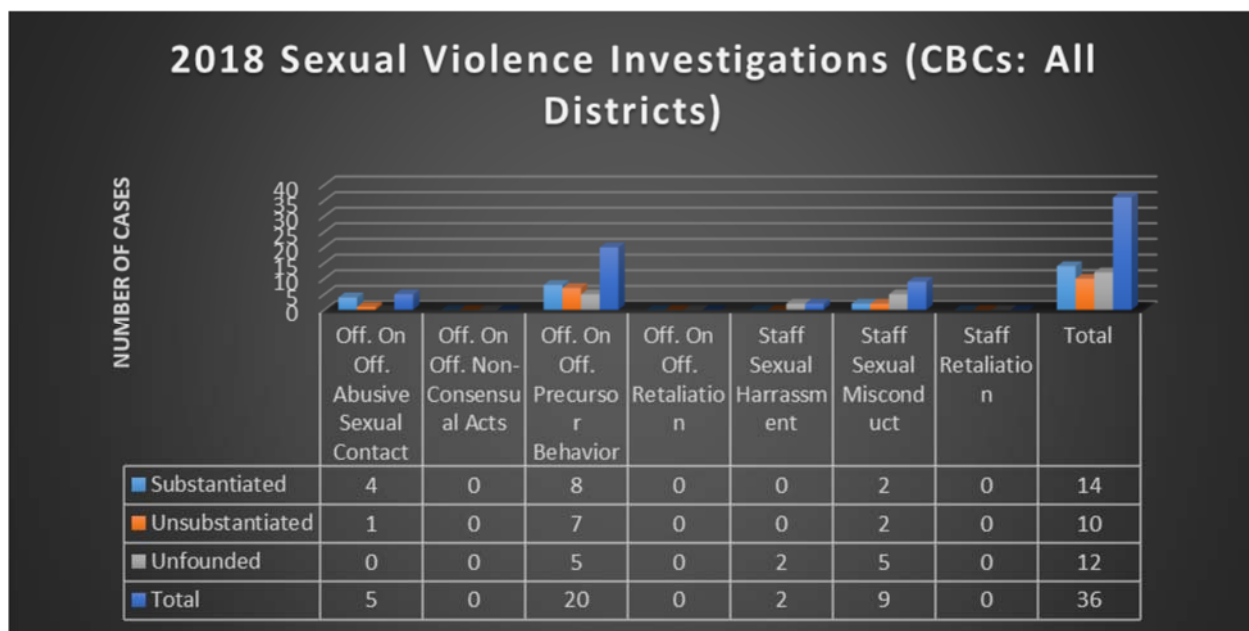


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## FINDINGS CONTINUED...



In 2018 there were 200 Sexual Violence investigations in Iowa's prisons, 49 (24.5%) of which the allegations were found to be Substantiated by investigators.



In 2018, there were 36 Sexual Violence investigations in Iowa's CBCs, 14 (39%) of which the allegations were found to be Substantiated by investigators.



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As a result of the data gathered and reported during Investigations, PREA Audits and Incident Reviews, the IDOC prisons and community based corrections continue to utilize information provided to educate all staff and offenders in the area of PREA and maintaining a zero tolerance culture in all of Iowa's institutions and residential facilities. All facilities audited in this cycle successfully met all PREA standards. Please review [IDOC website](#) for summary of Audit Findings for the following facilities (**Press "Ctrl + n" and left click to activate hyperlinks**):

**ICIW:** Iowa Correctional Institution for Women.

**ISP :** Iowa State Penitentiary.

**CCF:** Clarinda Correctional Facility.

**The State Training School for Boys** in Eldora prepared for and successfully passed their PREA audit for this cycle. See their website linked here: <https://dhs.iowa.gov/mhds/mental-health/in-patient/juvenile-facility/eldora>.

### **Community Based Corrections Residential Facilities and their website links:**

- 1st JD Dubuque Residential Facility — <http://firstdcs.com/prea/default.html>
- 1st JD West Union Residential Facility — <http://firstdcs.com/prea/default.html>
- 6th JD Anchor Center Facility — <https://iowacbc.org/prea/>
- 7th JD Residential Correctional Facility, Davenport — <http://seventhdcs.com/prea/>
- 7th JD Work Release Facility, Davenport — <http://seventhdcs.com/prea/>

For additional information and review of the findings please refer to CBC websites.



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**SVP (Sexual Violence Propensity)** The department is still highly committed to providing quality services and assessments to assist IDOC professionals in making informed decisions on how to place offenders/clients in work, bed, education and program assignments via individualized planning and determinations based on their sexual violence propensity in order to ensure the safety of each offender/client in Iowa's correctional facilities.

**SVS History and Methodology** The Bureau of Justice Statistics (BJS) began the Survey of Sexual Violence (renamed the Survey of Sexual Victimization) in 2004. It is an annual collection mandated by the Prison Rape Elimination Act of 2003 (PREA) to measure the incidence of prison rape. The survey is based on official administrative records of correctional systems and facilities, and covers all federal prisons, state prisons, and facilities operated by the U.S. military and Immigration and Customs Enforcement, and a representative sample of local jails, jails in Indian country, and privately operated jails and prisons. The U.S. Census Bureau currently serves as the data collection agent.

- **Sampling:** The sample designs for BJS's 2012-2018 Survey of Sexual Victimization (SSV, formerly Survey of Sexual Violence) varied for each type of facility covered by the Prison Rape Elimination Act of 2003.
- **Federal and state prisons:** For each year, the survey included the Federal Bureau of Prisons and all 50 state adult prison systems. Prison administrators reported on allegations and substantiated incidents of sexual victimization that occurred within publicly operated adult prison facilities only, and excluded allegations and incidents involving federal or state inmates in other facilities, such as privately operated prisons or jails.

### Data Assessment

After review of investigation data, incident reports, and corrective actions taken by the prisons, and residential facilities the Director and Inspector General continue to monitor IDOC's progress and to manage current processes and procedures for detecting, preventing, reducing, and punishing perpetrators of sexual violence in Iowa prisons. The IDOC continues to implement the requirements of the PREA standards and make changes that are determined to be necessary through ongoing review.

*Signature on file at Iowa DOC*  
Beth A. Skinner, PhD, Director  
Iowa Department of Corrections

July 30, 2019  
Date