

Prison Rape Elimination Act (PREA) 2013 Annual Report

Alabama Department of Corrections

Introduction

The Prison Rape Elimination Act of 2003 (PREA) was signed into federal law with the purpose to provide for the analysis of incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape. In 2012, The Department of Justice published the final rule of standards promulgated by the Attorney General of the United States. PREA applies to all public and private institutions that house adult and juvenile offenders. The Alabama Department of Corrections (ADOC) maintains a zero-tolerance policy regarding sexual abuse, sexual misconduct, and sexual harassment of offenders and employees within the agency's 28 state prison facilities. The agency's zero-tolerance policy not only aims to protect all offenders under ADOC jurisdiction from sexual abuse and sexual harassment, but also protects against retaliation of anyone who reports illegal activity and participates in an investigation.

ADOC is continually improving the reporting methods for both inmates and employees to ensure the highest level of compliance, as well as swift corrective action when needed. ADOC's reporting methods include internal ADOC reporting by dialing **91** through the inmate phone system; third party reporting with an outside agency by dialing **#66** through the inmate phone system; third party reporting to ADOC internal investigations through an internet third party reporting form; inmates are given internal investigation envelopes in order to write directly to ADOC Investigations & Intelligence (I&I) division; and PREA inmate and employee drop boxes have been made available throughout the facilities so confidential, anonymous reports can be made.

All allegations of sexual abuse, sexual misconduct, and sexual harassment within ADOC facilities will be investigated. To better understand the meaning of each type allegation, definitions of each is provided below.

Sexual Abuse: (as defined in PREA Standard §115.6) includes:

1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and,
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. 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.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. 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;
4. 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;
5. 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;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section; and

7. 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
8. Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment: (as defined in PREA Standard §115.6) includes:

1. 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; or
2. Repeated verbal comments or gestures of a sexual nature to an inmate, 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.

Sexual Misconduct: (as defined in Alabama Code Section 13A-6-65) includes:

1. A person commits the crime of sexual misconduct if:
 - a. Being a male, he engages in sexual intercourse with a female without her consent, under circumstances other than those covered by Sections 13A-6-61 and 13A-6-62; or with her consent where consent was obtained by the use of any fraud or artifice; or
 - b. Being a female, she engages in sexual intercourse with a male without his consent; or
 - c. He or she engages in deviate sexual intercourse with another person under circumstances other than those covered by Sections 13A-6-63 and 13A-6-64. Consent is no defense to a prosecution under this subdivision.
2. Sexual misconduct is a Class A misdemeanor.

Allegations can be administrative or criminal in nature depending on the alleged incident. The Institutional PREA Compliance Manager (IPCM) at each facility tracks the progress of the investigation with constant contact with the investigator assigned to the case, if applicable. Upon completion of each investigation, appropriate disciplinary action is taken against the perpetrator, and all inmate victims are given a written notification of investigative outcome based on the following categories:

1. **Substantiated:** an allegation that was investigated and determined to have occurred.
2. **Unsubstantiated:** an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
3. **Unfounded:** an allegation that was investigated and determined not to have occurred.

All PREA investigations are forwarded to the District Attorney office for further review and or prosecution.

This report summarizes all 2013 PREA allegations that were generated from within the 28 ADOC facilities as well as any corrective action taken on both agency and facility level to ensure each facility becomes PREA compliant by enhancing sexual safety.

Agency Corrective Action

ADOC implemented female and male inmate handbooks to include PREA information. ADOC began implementing inmate orientation upon arrival at facilities in which all inmates are given an information pamphlet, *What You Should Know about Sexual Abuse and Sexual Assault*. ADOC implemented ADOC Administrative Regulation 454 - Inmate Sexual Abuse and Harassment (Prison Rape Elimination Act). ADOC developed an Employee PREA Awareness, Training, and Education Curricula that covers the following PREA required objectives:

1. ADOC zero tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill the responsibilities under ADOC sexual abuse and sexual harassment prevention, detection, reporting, and responding policies and procedures;
3. The right of inmates to be free from sexual abuse and sexual harassment;
4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment victims;
6. The common reactions of sexual abuse and sexual harassment victims;
7. How to detect and respond to signs of threatened and actual sexual abuse;

8. How to avoid inappropriate relationships with inmates;
9. How to communicate effectively and professionally with inmates, including LGBTI, or gender non-conforming inmates; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.

Facility Corrective Action

Alex City Work Release/Work Center

Alex City WR assigned an IPCM to oversee the daily operations of PREA. Alex City WR posted OFF LIMITS signs to designate areas such as behind buildings and along the creek bank. Alex City posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility.

Atmore Work Center

Atmore WC posted the #77 ADOC reporting hotline flyers throughout the facility. Atmore WC assigned an IPCM to oversee the daily operations of PREA. Windows were cut into office doors and paper was removed from all windows to ensure a good line of sight. All PREA drop boxes were installed throughout the facility. PREA posters were displayed throughout the facility.

Bibb Correction Facility

Bibb CF posted the #77 ADOC reporting hotline flyers throughout the facility. Bibb CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Birmingham Work Release/Work Center

Birmingham WR assigned an IPCM to oversee the daily operations of PREA. Birmingham WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Birmingham WR placed privacy dividers and curtains in all housing unit bathroom areas.

Bullock Correctional Facility

Bullock CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility. Bullock CF posted the #77 ADOC reporting hotline flyers throughout the facility.

Camden Work Release/Work Center

Camden WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Camden WR assigned an IPCM to oversee the daily operations of PREA.

Childersburg Work Release/Work Center

Childersburg WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Childersburg WR assigned an IPCM to oversee the daily operations of PREA.

Decatur Work Release/Work Center

Decatur WR assigned an IPCM to oversee the daily operations of PREA. Decatur WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility.

Draper Correctional Facility

Draper CF posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Draper CF assigned an IPCM to oversee the daily operations of PREA.

Easterling Correctional Facility

Easterling CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility. Easterling CF posted the #77 ADOC reporting hotline flyers throughout the facility.

Elba Work Release Center

Elba WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Elba WR assigned an IPCM to oversee the daily operations of PREA.

Elmore Correctional Facility

Elmore CF assigned an IPCM to oversee the daily operations of PREA. Elmore CF began the installation process of the video monitoring system.

Frank Lee Work Release Center

Frank Lee posted the #77 ADOC reporting hotline flyers throughout the facility. Frank Lee WR assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Fountain/J.O. Davis Correctional Facility

Fountain/J.O. Davis posted the #77 ADOC reporting hotline flyers throughout the facility. Fountain/J.O. Davis CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Hamilton Aged and Infirm

Hamilton A&I assigned an IPCM to oversee the daily operations of PREA. Hamilton A&I posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Modifications to all dorm bathrooms began.

Hamilton Work Release Center

Hamilton WR assigned an IPCM to oversee the daily operations of PREA. Hamilton WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. Mirrors were installed throughout the facility. Twelve cameras were installed.

Holman Correctional Facility

Holman CF posted the #77 ADOC reporting hotline flyers throughout the facility. Holman CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Kilby Correctional Facility

Kilby CF posted the #77 ADOC reporting hotline flyers throughout the facility. Kilby CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Limestone Correctional Facility

Limestone CF posted the #77 ADOC reporting hotline flyers throughout the facility. Limestone CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Loxley Work Release Center

Loxley WR assigned an IPCM to oversee the daily operations of PREA. Loxley WR posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout facility. Loxley WR IPCM attended a PREA informational meeting.

Mobile Work Release Center

Mobile WR posted the #77 ADOC reporting hotline flyers throughout the facility. Mobile WR assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Montgomery Work Release Center

Montgomery WC assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility. Montgomery WC posted the #77 ADOC reporting hotline flyers throughout the facility.

Red Eagle Work Center

Red Eagle WC assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility. Red Eagle WC posted the #77 ADOC reporting hotline flyers throughout the facility.

St. Clair Correctional Facility

St. Clair CF posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility. St. Clair CF assigned an IPCM to oversee the daily operations of PREA.

Staton Correctional Facility

Staton CF posted the #77 ADOC reporting hotline flyers throughout the facility. Staton CF assigned an IPCM to oversee the daily operations of PREA. PREA posters were displayed throughout the facility.

Tutwiler Prison for Women

Tutwiler PFW assigned an IPCM to oversee the daily operations of PREA. Tutwiler posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility.


Ventress Correctional Facility

Ventress CF assigned an IPCM to oversee the daily operations of PREA. Ventress CF posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility.

William E. Donaldson Correctional Facility

W. E. Donaldson CF assigned an IPCM to oversee the daily operations of PREA. Donaldson CF posted the #77 ADOC reporting hotline flyers throughout the facility. PREA posters were displayed throughout the facility.

The 2013 Annual Report has been approved by:



Jefferson S. Dunn, Commissioner

Date: 7 June 2016