

FAMILY GUIDANCE RE-ENTRY CENTER

Sexual Assault and Sexual Harassment Data

PRISON RAPE ELMINIATION ACT (PREA) 2019 ANNUAL REPORT

Ronald J. Vlasaty, Executive Vice-President

**Robert Thompson Jr., LCSW, Vice-President of Special Programs/PREA
Coordinator**

Maria Crawford, CADC, MISA II, PREA Compliance Manager

FAMILY GUIDANCE CENTERS, INC.-SPRINGFIELD FACILITY
Prison Rape Elimination Act (PREA)
Annual Report- 2019

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Background

The Prison Rape Elimination Act (PREA) was unanimously passed by Congress in 2003 and signed into federal law in September 2014 ushering in an area of national dialogue and focus on improving sexual safety in confinement. The purpose of the law was to provide information, resources, recommendations and funding to protect inmates from prison “rape”. PREA seeks to establish a zero-tolerance policy regarding rape, sexual abusive behavior and sexual harassment in federal, state and correctional systems to include: prisons, jails, police lock-ups and other confinement facilities for adults and juveniles. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection and response strategies in addressing rape, sexual abuse behavior and sexual harassment.

In August 2012, the United States Department of Justice (DOJ) issued the final PREA standards for: Prison and Jails, Lock-ups, Community Confinement Facilities and Juvenile Facilities. These standards required DOJ audits of all facilities under the agency’s operational control. Failure to comply with the aforementioned standards would result in non-certification of PREA and potential loss of contract funding.

Agency Achievements in 2019

1. Family Guidance Centers, Inc., continued its linkage agreement with Prairie Center against Sexual Assault (PCASA) to provide inmates with access to outside PREA victim advocates for emotional support services related to sexual abuse. The abuse need not have occurred during incarceration in order for the inmate to seek support from PCASA. Inmates can contact PCASA in writing or via hotline phone service in a confidential office. All communication with PCASA is confidential, unless PCASA determines that the alleged victim is a danger to themselves or a third party. During 2019, PCASA indicated that they did not receive any hotline calls from FGC-Springfield facility.
2. FGC’s PREA Coordinator provided training and adherence to the agency’s PREA Community Confinement Standards and Policies.

Purpose

The DOJ PREA standards require our agency to collect a defined set of data for every allegation of sexual abuse and sexual harassment. These standards further require we aggregate and review that data in order to assess and improve our effectiveness as an agency at preventing, detecting and responding to PREA allegations. Standards related to the collection of data include: 115.287 Data Collection, 115.288 Data Review for Corrective Action and 115.289 Data Storage, Publication and Destruction. For reference purposes, they are included within this report.

115.287 Data Collection

- a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- c) The incident-based data collected shall include, at a minimum the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d) The agency shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
- e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- f) Upon request, the agency shall provide all such data from previous calendar year to the Department of Justice no later than June 30.

115.288 Data Review for Corrective Action

- a) The agency shall review data collected and aggregated pursuant to 115.287 in order to access and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including by:
 - 1) Identifying problem areas;
 - 2) Taking corrective action on an ongoing basis; and
 - 3) Preparing an annual report of its findings and corrective action for each facility, as well as the agency as a whole

- b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

115.289 Data Storage, Publication, And Destruction

- a) The agency shall ensure the data collected pursuant to 155.287 are securely retained.
- b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does have one, through other means.
- c) Before making aggregated sexual abuse data public available, the agency shall remove all personal identifiers.
- d) The agency shall maintain sexual abuse data collected pursuant to 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

PREA Data Collection Capabilities

Through the use of our agency's IT system, a PREA data base was designed to collect and record a uniformed set of data (and definitions) for each allegation investigated. PREA standard 115.287 requires collecting, at a minimum the data necessary to answer questions contained in the annual "Survey of Sexual Violence" reports conducted by the DOJ.

Aggregated Data on Sexual Abuse Allegations and Comparison to Prior Years

Family Guidance Centers, Inc., Springfield has a zero tolerance policy for sexual abuse that is covered in detail in policy 115.211 Zero tolerance of sexual abuse and sexual harassment. As such, every allegation, report and/or discovery of sexual activity is investigated and if a sexual assault or sexual harassment event occurred. Only after a full investigation is completed is an event defined as PREA violation or otherwise

The PREA Community Confinement standards provide definitions the guide IDOC and FGC in determining the outcome of allegations investigate. The following are a few of those key definitions:

Definitions

<u>Definitions</u>	
Evidentiary Standard:	The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
Substantiated:	Substantiated allegations means an allegation that was investigated and determined to have occurred.
Unsubstantiated:	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.
Unfounded:	Unfounded allegation means an allegation that was investigated and determined not to have occurred.

The following charts reflect agency's data from 2019.

Agency Overview for 2019

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0	0	0	0	0
Inmate-Inmate Sexual Abuse	0	0	0	0	0
Inmate-Inmate Sexual Harassment	0	0	0	0	0
Staff Sexual Misconduct	0	0	0	0	0
Staff-Inmate Sexual Harassment	0	0	0	0	0
Total	0	0	0	0	0

Agency Overview for 2018

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0	0	0	0	0
Inmate-Inmate Sexual Abuse	0	0	0	0	0
Inmate-Inmate Sexual Harassment	0	0	0	0	0
Staff Sexual Misconduct	0	0	0	0	0
Staff-Inmate Sexual Harassment	0	0	0	0	0
		0	0	0	0
Total	0	0	0	0	0

Comparison of PREA Cases Between Years 2019 and 2018

The number of PREA investigations for 2019 remain the same in total (0%) over 2018. This reflects no change in allegations for every PREA category.

Percentage Breakdown for 2019

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0%	0%	0%	0%	0%
Inmate-Inmate Sexual Abuse	0%	0%	0%	0%	0%
Inmate-Inmate Sexual Harassment	0%	0%	0%	0%	0%
Staff Sexual Misconduct	0%	0%	0%	0%	0%
Staff-Inmate Sexual Harassment	0%	0%	0%	0%	0%
Total	0%	0%	0%	0%	100%

Percentage Breakdown for 2018 for Comparison

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0%	0%	0%	0%	0%
Inmate-Inmate Sexual Abuse	0%	0%	0%	0%	0%
Inmate-Inmate Sexual Harassment	0%	0%	0%	0%	0%
Staff Sexual Misconduct	0%	0%	0%	0%	0%
Staff-Inmate Sexual Harassment	0%	0%	0%	0%	0%
Total	0%	0%	0%	0%	100%

Comparison of Investigative Outcomes Between Years 2019 and 2018

PREA Investigative Outcomes for 2019 demonstrates no variation over the results noted in 2018. From a percentage standpoint, Substantiated, Unsubstantiated, Unfounded and Pending outcomes remain the same.

Incident Overview and Types for 2019

Inmate/Inmate Sex Acts: 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.

Agency	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
FGC-Springfield	0	0	0	0	0

Inmate-Inmate 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 sexual nature by one inmate, detainee, or resident directed toward another.

Written or verbal communication, gestures such as stimulated acts of a sexual nature.

Agency	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
FGC-Springfield	0	0	0	0	0

Inmate/Inmate Sexual Abuse: Contact of any person without his or her consent, or of a person who is unable to consent or refuse and intentional touching, either directly or through the clothing of genitalia, anus, groin, breast, inner thigh or buttocks of any person.

1. 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.

Agency	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
FGC-Springfield	0	0	0	0	0

Staff Sexual Misconduct: 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;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breasts in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer. 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 who is using a toilet in his or her room 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 of an inmate performing bodily functions.

Agency	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
FGC-Springfield	0	0	0	0	0

Staff-Inmate Sexual Harassment: 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 aggressive or derogatory comments about body or clothing or obscene language or gestures.

Written or verbal communication, gestures such as simulated acts of a sexual nature.

Agency	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Total
FGC-Springfield	0	0	0	0	0

Trends

Over this two year period, the Illinois Department of Corrections averaged approximately 774 PREA allegations of inmate on inmate sexual abuse and sexual harassment across all of their individual facilities. During this same time period, IDOC also averaged approximately 705 PREA allegations of staff on inmate sexual misconduct and sexual harassment across these same individual facilities. Family Guidance Centers, Inc., statistical data did not reflect on these numbers as no inference could be drawn from our findings.

PREA IDOC/FGC Tracking History

Total number of all the cases investigated per year	Agency	2018	2019	Two Year Average
	IDOC	1,549	Not available	Not available
	FGC-Springfield	0	0	0

Identified Problem Areas and Corrective Action

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon this year's statistical data, no obvious problems areas are being addressed; however, FGC efforts remain committed in achieving compliance with PREA standards. Family Guidance Centers, Inc., will continue its development in establishing policies and procedures to meet all required PREA standards.

Resolved Problem Areas from 2019

No specific problem area is being addressed based on our data outcomes, however, Family Guidance Centers, Inc., Springfield facility will continue to formulate a comprehensive PREA plan of action that involves education and training to all staff, vendors and inmate adhering to the DOJ's zero tolerance in eliminating sexual abuse and sexual harassment in this community confinement setting. In addition, Family Guidance Centers, Inc., Springfield will continue to work with outside stakeholders, such as the Springfield Police Department, Illinois Sheriff's Department, SAE/SANE providers in the community and Prairie Center against Sexual Assault in an effort to work collaboratively to ensure that the standards set by DOJ and PREA are met.

Conclusion

During calendar year 2019, Family Guidance Centers, Inc., will continue to establish and update the policy and procedures and training component needed for this facility to be in compliance with PREA. FGC will be entering into the final year of the contract with DOJ/BOP and will need to secure an outside PREA auditor for certification.

FGC will also hire a full-time PREA Coordinator to review all training and policy matters established for PREA full compliance and will continue to take all allegations of sexual abuse and harassment seriously throughout our agency.