

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



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Bureau of Justice Assistance
U.S. Department of Justice

[Following information to be populated automatically from pre-audit questionnaire]

Name of facility: East Mississippi Correctional Facility (EMCF)

Physical address: 10641 Highway 80, Meridian, MS 39307

Date report submitted: 29 May, 2015 Final Report

Auditor Information Jack Falconer

Address: P.O. Box 72673, Phoenix, Arizona 85050

Email: jfalconer1@cox.net

Telephone number:

Date of facility visit: 19-20 May, 2015

Facility Information

Facility mailing address: *(if different from above)*

Telephone number: 601-485-5255

The facility is:

<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
<input checked="" type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State
<input type="checkbox"/> Private not for profit		

Facility Type: ☐ Jail ☒ Prison

Name of PREA Compliance Manager: Ray Rice

Title: PREA Compliance Manager/ Dep. Warden-Programs

Email address: ray.rice@mtctrains.com

Telephone number: 601-485-5255 ext 101

Agency Information			
Name of agency:		Management and Training Corporation	
Governing authority or parent agency: <i>(if applicable)</i>			
Physical address:		500 North Marketplace Drive, PO Box 10, Centerville, Utah 84014	
Mailing address: <i>(if different from above)</i>			
Telephone number:		801-693-2600	
Agency Chief Executive Officer			
Name:		Title:	President and CEO
Email address:		Telephone number:	(801)-693-2800
Agency-Wide PREA Coordinator			
Name:		Title:	Director, Corrections, Corporate PREA Coordinator
Email address:		Telephone number:	(801)- 693-2864

AUDIT FINDINGS

NARRATIVE:

The PREA audit of the East Mississippi Correctional Facility (EMCF) was conducted on May 19-20, 2015. The (EMCF) is a 1500 bed, maximum/medium/minimum custody level prison. The facility is operated by the Management & Training Corporation (MTC) for the Mississippi Department of Corrections (MDOC).

It is the mission of **Management Training Corporation (MTC)** to "Be a leader by: implementation of our plan to achieve high performance standards and goals; Maintaining a foundation based on integrity, accountability, and excellence; Providing long-term growth and stability while ensuring fiscal responsibility; creating opportunities through a positive environment for personal growth and development; empowering employees to implement innovative ideas for continuous improvement; Building esteem and pride by celebrating our diversity and accomplishments".

It is the mission of the **East Mississippi Correctional Facility (EMCF)** "to protect the citizens of the State of Mississippi by efficiently operating a safe secure facility capable of housing 1,500 medium to maximum custody male offenders. This will be accomplished through the implementation of security, education and programming while meeting the mental health needs of the inmate MDOC population".

It is the mission of the **Mississippi Department of Corrections (MDOC)** "to provide and promote public safety through efficient and effective offender custody, care, control, and treatment, consistent with sound correctional practices and constitutional standards".

On the first day of the audit, an entrance meeting was held where introductions were made. The following staff was in attendance:

Carl Nink – PREA Coordinator, MTC
Marjorie Brown – Regional VP, MTC
Norris Hogans – Acting Warden
Ray Rice – Deputy Warden of Programs
Mike Rice – Chief of Security
Dennis Huggins – Director of Mental Health
Victor Rivera – Compliance Manager
Richard Ricks – Investigator
Simone Jones – Unit Manager HU 1
Tonya Morgan – Unit Manager HU 3
Heather Sullivan – Administrative Assistant, Programs
Jack Falconer – Auditor

The auditor briefed the group on the audit process and responded to questions.

After the entrance meeting, a tour of the (EMCF) offender housing, program areas, food service, medical, recreation, and other areas required by the PREA guidance was conducted. After the tour, a number of offender and staff interviews was conducted. On Wednesday, the offender and staff interviews were completed.

Facility Description:

The (EMCF) is operated by the Management and Training Corporation. Pursuant to a contract with the Mississippi Department of Corrections, the facility provides housing for up to 1500 minimum, medium, and maximum custody male offenders. It is located on a 160 acre site, seven miles west of Meridian, Mississippi.

The compound is surrounded by a double 12-foot chain link fence enhanced by rolls of razor wire, microwave sensors, and closed-circuit television cameras [CCTV]. In addition, a 60 foot contraband screen surrounds the facility.

The facility consists of six buildings. The concrete and steel main building houses the administrative offices, programs, education, food service, laundry, gymnasium, chapel, medical, and visiting. Offender housing consists of six cell-type units (Units 1-6) plus a 30 bed admin segregation unit. The Units provide 680 two man cells and 97 single man cells.

All cells have lav/commodos in the cell. The showers, located in the housing units, have privacy screens and the detention cells have attached recreation spaces.

The Control Center monitors all traffic entering and exiting the facilities. Cameras are placed in many areas. The facility has two entry points, the front staff/visitor and the rear vehicle entry gate. The correctional officers provide security supervision.

Programs:

The facility is designed to house and treat offenders that are mentally challenged and offenders with substance abuse treatment needs.

Programs include; food services, medical care, dental care, recreation, multi-denominational religious programs and services, work programs, academic and vocational education, visitation, social and mental health services, library, laundry, commissary, mail, and telephone access.

The academic programs include Literacy, Adult Basic Education GED, Life Skills, Pre-GED, and GED. Vocational programs include Facility maintenance and care and Basic Computer Technology. The facility reported that 60 GED's, 470 Life Skills Certificates and 82 Vocational Certificates were awarded since 2012.

Therapeutic programs include; Moral Reconciliation Therapy, Conflict Resolution, Stress Management, Anger Management, Inside/out Dads, Substance Abuse NA/AA, Therapeutic Community, Pathway to Change, Cognitive Skills, Music Appreciation, Pre-release, and Workforce Readiness. A Substance Abuse Therapeutic Community Program and a three month Substance Abuse Education Group is offered. The facility reported 475 Mental Health and Substance Abuse Treatment Certificates.

The Religious Program is assigned one Chaplain to manage religious services for most faith groups and Sunday school.

Healthcare services are available by contract with a private health care provider. Offenders have access to health care 24 hours per day, seven days per week.

Offenders incarcerated at the facility are afforded the opportunity to participate in work programs in most of the operational areas of the facility.

The facility is monitored by the MDOC by means of an on-site Contract Monitor plus periodic audits and inspections.

The (EMCF) is accredited by the American Correctional Association.

During the two day on-site audit, the auditor toured the facility, examined additional documentation, and conducted formal staff and offender interviews. 14 Offenders from the housing units, 10 Specialized Staff, 6 Management Staff, and 10 Correctional Officers were interviewed using the questions provided in the audit documents. The staff and the offenders were eager to answer all questions.

The Pre-Audit document provided by the facility indicated two allegations of staff sexual abuse and fourteen offender allegations of offender sexual abuse. The offender allegations were investigated with four as substantiated and twelve as unsubstantiated.

The interviewed offenders and staff indicated that the facility was a safe place to serve time and to work. There were few complaints from the offender population or the facility staff.

In this auditor's opinion, the East Mississippi Correctional Facility is well managed and the staff well trained in their assignments.

On Wednesday, an exit meeting was conducted by the auditor. The attendees were;

Carl Nink – PREA Coordinator, MTC
Marjorie Brown – Regional VP, MTC
Marcia Stingley – Statewide PREA Coordinator, MDOC
Velma Thomas – Contract Monitor, MDOC
Norris Hogans – Acting Warden
Ray Rice – Deputy Warden of Programs
Dennis Huggins – Director of Mental Health
Victor Rivera – Compliance Manager
Richard Ricks – Investigator
Lemarcus Ruffin – Investigator
Derek Davis – Human Resources Manager
Simone Jones – Unit Manager HU 4
Tonya Morgan – Unit Manager HU 3
Heather Sullivan – Administrative Assistant, Programs

The auditor provided an overview of the audit results and congratulated the facility staff about the progress made in compliance with the PREA standards.

DESCRIPTION OF FACILITY CHARACTERISTICS:

EMCF Demographics

Designed Capacity:	1500
Actual Population (19 May, 2015)	1129
Security/Custody level:	Minimum/Medium/Close/High
Gender	Adult Male
Age Range	21-75
Average length of Stay	5 years

Number of full time staff:

Administration	56
Security	165
Programs	38
Support	29
Total Facility (EMCF staff)	288
Contract Staff (Medical, Food Services	60

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded:	0
Number of standards met:	40
Number of standards not met	0
Number of standards not applicable	3 (115.12, 115.14, 115.66)
Total	43

§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

☐ Exceeds Standard (substantially exceeds requirement of standard)

X ☐ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The East Mississippi Correctional Facility (EMCF), Management Training Corporation (MTC) and MDOC have policies that mandate a zero tolerance for sexual abuse and sexual harassment of their offender populations. The policies also present a plan to address prevention, detection, and responses for all employees. These policies are found in MTC Ensuring Safe Prisons 903E.02, EMCF PN 10-1, and MDOC SOP 20-14-01.

The agency (MTC) employs both a PREA Compliance Coordinator and an Assistant PREA Coordinator and the facility (EMCF) assigns a Deputy Warden-Programs as the PREA Manager. All have sufficient time to address the needs of PREA.

§115.12 - Contracting with other entities for the confinement of inmates

☐ Exceeds Standard (substantially exceeds requirement of standard)

☐ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Not applicable

EMCF is not a public agency. The facility is operated by the Management Training Corporation (MTC). The MTC policy and MDOC policy is to ensure full compliance with the PREA requirements.

§115.13 – Supervision and Monitoring

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The EMCF has developed a staffing plan to safely meet the PREA and correctional needs. The staffing plan was developed for a 1500 offender population at the EMCF. Current offender population is 1129.

The staffing plan involves always filling a list of mandatory positions to meet the necessary post staffing requirements when vacancies occur. The facility used overtime and accelerated hiring of new staff to meet a safe staffing mandate required by MDOC. The facility reported no deviations to the custody staffing plan for the past 12 months. The Auditor examined direct contact correctional staff vacancy rates for the period July 2013 thru January 2015. The EMCF staff vacancy rate for this period averaged less than 10 %.

Unannounced rounds are conducted for all shifts and recorded by senior management staff. A review of the staffing plan was documented.

§115.14 – Youthful Inmates

☐ Exceeds Standard (substantially exceeds requirement of standard)

☐ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Not Applicable

No offender is under 18 years of age at EMCF.

§115.15 – Limits to Cross-Gender Viewing and Searches

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The EMCF has male offenders. The MTC has policies that do not permit cross-gender body cavity or strip searches except in emergencies. (903E.02 Ensuring Safe Prisons). The practice required by the policies was confirmed by the staff and offenders interviewed. The facility reported zero instances where these types of searches had occurred.

All showers areas have curtains or protective screens. Opposite gender staff is required to announce their presence when entering the units. Policies are in place to prevent staff (other than medical) to examine an offender solely for the purpose of determining gender. The facility reported zero instances where these types of searches have occurred in the past 12 months.

100% of the staff has been trained in the correct procedure for searches.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The facility provides a variety of ways to ensure offenders with disabilities or limited English are provided the opportunity to understand PREA. Orientation videos, pamphlets, booklets, etc. are available in both English and Spanish. Interpreters are available to provide any needed service. Offender interpreters are prohibited.

§115.17 – Hiring and Promotion Decisions

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

EMCF has an on-site HR position that manages the recruitment and hiring process. Background checks are completed by the HR manager for all potential employees. Review of MTC/EMCF policy and interviews of the on-site HR manager verified that the facility follows the PREA requirements. All contractors are screened by using the same process. The facility reported they conducted 202 potential employee background checks. They also reported zero contractor checks.

The MTC policies require a 5 year re-check of employees and contractors. This was verified by review of the documentation and in the interview process. Agency policy does indicate that any employee misconduct or false reporting is subject to the possibility of termination of employment.

§115.18 – Upgrades to Facilities and Technology

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

MTC policy (903E.02, 8, a&b) requires that any modification or expansion of existing facilities will consider the modifications impact upon the facilities ability to protect the offenders from sexual abuse. The facility is owned by MDOC. The facility reported that no modifications to the facility occurred during the rating period.

§115.21 – Evidence Protocol and Forensic Medical Examinations

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Per MTC, EMCF, and MDOC policy, the EMCF and MDOC Investigators are responsible for conducting criminal investigations (MTC 903E.02, EMCF 10.1 and MDOC SOP 20-14.-1 & 20.06-01). Per EMCF policy, the Warden will request outside investigative authorities to meet PREA investigation standards. Should MDOC determine that the allegations can be investigated locally, the EMCF PREA investigator will conduct the investigation. Two EMCF staff have been trained to meet PREA standards & will investigate or assist the MDOC or local law enforcement investigators

The facility has an MOU with SAFE and SANE examiners using an outside health care provider (Rush Hospital Emergency Department). The facility conducted zero SAFE/SANE examinations during the last 12 months. Victim advocate services are available from the Mississippi Coalition Against Sexual Assault.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Per MTC, EMCF, and MDOC policy, the EMCF and MDOC Investigators are responsible for conducting criminal investigations (MTC 903E.02, EMCF 10.1 and MDOC SOP 20-14.-1 & 20.06-01). Per EMCF policy, the Warden will request outside investigative authorities to meet PREA investigation standards. Should MDOC determine that the allegations can be investigated locally, the EMCF PREA investigator will conduct the investigation. Two EMCF staff have been trained to meet PREA standards & will investigate or assist the MDOC or local law enforcement investigators

During the 12 month period, 16 allegations of sexual abuse and sexual harassment was received. 14 of the allegations resulted in an administrative investigation and 2 were referred for criminal investigation. All investigations were completed.

Agency (MTC) policy regarding allegations of sexual abuse/harassment investigations is published on www.mtctrains.com

§115.31 – Employee Training

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

All EMCF employees, contractors and volunteers, are trained to meet the PREA standards. This is required by MTC Policy 901D.02 and EMCF Policy 10.0. In the past 12 months, 273 staff were trained (100%). The facility has a comprehensive training program which includes pre-service, annual in-service training and shift briefings, tailored to meet the inmate gender needs at the facility. The training documentation includes a signature roster that indicates the trainees understand the training presented. The interview process documented that employees understood the materials presented. The auditor was impressed with the staff responses in the interview process. They understand the PREA requirement very well.

§115.32– Volunteer and Contractor Training

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

22 volunteers and contractors at EMCF were trained about PREA and correctional requirements during the last 12 months. Signatures documented that they understood the training presented. The Religion Volunteer that was interviewed was very knowledgeable about the requirements of the facility and PREA.

§115.33 – Inmate Education

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

At EMCF, in the past 12 months, 650 offenders (100%) were trained on the principals of PREA. Provisions are made to assist those offenders with disabilities or those not proficient in English to ensure their understanding of PREA. Orientation videos, posters, inmate handbooks, etc. are readily available to the population. The offender interviews indicated that they understood their rights under PREA

§115.34 – Specialized Training: Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Per MTC, EMCF, and MDOC policy, the EMCF and MDOC Investigators are responsible for conducting criminal investigations (MTC 903E.02, EMCF 10.1 and MDOC SOP 20-14.-1 & 20.06-01). Per EMCF policy, the Warden will request outside investigative authorities to meet PREA investigation standards. Should MDOC determine that the allegations can be investigated locally, the EMCF PREA investigator will conduct the investigation. Two EMCF staff have been trained to meet PREA standards & will investigate or assist the MDOC or local law enforcement investigators

§115.35 – Specialized training: Medical and mental health care

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Documentation and the interviews indicated that 68 (100%) EMCF Medical and Mental Health services staff have been trained in the requirements of PREA. Forensic examinations are not conducted by the medical staff. These exams, if needed, are provided by a certified local health care organization (Rush Hospital Emergency Department).

§115.41 – Screening for Risk of Victimization and Abusiveness

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action).

100 % of the 650 offenders received by EMCF were screened for the risk of sexual abuse victimization or sexual abuse towards other offenders. This screening is accomplished within the first 24 hours of arrival. The risk assessment documents of MTC and EMCF is an instrument that meets the PREA requirements (MTC 903E.02 & EMCF 10.1).

The offenders are reassessed for the risk of sexual victimization or being sexually abusive within the time frames required.

MTC and EMCF policies both prohibit discipline of an offender for refusing to answer questions in the screening process.

§115.42 – Use of Screening Information

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The information obtained in the offender screening process is used to make individualized determinations to ensure the offenders safety. This documentation is also used to make decisions to place each offender in appropriate housing, work, education, and program assignments. The placement decisions are made by a classification committee. Although there have been no transgender or intersex offenders in the past 12 months, their views about their safety would be given serious consideration when making program or housing decisions.

The process is required by MTC policy 903E.02, 17a and a "Keep separate screen".

§115.43 – Protective Custody

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The MTC and EMCF policies (MTC 903E.02 & EMCF 10.1) govern the use of segregation housing. These policies include looking at alternatives for victims of sexual abuse. The facility reported no offenders were held in segregation in the past 12 months for the purpose of protecting a possible sexual abuse victim. Policies require a review every 30 days for any offender in segregation.

§115.51 – Inmate Reporting

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The EMCF has adopted several ways that an offender can report sexual abuse/harassment. They can report an incident to any staff person, write a grievance or report, write letters, use a "hot line", or notify a third person

No offenders are held for civil immigration purposes at the facility. Offender and staff interviews confirm that the process is well understood.

§115.52 – Exhaustion of Administrative Remedies

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC and the MDOC have an offender grievance process that meets the requirements of PREA. These policies are found in MTC 903E.02, 20 a-h, and MDOC 20-14.01.

The process allows the offender to file an informal written complaint/grievance about sexual abuse on any correctional issue. The complaint can be filed with any staff and will be directed to the Warden for response if necessary. The Offender Handbook clearly outlines the process required. In the past 12 months, there was zero grievances filed concerning sexual abuse or harassment.

§115.53 – Inmate Access to Outside Confidential Support Services

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The facility provides to the offenders, confidential access to outside victim advocates by providing the name of the organization (Mississippi Coalition Against Sexual Assault), toll free telephone number, posters, and the information is in the offender handbook.

§115.54 – Third-Party Reporting

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC has a website (mtctrains.com) that provides the opportunity for third party reporting of sexual violence. The website provides the reporting policies regarding any sexual violence. The EMCF Inmate Handbook provides to the offender the information on how to contact a third party to report any sexual abuse or harassment. The MDOC also provides a "Tip Line" for inmate reporting of PREA issues.

§115.61 – Staff and Agency Reporting Duties

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC policy (MTC 903E.02, 23 d) requires all staff to immediately report any incident of sexual abuse/harassment. The policy also addresses the need to maintain confidentiality. The policies address possible retaliation. Senior management staff has been assigned the task to monitor possible retaliation and the monitoring is recorded. It was reported that EMCF had zero reports of retaliation by staff or offenders during the rating period.

§115.62 – Agency Protection Duties

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC policy (903E.02.25 a,b,c) requires all staff to immediately take steps to protect an offender who is the subject of imminent sexual abuse. There has been no incident of this action being required in the past 12 months.

§115.63 – Reporting to Other Confinement Facilities

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC policy (903E.02, 25-a-c) requires the notification of another facility when they learn of an offender being sexually abused at that other facility. This notification is done within the 72 hour time frame. Documentation is required that the report will be investigated and properly acted upon. In the past 12 months, the facility reported one allegations of sexual abuse that offender received at another facility

§115.64 – Staff First Responder Duties

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Agency and facility policy (MTC 903E.02) meets all first responder requirements of PREA. This policy was verified by the responses from the staff being questioned. At EMCF, in the past 12 months, 16 allegations of offender sexual abuse was recorded. In 4 of these cases, the first responder separated the alleged victim and the abuser. In all 16 occurrences, the staff followed the correct procedure as required by the PREA guidance.

§115.65 – Coordinated Response

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

A written institutional plan for a coordinated response to any incident of sexual abuse was available at EMCF. They will use the MDOC policy 20-14-01 to address the coordinated response requirements. The plan meets the requirements of both MTC and PREA.

§115.66 – Preservation of ability to protect inmates from contact with abusers

☐ Exceeds Standard (substantially exceeds requirement of standard)

☐ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Not applicable.

EMCF does not have a union.

§115.67 – Agency protection against retaliation

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

EMCF has policies that protect offenders and staff from retaliation who report sexual abuse/harassment (MTC 903E.02 & MDOC PN 10.1, IIC 1-2). Senior management supervises the plan. The facility reported zero instances of retaliation in the past 12 months.

§115.68 – Post-Allegation Protective Custody

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

EMCF/MTC/MDOC all have policies in place that govern the use of involuntary segregation (EMCF 10.1, MTC 903E.02, & MDOC 19.01.01). These policies meet the PREA requirements. The facility reported zero cases of offenders being held.

§115.71 – Criminal and Administrative Agency Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Per MTC, EMCF, and MDOC policy, the EMCF and MDOC Investigators are responsible for conducting criminal investigations (MTC 903E.02, EMCF 10.1 and MDOC SOP 20-14.-1 & 20.06-01). Per EMCF policy, the Warden will request outside investigative authorities to meet PREA investigation standards. Should MDOC determine that the allegations can be investigated locally, the EMCF PREA investigator will conduct the investigation. Two EMCF staff have been trained to meet PREA standards & will investigate or assist the MDOC or local law enforcement investigators

The facility reported 2 substantiated allegations of conduct that appear to be criminal. Both were investigated, documented, and the offender was advised of the decision.

§115.72 – Evidentiary Standard for Administrative Investigations

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The EMCF investigator that was interviewed indicated they use as a standard the preponderance of the evidence.

§115.73 – Reporting to Inmate

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

Per MTC, EMCF, and MDOC policy, the EMCF and MDOC Investigators are responsible for conducting criminal investigations (MTC 903E.02, EMCF 10.1 and MDOC SOP 20-14.-1 & 20.06-01). Per EMCF policy, the Warden will request outside investigative authorities to meet PREA investigation standards. Should MDOC determine that the allegations can be investigated locally, the EMCF PREA investigator will conduct the investigation.

In the past 12 months, 16 allegations of administrative or criminal sexual abuse were received. All 16 of the investigations were completed by the EMCF investigators and all 16 offenders were notified of the results of the investigation.

§115.76 – Disciplinary sanctions for staff

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The MTC and EMCF have disciplinary sanctions for staff up to and including termination for violating sexual abuse/harassment policies. The facility reported two cases of staff that violated the policy. One of the two cases was terminated or resigned for violating policies on sexual abuse/harassment.

§115.77 – Corrective action for contractors and volunteers

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The MTC/EMCF has disciplinary sanctions for volunteers and contractors up to and including termination of the contract for violating sexual abuse/harassment policies. The facility reported one case of a volunteer or contractor reported to law enforcement for violating policies on sexual abuse/harassment.

§115.78 – Disciplinary sanctions for inmates

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The MTC/EMCF have policies (EMCF 10.1 & MTC 903E.02) providing sanctions for offenders engaged in sexual abuse of another inmate. These sanctions meet the PREA requirements. Consideration is given to the offenders' mental status in final determinations. Treatment is also offered to those found guilty. The agency has a policy that does not permit consensual sex between offenders. The facility reported 14 administrative and 2 offender-on-offender criminal sexual abuse findings in the past 12 months.

§115.81 – Medical and mental health screenings; history of sexual abuse

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

MTC 903E .02 policy requires that all offenders who disclosed prior sexual victimization during initial screening be offered a follow-up meeting with medical or mental health. The meeting is required within 14 days of the initial screening. The same policy also applies to offenders who perpetrated sexual abuse. 100% of the offenders who required a follow up meeting were seen.

Information found in the follow-up meeting is strictly limited to medical, mental health, security, and management staff. Informed consent is obtained by the medical staff.

§115.82 – Access to emergency medical and mental health services

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The medical program at EMCF is staffed 24 hours per day, 7 days per week. All offenders who report to be sexual abused have unimpeded access to medical treatment. The community standard medical treatment includes proper medical care, treatment for sexual transmitted disease, and at no cost to the offender.

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

The facility provides medical and mental health evaluation and treatment consistent with the community standard for health care. These services are provided to all offenders who have been sexually abused. These services are at no cost. Offender abusers are also offered mental health evaluations within a 60 day period.

§115.86 – Sexual abuse incident reviews

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The facility policy requires that all incidents of sexual abuse are thoroughly reviewed by an incident review team. This team includes the PREA Compliance Manager and several facility management staff. The reports are then reviewed by the Warden and MTC Administrative staff. The team is required to review and make recommendations within 30 days of the incident. The facility reported 13 sexual abuse investigations in the past 12 months. All of the 13 cases were reviewed by the sexual abuse incident review team.

§115.87 – Data Collection

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

MTC collects sexual abuse data from all of its facilities and compiles the data annually. The process followed meets the requirement of PREA.

§115.88 – Data Review ☐ for Corrective Action

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

The MTC collects sexual abuse data from all facilities and aggregates into an annual report. This MTC report is available on the web at www.mtctrains.com. The report is approved by the CEO of Management and Training Corporation.

§§115.89 – Data Storage, ☐ Publication, and Destruction ☐

☐ Exceeds Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

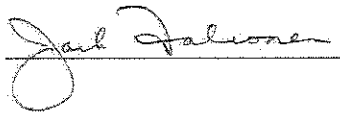
The MTC collects and securely retains data for a period of at least 10 years. This data is compiled from reports of all its facilities. This information is a public document and is readily available to the public.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Jack Falconer

Auditor Signature



Date 29 May, 2015