



Boyd Andrew Community Services Elkhorn Treatment Center Annual Report for 2014, 2015, 2016, 2017

The Elkhorn Treatment Center (ETC) posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

Sexual abuse 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 above.
- (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.

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 cell 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.

Sexual harassment 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; and
- (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.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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.

The following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Resident allegations made towards staff in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

The ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2015.

Resident allegations made towards staff in 2015:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2015:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

**One event involved a female resident with another female resident. This event was reported to staff on the Same Date as the incident and was substantiated following camera review by staff. During the incident, a resident grabbed the buttocks of another female resident. The offending resident was removed from the program as a result of the investigation.*

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2016**.

Resident allegations made towards staff in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

ETC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2017**.

Resident allegations made towards staff in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded

** One event in which a resident accused another of touching her. Camera review and statements confirmed that the resident was not intentionally touched by another during the incident in question*

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Findings: ETC management team reviewed the ETC staffing plan during 2017 as required and held a mock SART meeting for training purposes. There was one incident that was investigated in 2017. The incident occurred as a resident walked past another. The standing resident asked a third resident if she grabbed her buttocks. Upon camera review it was noted that the party accused of inappropriate touching could not have done so, hence the accusation was deemed unfounded. The resident who made the accusation later stated that papers in her packet may have adjusted causing her to feel as though she were touched. There were zero allegations sexual harassment or voyeurism made by residents in 2017.

As a requirement and at least on an annual basis, ETC Program management team including the Chief Operations Officer Program, PREA Coordinator, Deputy Director of Corrections, Security Coordinator, and the Clinical Director will meet and review the staffing plan for adequate level of staffing and video monitoring to protect Resident's against sexual abuse and sexual harassment. The review includes the physical layout of the facility, population, substantiated and unsubstantiated incidents of sexual abuse and sexual harassment and any other relevant factors.

ETC Program Currently has 48 cameras which are located both inside and outside the facility. Recorded video is accessible for approximately 85 days. There are four camera locations which are priority for installation as funding becomes available. Installation of cameras will expand ETC's remote monitoring capabilities.

ETC staff receive annual training on PREA. Our training curriculum includes Transgender and Cross gender Pat Searches, PREA power point presentations containing information from the PREA Resource Center website and PREA policies review. ETC Specialized services such as Mental Health, Medical and investigative staff have all received specialized PREA training from the NIC Website. ETC Program has revised its PREA policies in 2017 to meet and comply with all PREA Standards.

ETC trains all contractors, volunteers, victim advocates and visitors on PREA as stated per PREA training policy.

ETC had its first audit in October of 2017 and the final results are currently pending.



PREA Coordinator

01/31/18

Date



Chief Operations Officer / Program Director

1/31/2018

Date



Chief Executive Officer of BACS.

1/31/2018

Date