PREA Annual Report - 2015

 Avery D. Niles, Commissioner

Sarah Draper, Deputy Commissioner/Division of Secure Campuses

Adam T. Barnett, Sr., Agency PREA Coordinator

**Table of Contents**

|  |  |
| --- | --- |
| **Prison Rape Elimination Act (PREA)**  | **2** |
| **Georgia Department of Juvenile Justice** | **2** |
| **PREA COMPSTAT Alleged Incidents*** DJJ Established PREA Reporting Codes
* 2015 Summary of PREA Allegations
* 2015 Monthly Allegations Comparison Report
* 2013 – 2015 Yearly Allegations Comparison Report
 | **2-4** |
| **2015 Results of the Department of Justice Survey of Sexual Violence (SSV-5) Report*** 2015 DOJ SSV-5 Results
* Staff-On-Youth Substantiated Incidents
* Staff-On-Youth Substantiated Incidents (SSV-5 Report)
 | **4** |
| **2015 PREA Certification & Standards Assurance Methodology** * 1st Department of Justice Audit Cycle: August 20, 2013 – August 19, 2016
* 2015 Facilities Audited (August 20, 2014 – August 19, 2015)
 | **5** |
| **Conclusion** | **6** |

Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act (PREA) was unanimously passed by Congress and signed on September 4, 2003, by President George H.W. Bush, becoming the first federal legislation to address the issue of sexual assault in a correctional setting. The Act applies to sexual abuse in all custodial corrections settings, including prisons, jails, police lock-ups, juvenile facilities, and community residential settings. Moreover, the Act applies to all types of sexual misconduct against juveniles, including abuse by fellow juveniles and staff.

Georgia Department of Juvenile Justice

The Georgia Department of Juvenile Justice (DJJ) provides secure housing, programming, mental health services, health care services, and education for juveniles who are on probation, awaiting adjudication, or have been adjudicated and committed to the Georgia Department of Juvenile Justice.

The Georgia Department of Juvenile Justice reviews data collected and aggregated pursuant to PREA standard 115.387 in order to assess and improve the effectiveness of the agency’s sexual abuse prevention, detection, and response policies, practices, and training to include identifying problem areas; and taking corrective action on an ongoing basis.

The Georgia DJJ yearly comparison report began with FY2013. Specific information from all reports is redacted to prevent any threat to the safety and security of secure facilities, community residential programs, court service offices, and youth and staff. The PREA Annual Report redacted information concerning staff and youth personal identifiers.

PREA COMPSTAT Allegations Report

During the reporting period from January 1, 2015 thru December 31, 2015, the DJJ QA data base received allegations of 158 PREA incidents. The alleged incidents were reported from one or more of DJJ’s 27 Secure Facilities, one or more of DJJ’s 92 Court Service Offices, and one or more of DJJ’s 75 Residential Program Providers.

**DJJ established PREA reporting codes:**

Youth-On- Youth (PY)

1. PY1 = Youth-on-Youth Unwanted, Nonconsensual or Coerced *(Department of Justice SSV-5 Title: Nonconsensual Sexual Acts)*
2. PY2 = Youth-on-Youth Unwanted, Nonconsensual or Coerced Non Penetration/Touching (*Department of Justice SSV-5 Title: Abusive Sexual Contact)*
3. PY3 = Youth-on-Youth Sexual Harassment *(Department of Justice SSV-5 Title: Sexual Harassment)*

Staff-On-Youth (PS)

1. PS1 = Staff-on-Youth Sexual Penetration *(Department of Justice SSV-5 Title: Staff Sexual Misconduct)*
2. PS2 = Staff-on-Youth Non Penetration Touching *(Department of Justice SSV-5 Title: Staff Sexual Misconduct)*
3. PS3 = Staff -on-Youth Indecent Exposure *(Department of Justice SSV-5 Title: Staff Sexual Misconduct)*
4. PS4 = Staff -on-Youth Sexual Harassment or Voyeurism *(Department of Justice SSV-5 Title:*

*Staff Sexual Harassment)*

 2015 Summary of PREA Allegations

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Secure Facilities** | **Total Allegations****117** | **Substantiated****19**PY1= 0  PY2= 3  PY3= 13PS1/PS2/PS3 = 0PS4 = 3 | **Unsubstantiated****87**PY1= 2  PY2= 24  PY3= 37PS1/PS2/PS3 = 11PS4 = 13 | **Unfounded****4**PY1= 0  PY2= 1  PY3= 1PS1/PS2/PS3= 1PS4 = 1 | **Open Cases****0**PY1= 0  PY2= 0 PY3= 0PS1/PS2/PS3 = 0PS4 = 0 | **Others****7**PY1= 0  PY2= 2 PY3= 2PS1/PS2/PS3 = 2PS4= 1**Note: None PREA or Duplicates, etc** |
| Community | **Total Allegations****41** | **Substantiated****12**PY1= 2  PY2= 10  PY3= 0PS1/PS2/PS3= 0PS4= - 0 | **Unsubstantiated****24**PY1= 2  PY2= 12 PY3 =5PS1/PS2/PS3= 3PS4= 2 | **Unfounded****1**PY1= 0  PY2= 0  PY3 =0PS1/PS2/PS3 = 1PS4 = 0 | **Open Cases****0**PY1= 0  PY2 =0  PY3 =0PS1/PS2/PS3= 0PS4 = 0 | **Others****4**PY1 = 0  PY2 = 2  PY3 = 1PS1/PS2/PS3= 1PS4 = 0**Note: None PREA or Duplicates** |
| Total | 158 | 32 | 111 | 5 | 0 | 10 |

**2015 Monthly Allegations Comparison Report**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **PREA Codes** | **Jan** | **Feb** | **Mar** | **Apr** | **May** | **Jun** | **Jul** | **Aug** | **Sep** | **Oct** | **Nov** | **Dec** | **FYTD** |
|  **PY1-** Unwanted Penetration | **0** | **1** | **0** | **1** | **0** | **1** | **1** | **1** | **0** | **1** | **0** | **0** | 6 |
|  **PY2**-Unwanted Touching | **4** | **2** | **7** | **0** | **5** | **1** | **12** | **2** | **5** | **5** | **4** | **6** | 53 |
|  **PY3**- Harassment | **5** | **4** | **4** | **3** | **8** | **8** | **4** | **9** | **3** | **3** | **6** | **3** | 60 |
|  **PS1**- Sexual Penetration | **0** | **0** | **0** | **0** | **1** | **0** | **0** | **1** | **0** | **0** | **1** | **0** | 3 |
|  **PS2**- Non Penetration (Touching) | **1** | **0** | **2** | **0** | **0** | **2** | **2** | **1** | **4** | **0** | **4** | **1** | 17 |
|  **PS3**- Indecent Exposure | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | 0 |
|  **PS4**- Harassment /Voyeurism | **5** | **1** | **1** | **0** | **2** | **2** | **0** | **2** | **1** | **0** | **3** | **2** | 19 |
| **Totals** | **15** | **8** | **14** | **4** | **16** | **14** | **19** | **16** | **13** | **9** | **18** | **12** | **158** |

**2013 – 2015 Yearly Allegations Comparison Report**

|  |  |  |  |
| --- | --- | --- | --- |
| **PREA Codes** | **2013**  | **2014**  | **2015** |
|  **PY1-** Unwanted Penetration | 26 | 13 | 6 |
|  **PY2**-Unwanted Touching (Non-Penetration) | 50 | 56 | 53 |
|  **PY3**- Harassment | 64 | 58 | 60 |
|  **PS1**- Sexual Penetration | 14 | 4 | 3 |
|  **PS2**- Non Penetration (Touching) | 19 | 23 | 17 |
|  **PS3**- Indecent Exposure | 2 | 0 | 0 |
|  **PS4**- Harassment | 22 | 29 | 19 |
| **Total Alleged PREA Incidents** | 197 | **183** | **158** |

**2015 Results of the DOJ Survey of Sexual Violence (SSV-5)**

2015 DOJ Survey of Sexual Violence Results (SSV-5)

|  |  |
| --- | --- |
| 1. Non-Consensual Sexual Acts-PY1 = 0 Substantiated / 0 Unfounded
2. Abusive Sexual Contact-PY2 = 4 Substantiated / 1 Unfounded
3. Sexual Harassment-PY3 = 13 Substantiated / 1 Unfounded

***Youth-on-Youth Total 17 Substantiated / 2 Unfounded***  | 1. Staff Sexual Misconduct-PS1,PS2 & PS3 = 1 Substantiated/ 1 Unfounded
2. Staff Sexual Harassment- PS4 = 2 Substantiated/ 1 Unfounded

 ***Staff-On-Youth Total 3 Substantiated / 2 Unfounded*** |

The Georgia Department of Juvenile Justice collects accurate, uniform data for every allegation of sexual abuse and harassment at State-operated juvenile facilities, privately operated secure facilities, and community programs. ***However***, the 2015 data collection for the US Department of Justice Survey of Sexual Violence report (SSV-5) requires data from only Georgia State-operated juvenile facilities (Regional Detention Centers – (RYDC); Youth Development Campuses – (YDC); and Private/Contracted Regional Detention Centers and Youth Development Campuses.

**Staff-On-Youth Substantiated Incidents (SSV-5 Report)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Code** | **Incident**  | **Location** | **Results for OQA & Investigations** | **Results**  | **Referred for Prosecution** |
| **PS4** | 201500162 | DeKalb RYDC | Substantiated violation of laws or rules. Substantiated the allegations of sexual harassment against staff based upon youth witness account and staff resignation just prior to scheduled polygraph examination. No criminal charges have been filed against staff. Staff resigned on January 26. | Resigned | No |
| **PS4** | 201506506 | DeKalb RYDC | Substantiated employee misconduct. Investigator substantiated the allegation of sexual harassment and employee misconduct based upon the testimonies of all the youth involved, as well as the admission for the staff during the investigation.  | Termination | No |
| **PS2** | 201513807 | Marietta RYDC | Staff A – Substantiated violation of laws or rules.Staff B – Substantiated violation of laws or rules. Staff C – Substantiated violation of laws or rules.Staff D – Substantiated violation of laws or rules.Staff E – Substantiated violation of laws or rules.Staff F – Substantiated violation of laws or rules. | Staff A – 5 Day SuspensionStaff B – Letter of ConcernStaff C – ResignedStaff D – 5 Day SuspensionStaff E – ResignedStaff F – 5 Day Suspension | No |

2015 PREA Certification & Standards Assurance Report

1st Department of Justice Audit Cycle: August 20, 2013 – August 19, 2016

The Prison Rape Elimination Act of 2003 (PREA) requires that Governors must certify that their respective states are in full compliance with the standards associated with 28 C.F.R. Part 115 (PREA), which took effect on August 20, 2012. These standards apply to state and local confinement facilities, categorized as Jails and Prisons, Community Confinement Facilities, Lockups, and Juvenile Facilities.

All Georgia DJJ facilities are categorized as Juvenile Facilities. The facilities types are Regional Youth Detention Centers (RYDC), and Youth Development Campuses (YDC).

The agency has 27 secure facilities which are state-operated. All are covered under Prison Rape Elimination Act (PREA) Juvenile Facility Standards. To be compliant with PREA standards, these facilities have been audited within the past three years. The PREA audit cycle is scheduled August 20, 2013 thru August 19, 2016.

The Georgia Department of Juvenile Justice contracted with US Department of Justice Certified Juvenile PREA Auditors to conduct required PREA audits. The agency has used five (5) different Certified PREA Auditors from four (4) different states (Florida, Kentucky, South Carolina, and Texas) to validate DJJ PREA processes and systems. Each DJJ secure facility was audited on the required 41 standards and 271 plus sub-standards. “Exceeds” audit ratings are based on the complete PREA standard. The US Department of Justice Certified Juvenile PREA Audits found that one or more of Georgia DJJ facilities has one or more standards to receive a rating of “exceeds”. Thus, the agency received a total of sixteen (16) out of forty-one (41) standards that “exceeded”.

2015 Facilities Audit Results ***(August 19, 2014 – August 20, 2015)***

One third of DJJ facilities were audited in 2015. Nine facilities received final PREA Reports resulting in 100% compliance.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Facility** | **Facility Type** | **Agency** | **Audit Status** | **Audit Year** | **Audit Completion Date** | **Site Review Date (s)** | **Compliance Determination** |
| Rockdale RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | March 10, 2015 | February 9-10, 2015 | Full Compliance |
| DeKalb RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | March 10, 2015 | February 11-12, 2015 | Full Compliance |
| Marietta RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | March 10, 2015 | February 13-14, 2015 | Full Compliance |
| Augusta RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | March 10, 2015 | February 16-17, 2015 | Full Compliance |
| Sandersville RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | April 3, 2015 | March 9 – 10, 2015 | Full Compliance |
| Atlanta YDC | Juvenile *(Youth Development Campus)* | GA DJJ | Completed | Year 2 | April 3, 2015 | March 11 – 12, 2015 | Full Compliance |
| Waycross RYDC  | Juvenile (Detention) | GA DJJ | Completed | Year 2 | April 19, 2015 | March 23 – 24, 2015 | Full Compliance |
| Savannah RYDC | Juvenile (Detention) | GA DJJ | Completed | Year 2 | April 19, 2015 | March 25 – 26, 2015 | Full Compliance |
| \*Milan YDC-Private | Juvenile *(Youth Development Campus)* | YSI | Completed | Year 2 | April 7, 2015 | March 30 -31, 2015 | Full Compliance |

***Note***:

Final Reports Posted to DJJ PREA website. <http://www.djjnewsandviews.org/preageorgia/preareports.html>

Conclusion

The Department of Juvenile Justice is committed to working with our federal, state and local partners to reduce and eliminate sexual abuse and sexual harassment in our juvenile secure facilities and community residential programs. The agency works diligently to engage federal and private experts and to obtain technical assistance and resources. The Department of Juvenile Justice will continue to pursue all efforts to develop and implement “Best Practices” in our processes and systems to improve the level of sexual safety for Georgia’s youth in confinement and to enhance services for the youth in our care.

**Publication Note:**

PREA Annual Report – 2015 will be posted on the DJJ PREA Website as required by PREA Standard # 115.388.