

## **Appendix A**

### **Contact Letters and Data Requests to Selected Facilities**

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U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 2, 2011

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Harley G. Lappin  
Director  
Federal Bureau of Prisons  
320 First St. NW  
Washington, D.C. 20534

Re: Prison Hearings of Review Panel on Prison Rape

Dear Director Lappin:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on April 26, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in prison facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in prison facilities, as well as common characteristics of the prison facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Harley G. Lappin, Director

February 2, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Federal Correctional Institution – Elkton (FCI Elkton) was identified in the report as having among the lowest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of FCI Elkton. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than March 4, 2011**. After we review the data, we will notify you of other witnesses that FCI Elkton should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20001

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove at:

Dan Dove



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we ask that FCI Elkton send its response to the Panel via a **private, overnight** mail delivery service.

Please confirm that you plan to appear at the hearing on April 26, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in

Harley G. Lappin, Director

February 2, 2011

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responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's prison facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Federal Correctional Institution – Elkton (FCI Elkton) produce the information itemized below on or before **Friday, March 4, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of FCI Elkton's hearing before the Panel, FCI Elkton should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Dan Dove

Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202-514-8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the FCI Elkton in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether the FCI Elkton had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the FCI Elkton in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the FCI Elkton in calendar years 2008 and 2009.
3. Please provide the document setting forth the FCI Elkton's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the FCI Elkton's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the FCI Elkton, or any other similar publication containing operational policies and procedures affecting inmates, that the FCI Elkton distributed to inmates in calendar years 2008 and 2009.

#### Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the FCI Elkton had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to the FCI Elkton: (a) the number of inmates at the FCI Elkton at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number

of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the FCI Elkton in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.

10. Please provide the following information pertaining to the FCI Elkton: (a) the number of inmates at the FCI Elkton at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the FCI Elkton in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the FCI Elkton in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the FCI Elkton in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at FCI Elkton in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the FCI Elkton in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.



## Human Resources

17. Please provide a complete organizational chart of the staff working at the FCI Elkton as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the FCI Elkton as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the FCI Elkton hire in calendar year 2008? (b) How many custody and program staff left employment at FCI Elkton, for whatever reason, in calendar year 2008? (c) How many custody and program staff did FCI Elkton hire in calendar year 2009? (d) How many custody and program staff left employment at the FCI Elkton, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the FCI Elkton hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the FCI Elkton hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the FCI Elkton hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the FCI Elkton hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the FCI Elkton: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn

24. Please provide the following information pertaining to the FCI Elkton: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the FCI Elkton on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at FCI Elkton, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at FCI Elkton, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the FCI Elkton in calendar years 2008 and 2009.

29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the FCI Elkton that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse..
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the FCI Elkton. (b) How does the FCI Elkton select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the FCI Elkton.
35. For each investigation involving alleged SOI sexual abuse at the FCI Elkton in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (f) the sexual orientation of the inmate, (g) a brief synopsis of the facts, (h) the outcome of the investigation, (i) the identities of the alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the FCI Elkton in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief

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<sup>2</sup> For this request, the Panel is seeking documents that the FCI Elkton has not produced in response to any other question.

synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.

37. For any litigation, whether pending or closed, against the FCI Elkton involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the FCI Elkton. (b) Please describe any policies or protocols that relate to how the FCI Elkton responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the FCI Elkton has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the FCI Elkton has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the FCI Elkton. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the FCI Elkton in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical

standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the FCI Elkton informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the FCI Elkton used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Federal Bureau of Prisons and FCI Elkton may have taken that either address the strengths or deficiencies of the FCI Elkton identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. Please identify the factors that contributed to the FCI Elkton's low incidence of sexual victimization?
47. Based on the FCI Elkton's low incidence of sexual victimization as noted in the BJS Report, what are recommendations for other correctional facilities to achieve similar results?

## Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the FCI Elkton make available, and as requested, identify, the following individuals who held positions at the FCI Elkton in calendar years 2008 and 2009:

- Director Harley G. Lappin
- The Warden or Director of FCI Elkton
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the FCI Elkton
- Others recommended by the Director or Warden and approved by the Panel

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 10, 2011

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Brad Livingston  
Executive Director  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, TX 77342-099

Re: Prison Hearings of Review Panel on Prison Rape (Bridgeport Pre-Parole Transfer Facility)

Dear Executive Director Livingston:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on April 26, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in prison facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in prison facilities, as well as common characteristics of the prison facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services;

Brad Livingston, Executive Director

February 10, 2011

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and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Bridgeport Pre-Parole Transfer Facility (Bridgeport) was identified in the report as having among the lowest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of Bridgeport. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than March 4, 2011**. After we review the data, we will notify you of other witnesses that Bridgeport should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20001

Please submit an additional copy of the requested information to DOJ's contractor, Joe Fideli at:

Joe Fideli



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we ask that Bridgeport send its response to the Panel via a **private, overnight** mail delivery service.



Brad Livingston, Executive Director

February 10, 2011

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Please confirm that you plan to appear at the hearing on April 26, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: Joseph.Swiderski@usdoj.gov). Please provide Mr. Swiderski with the name, phone number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's prison facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Bridgeport Pre-Parole Transfer Facility, Texas Department of Criminal Justice (Bridgeport) produce the information itemized below on or before **Friday, March 4, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of Bridgeport's hearing before the Panel, Bridgeport should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Joe Fideli



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202-514-8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other

documents, any of which applied to allegations of sexual abuse<sup>1</sup> at Bridgeport in calendar years 2008 and 2009.

2. (a) Please state whether Bridgeport had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at Bridgeport in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for Bridgeport in calendar years 2008 and 2009.
3. Please provide the document setting forth Bridgeport's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address Bridgeport's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for Bridgeport, or any other similar publication containing operational policies and procedures affecting inmates, that Bridgeport distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that Bridgeport had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations,

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

9. Please provide the following information pertaining to Bridgeport: (a) the number of inmates at Bridgeport at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at Bridgeport in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.
10. Please provide the following information pertaining to Bridgeport: (a) the number of inmates at Bridgeport at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at Bridgeport in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at Bridgeport in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at Bridgeport in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at Bridgeport in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?

16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at Bridgeport in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at Bridgeport as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at Bridgeport as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did Bridgeport hire in calendar year 2008? (b) How many custody and program staff left employment at Bridgeport, for whatever reason, in calendar year 2008? (c) How many custody and program staff did Bridgeport hire in calendar year 2009? (d) How many custody and program staff left employment at Bridgeport, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did Bridgeport hire in calendar year 2007? (b) How many of the entry-level sworn staff whom Bridgeport hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did Bridgeport hire in calendar year 2008? (d) How many of the entry-level sworn staff whom Bridgeport hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.

23. Please provide the following information pertaining to Bridgeport: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.
24. Please provide the following information pertaining to Bridgeport: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at Bridgeport on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at Bridgeport, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at Bridgeport, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

## Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at Bridgeport in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at Bridgeport that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at Bridgeport. (b) How does Bridgeport select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at Bridgeport.
35. For each investigation involving alleged SOI sexual abuse at Bridgeport in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (f) the sexual orientation of the inmate, (g) a brief synopsis of the facts, (h) the outcome of the investigation, (i) the identities of the

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<sup>2</sup> For this request, the Panel is seeking documents that Bridgeport has not produced in response to any other question.

alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.

36. For each investigation involving alleged IOI sexual abuse at Bridgeport in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against Bridgeport involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at Bridgeport. (b) Please describe any policies or protocols that relate to how Bridgeport responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that Bridgeport has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that Bridgeport has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at Bridgeport. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.



## Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at Bridgeport in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.
44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how Bridgeport informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the Bridgeport used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

## Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Texas Department of Criminal Justice and Bridgeport may have taken that either address the strengths or deficiencies of Bridgeport identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. Please identify the factors that contributed to Bridgeport's low incidence of sexual victimization?

47. Based on Bridgeport's low incidence of sexual victimization as noted in the BJS Report, what are recommendations for other correctional facilities to achieve similar results?

#### Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the Bridgeport make available, and as requested, identify, the following individuals who held positions at Bridgeport in calendar years 2008 and 2009:

- Executive Director Brad Livingston
- The Warden or Director of Bridgeport
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for Bridgeport
- Others recommended by the Executive Director or Warden and approved by the Panel

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 2, 2011

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Harold W. Clarke  
Director  
Virginia Department of Corrections  
P.O. Box 26963  
Richmond, VA 23261-6963

Re: Prison Hearings of Review Panel on Prison Rape

Dear Director Clarke:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on April 27, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in prison facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in prison facilities, as well as common characteristics of the prison facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Harold W. Clarke, Director

February 2, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Fluvanna Correctional Center for Women (Fluvanna) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of Fluvanna. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than March 4, 2011**. After we review the data, we will notify you of other witnesses that Fluvanna should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20001

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove, at:

Dan Dove

Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we ask that Fluvanna send its response to the Panel via a **private, overnight** mail delivery service.

Please confirm that you plan to appear at the hearing on April 27, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone number, and

Harold W. Clarke, Director

February 2, 2011

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e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's prison facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that Fluvanna Correctional Center for Women, Virginia Department of Corrections (FCCW) produce the information itemized below on or before **Friday, March 4, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of FCCW's hearing before the Panel, FCCW should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202-514-8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at FCCW in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether FCCW had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at FCCW in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for FCCW in calendar years 2008 and 2009.
3. Please provide the document setting forth FCCW's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address FCCW's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for FCCW, or any other similar publication containing operational policies and procedures affecting inmates, that FCCW distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that FCCW had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to FCCW: (a) the number of inmates at FCCW at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual

number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at FCCW in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.

10. Please provide the following information pertaining to FCCW: (a) the number of inmates at FCCW at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at FCCW in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the FCCW in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at FCCW in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at FCCW in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at FCCW in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at FCCW as of January 1, 2008. The organizational chart should show (a) each staff position,



18. Please provide a complete organizational chart of the staff working at FCCW as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did FCCW hire in calendar year 2008? (b) How many custody and program staff left employment at FCCW, for whatever reason, in calendar year 2008? (c) How many custody and program staff did FCCW hire in calendar year 2009? (d) How many custody and program staff left employment at FCCW, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did FCCW hire in calendar year 2007? (b) How many of the entry-level sworn staff whom FCCW hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did FCCW hire in calendar year 2008? (d) How many of the entry-level sworn staff whom FCCW hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to FCCW: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1,

2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

24. Please provide the following information pertaining to FCCW: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at FCCW on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at FCCW, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at FCCW, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at FCCW in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at FCCW that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.

30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse..
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at FCCW. (b) How does FCCW select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at FCCW.
35. For each investigation involving alleged SOI sexual abuse at FCCW in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (f) the sexual orientation of the inmate, (g) a brief synopsis of the facts, (h) the outcome of the investigation, (i) the identities of the alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at FCCW in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against FCCW involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on

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<sup>2</sup> For this request, the Panel is seeking documents that Fluvanna has not produced in response to any other question.

which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.

38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at FCCW. (b) Please describe any policies or protocols that relate to how FCCW responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that FCCW has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that FCCW has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at FCCW. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at FCCW in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how FCCW informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the FCCW used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Virginian Department of Corrections and FCCW may have taken that either address the strengths or deficiencies of FCCW identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at FCCW in calendar years 2008 and 2009?
47. What has FCCW done since the publication of the BJS Report in August 2010 to lower the incidence of sexual victimization?
48. Please provide copies of any revised policies or training materials issued after August 2010 to remedy the deficiencies that the BJS Report identified.

#### Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the FCCW make available, and as requested, identify, the following individuals who held positions at FCCW in calendar years 2008 and 2009:

- Director Harold W. Clarke
- Warden Wendy S. Hobbs

- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for FCCW
- Others recommended by the Director or Warden and approved by the Panel

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 2, 2011

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Brad Livingston  
Executive Director  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, TX 77342-099

Re: Prison Hearings of Review Panel on Prison Rape (James V. Allred Unit)

Dear Executive Director Livingston:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on April 26 and 27, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in prison facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in prison facilities, as well as common characteristics of the prison facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Brad Livingston, Executive Director

February 2, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The James V. Allred Unit, Texas Department of Criminal Justice (Allred Unit) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the Allred Unit. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than March 4, 2011**. After we review the data, we will notify you of other witnesses that the Allred Unit should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20001

Please submit an additional copy of the requested information to DOJ's contractor, Joe Fideli at:

Joe Fideli



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we ask that the Allred Unit send its response to the Panel via a **private, overnight** mail delivery service.

Please confirm that you plan to appear at the hearing on April 26 and 27, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone



Brad Livingston, Executive Director

February 2, 2011

Page 3

number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's prison facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the James V. Allred Unit, Texas Department of Criminal Justice (Allred Unit) produce the information itemized below on or before **Friday, March 4, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the Allred Unit's hearing before the Panel, the Allred Unit should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Joe Fideli



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202-514-8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other

documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the Allred Unit in calendar years 2008 and 2009.

2. (a) Please state whether the Allred Unit had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the Allred Unit in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the Allred Unit in calendar years 2008 and 2009.
3. Please provide the document setting forth the Allred Unit's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the Allred Unit's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the Allred Unit, or any other similar publication containing operational policies and procedures affecting inmates, that the Allred Unit distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the Allred Unit had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations,

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody ); and "staff" includes employees, contractors, and volunteers.

Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).

9. Please provide the following information pertaining to the Allred Unit: (a) the number of inmates at the Allred Unit at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the Allred Unit in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.
10. Please provide the following information pertaining to the Allred Unit: (a) the number of inmates at the Allred Unit at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the Allred Unit in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the Allred Unit in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the Allred Unit in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at Allred Unit in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?

16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the Allred Unit in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at the Allred Unit as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the Allred Unit as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the Allred Unit hire in calendar year 2008? (b) How many custody and program staff left employment at Allred Unit, for whatever reason, in calendar year 2008? (c) How many custody and program staff did Allred Unit hire in calendar year 2009? (d) How many custody and program staff left employment at the Allred Unit, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the Allred Unit hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the Allred Unit hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the Allred Unit hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the Allred Unit hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
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23. Please provide the following information pertaining to the Allred Unit: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.
24. Please provide the following information pertaining to the Allred Unit: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the Allred Unit on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at Allred Unit, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at Allred Unit, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

## Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the Allred Unit in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the Allred Unit that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the Allred Unit. (b) How does the Allred Unit select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the Allred Unit.
35. For each investigation involving alleged SOI sexual abuse at the Allred Unit in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the

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<sup>2</sup> For this request, the Panel is seeking documents that the Allred Unit has not produced in response to any other question.

alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.

36. For each investigation involving alleged IOI sexual abuse at the Allred Unit in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against the Allred Unit involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the Allred Unit. (b) Please describe any policies or protocols that relate to how the Allred Unit responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the Allred Unit has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the Allred Unit has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the Allred Unit. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.



## Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the Allred Unit in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.
44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the Allred Unit informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the Allred Unit used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

## Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Texas Department of Criminal Justice and the Allred Unit may have taken that either address the strengths or deficiencies of the Allred Unit identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at the Allred Unit in calendar years 2008 and 2009?

47. (a) What has the Texas Department of Criminal Justice done since its appearance at the Panel's hearing in Houston, Texas, in March of 2008, to lower the incidence of sexual victimization of inmates in state correctional facilities? (b) What has the Allred Unit done since its appearance at the Panel's hearing in Houston, Texas, in March of 2008, to lower the incidence of sexual victimization of inmates at the Allred Unit?
48. Please provide copies of any revised policies or training materials that either the Texas Department of Criminal Justice or the Allred Unit issued after March of 2008 to lessen the incidence of sexual victimization of inmates.

#### Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the Allred Unit make available, and as requested, identify, the following individuals who held positions at the Allred Unit in calendar years 2008 and 2009:

- Executive Director Brad Livingston
- Allred Unit Warden Eddie Williams
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the Allred Unit
- Others recommended by the Executive Director or Warden and approved by the Panel

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 2, 2011

VIA ELECTRONIC MAIL AND  
FEDERAL EXPRESS

Bryan Fischer  
Commissioner  
New York State Department of Correctional Services  
Building 2  
1220 Washington Ave  
Albany, New York 12226-2050

Re: Prison Hearings of Review Panel on Prison Rape

Dear Commissioner Fischer:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on April 27, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in prison facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in prison facilities, as well as common characteristics of the prison facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services;

Bryan Fischer, Commissioner

February 2, 2011

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and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Elmira Correctional Facility (ECF) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the ECF. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than March 4, 2011**. After we review the data, we will notify you of other witnesses that the ECF should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20001

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove, at:

Dan Dove



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we ask that the ECF send its response to the Panel via a **private, overnight** mail delivery service.

Bryan Fischer, Commissioner

February 2, 2011

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Please confirm that you plan to appear at the hearing on April 27, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: Joseph.Swiderski@usdoj.gov). Please provide Mr. Swiderski with the name, phone number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's prison facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Elmira Correctional Facility, New York State Department of Corrections (ECF) produce the information itemized below on or before **Friday, March 4, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the ECF's hearing before the Panel, the ECF should update its responses to the Data Request as appropriate.

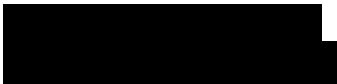
Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Dan Dove



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202-514-8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the ECF in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether the ECF had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the ECF in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the ECF in calendar years 2008 and 2009.
3. Please provide the document setting forth the ECF's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the ECF's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the ECF, or any other similar publication containing operational policies and procedures affecting inmates, that the ECF distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the ECF had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to the ECF: (a) the number of inmates at the ECF at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the

actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the ECF in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.

10. Please provide the following information pertaining to the ECF: (a) the number of inmates at the ECF at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the ECF in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the ECF in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the ECF in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at the ECF in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the ECF in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at the ECF as of January 1, 2008. The organizational chart should show (a) each staff position,



- (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the ECF as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the ECF hire in calendar year 2008? (b) How many custody and program staff left employment at the ECF, for whatever reason, in calendar year 2008? (c) How many custody and program staff did the ECF hire in calendar year 2009? (d) How many custody and program staff left employment at the ECF, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the ECF hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the ECF hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (d) How many entry-level sworn staff did the ECF hire in calendar year 2008? (f) How many of the entry-level sworn staff whom the ECF hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the ECF: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn

24. Please provide the following information pertaining to the ECF: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the ECF on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at the ECF, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at the ECF, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the ECF in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the ECF that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b)

If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.

30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse..
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the ECF. (b) How does the ECF select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the ECF.
35. For each investigation involving alleged SOI sexual abuse at the ECF in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (f) the sexual orientation of the inmate, (g) a brief synopsis of the facts, (h) the outcome of the investigation, (i) the identities of the alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the ECF in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.

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<sup>2</sup> For this request, the Panel is seeking documents that Fluvanna has not produced in response to any other question.

37. For any litigation, whether pending or closed, against the ECF involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the ECF. (b) Please describe any policies or protocols that relate to how the ECF responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the ECF has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the ECF has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the ECF. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the ECF in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional

facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the ECF informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the ECF used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the New York State Department of Corrections and the ECF may have taken that either address the strengths or deficiencies of THE ECF identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at the ECF in calendar years 2008 and 2009?
47. What has the ECF done since the publication of the BJS Report in August 2010 to lower the incidence of sexual victimization?
48. Please provide copies of any revised policies or training materials issued after August 2010 to remedy the deficiencies that the BJS Report identified.

#### Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the ECF make available, and as requested, identify, the following individuals who held positions at ECF in calendar years 2008 and 2009:

- Commissioner Bryan Fischer
- The Warden of the ECF
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the ECF
- Others recommended by the Commissioner or Warden and approved by the Panel

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 11, 2011

VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS

Malcom E. McMillin:  
Sheriff  
Hinds County Sheriff's Department  
P.O. Box 1452  
Jackson, MS 39215-1452

Re: Jail Hearings of Review Panel on Prison Rape

Dear Sheriff McMillin:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on August 17, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in jail facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in jail facilities, as well as common characteristics of the jail facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Sheriff Malcolm E. McMillin

February 11, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Hinds County Work Center (abbreviated HCWC; formerly known as the Hinds County Penal Farm) was identified in the report as having among the lowest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the HCWC. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than April 8, 2011**. After we review the data, we will notify you of other witnesses that the Hines County Sheriff's Department should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20531

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove at:

Dan Dove  


Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we recommend that the HCWC send its response to the Panel via a private, overnight mail delivery service. If the HCWC sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

Please confirm that you plan to appear at the hearing on August 17, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone number, and



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e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's jail facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Hinds County Work Center (HCWC) (formerly the Hinds County Penal Farm) produce the information itemized below on or before **Friday, April 8, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the HCWC's hearing before the Panel, the HCWC should update its responses to the Data Request as appropriate.

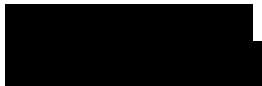
Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Dan Dove



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202.514.8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the HCWC in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether the HCWC had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the HCWC in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the HCWC in calendar years 2008 and 2009.
3. Please provide the document setting forth the HCWC's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the HCWC's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the HCWC, or any other similar publication containing operational policies and procedures affecting inmates, that the HCWC distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the HCWC had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to the HCWC: (a) the number of inmates at the HCWC at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e)

the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the HCWC in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.

10. Please provide the following information pertaining to the HCWC: (a) the number of inmates at the HCWC at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the HCWC in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the HCWC in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the HCWC in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at HCWC in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the HCWC in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

## Human Resources

17. Please provide a complete organizational chart of the staff working at the HCWC as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the HCWC as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the HCWC hire in calendar year 2008? (b) How many custody and program staff left employment at HCWC, for whatever reason, in calendar year 2008? (c) How many custody and program staff did HCWC hire in calendar year 2009? (d) How many custody and program staff left employment at the HCWC, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the HCWC hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the HCWC hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the HCWC hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the HCWC hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the HCWC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the

number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

24. Please provide the following information pertaining to the HCWC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.

25. Please state the average daily ratio of sworn staff to inmates at the HCWC on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?

26. For the total number of staff on January 1, 2008, at HCWC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

27. For the total number of staff on January 1, 2009, at HCWC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the HCWC in calendar years 2008 and 2009.

29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the HCWC that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the HCWC. (b) How does the HCWC select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the HCWC.
35. For each investigation involving alleged SOI sexual abuse at the HCWC in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the alleged victim and alleged perpetrator(s), and (i) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the HCWC in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities

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<sup>2</sup> For this request, the Panel is seeking documents that the HCWC has not produced in response to any other question.

of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.

37. For any litigation, whether pending or closed, against the HCWC involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the HCWC. (b) Please describe any policies or protocols that relate to how the HCWC responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the HCWC has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the HCWC has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the HCWC. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the HCWC in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility;



(b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the HCWC informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the HCWC used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Hinds County Sheriff's Department may have taken that either address the strengths or deficiencies of the HCWC identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. Please identify the factors that contributed to the HCWC's low incidence of sexual victimization
47. Based on the HCWC's low incidence of sexual victimization as noted in the BJS Report, what are recommendations for other correctional facilities to achieve similar results?

## Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the HCWC make available, and as requested, identify, the following individuals who held positions at the HCWC in calendar years 2008 and 2009:

- Sheriff Malcolm E. McMillin.
- The Warden or Director of the HCWC.
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the HCWC.
- Others recommended by the Sheriff or Warden and approved by the Panel.

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 11, 2011

VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS

Stanley Glanz  
Sheriff  
Tulsa County Courthouse  
500 South Denver  
Tulsa, OK 74103

Re: Jail Hearings of Review Panel on Prison Rape

Dear Sheriff Glanz:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on August 17, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in jail facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in jail facilities, as well as common characteristics of the jail facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Sheriff Stanley Glanz

February 11, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The David L. Moss Criminal Justice Center (DMCJC) was identified in the report as having among the lowest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the DMCJC. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than April 8, 2011**. After we review the data, we will notify you of other witnesses that the Tulsa County Sheriff's Office should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20531

Please submit an additional copy of the requested information to DOJ's contractor, Joe Fideli at:

Joe Fideli



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we recommend that the DMCJC send its response to the Panel via a private, overnight mail delivery service. If the DMCJC sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

Please confirm that you plan to appear at the hearing on August 17, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail:

Sheriff Stanley Glanz

February 11, 2011

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Joseph.Swidorski@usdoj.gov). Please provide Mr. Swiderski with the name, phone number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's jail facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the David L. Moss Criminal Justice Center (DMCJC) produce the information itemized below on or before **Friday, April 8, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the DMCJC's hearing before the Panel, the DMCJC should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
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Joe Fideli



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### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other

documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the DMCJC in calendar years 2008 and 2009.

2. (a) Please state whether the DMCJC had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the DMCJC in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the DMCJC in calendar years 2008 and 2009.
3. Please provide the document setting forth the DMCJC's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the DMCJC's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the DMCJC, or any other similar publication containing operational policies and procedures affecting inmates, that the DMCJC distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the DMCJC had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

9. Please provide the following information pertaining to the DMCJC: (a) the number of inmates at the DMCJC at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the DMCJC in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.
10. Please provide the following information pertaining to the DMCJC: (a) the number of inmates at the DMCJC at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the DMCJC in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the DMCJC in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the DMCJC in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at DMCJC in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the DMCJC in calendar year 2009, please provide



information on whether any of these events involved SOI or IOI sexual victimization.

## Human Resources

17. Please provide a complete organizational chart of the staff working at the DMCJC as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the DMCJC as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the DMCJC hire in calendar year 2008? (b) How many custody and program staff left employment at DMCJC, for whatever reason, in calendar year 2008? (c) How many custody and program staff did DMCJC hire in calendar year 2009? (d) How many custody and program staff left employment at the DMCJC, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the DMCJC hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the DMCJC hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the DMCJC hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the DMCJC hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the DMCJC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1,

24. Please provide the following information pertaining to the DMCJC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the DMCJC on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at DMCJC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at DMCJC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

## Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the DMCJC in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the DMCJC that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the DMCJC. (b) How does the DMCJC select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the DMCJC.
35. For each investigation involving alleged SOI sexual abuse at the DMCJC in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the

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<sup>2</sup> For this request, the Panel is seeking documents that the DMCJC has not produced in response to any other question.

alleged victim and alleged perpetrator(s), and (j) information on whether the matter was referred to the appropriate authority for prosecution.

36. For each investigation involving alleged IOI sexual abuse at the DMCJC in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against the DMCJC involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the DMCJC. (b) Please describe any policies or protocols that relate to how the DMCJC responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the DMCJC has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the DMCJC has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the DMCJC. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

## Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the DMCJC in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.
44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the DMCJC informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the DMCJC used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

## Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Tulsa County Sheriff's Office and the DMCJC may have taken that either address the strengths or deficiencies of the DMCJC identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. Please identify the factors that contributed to the DMCJC's low incidence of sexual victimization

47. Based on the DMCJC's low incidence of sexual victimization as noted in the BJS Report, what are recommendations for other correctional facilities to achieve similar results?

#### Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the DMCJC make available, and as requested, identify, the following individuals who held positions at the DMCJC in calendar years 2008 and 2009:

- Sheriff Stanley Glanz.
- The Warden or Director of the DMCJC.
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the DMCJC.
- Others recommended by the Sheriff or Warden and approved by the Panel.

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 11, 2011

VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS

Bill Benedict  
Sheriff  
Clallam County Sheriff's Office  
223 East 4<sup>th</sup> Street, Suite 12  
Port Angeles, WA 98362-3015

Re: Jail Hearings of Review Panel on Prison Rape

Dear Sheriff Benedict:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on August 18, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in jail facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in jail facilities, as well as common characteristics of the jail facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Sheriff Bill Benedict

February 11, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

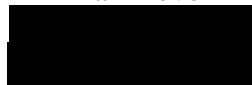
The Clallam County Corrections Facility (CCCF) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the CCCF. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than April 8, 2011**. After we review the data, we will notify you of other witnesses that the Clallam County Sheriff's Office should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20531

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove at:

Dan Dove



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we recommend that the SWSJ send its response to the Panel via a private, overnight mail delivery service. If the SWSJ sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

Please confirm that you plan to appear at the hearing on August 18, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone number, and



Sheriff Bill Benedict

February 11, 2011

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e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's jail facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Clallam County Corrections Facility (CCCF) produce the information itemized below on or before **Friday, April 8, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the CCCF's hearing before the Panel, the CCCF should update its responses to the Data Request as appropriate.

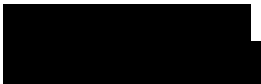
Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Dan Dove



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202.514.8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the CCCF in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether the CCCF had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the CCCF in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the CCCF in calendar years 2008 and 2009.
3. Please provide the document setting forth the CCCF's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the CCCF's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the CCCF, or any other similar publication containing operational policies and procedures affecting inmates, that the CCCF distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the CCCF had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to the CCCF: (a) the number of inmates at the CCCF at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the

10. Please provide the following information pertaining to the CCCF: (a) the number of inmates at the CCCF at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the CCCF in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the CCCF in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the CCCF in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at CCCF in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the CCCF in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at the CCCF as of January 1, 2008. The organizational chart should show (a) each staff

18. Please provide a complete organizational chart of the staff working at the CCCF as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the CCCF hire in calendar year 2008? (b) How many custody and program staff left employment at CCCF, for whatever reason, in calendar year 2008? (c) How many custody and program staff did CCCF hire in calendar year 2009? (d) How many custody and program staff left employment at the CCCF, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the CCCF hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the CCCF hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the CCCF hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the CCCF hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the CCCF: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1,

2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

24. Please provide the following information pertaining to the CCCF: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the CCCF on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at CCCF, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at CCCF, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the CCCF in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the CCCF that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.

30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the CCCF. (b) How does the CCCF select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the CCCF.
35. For each investigation involving alleged SOI sexual abuse at the CCCF in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the alleged victim and alleged perpetrator(s), and (i) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the CCCF in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against the CCCF involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on

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<sup>2</sup> For this request, the Panel is seeking documents that the CCCF has not produced in response to any other question.

which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.

38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the CCCF. (b) Please describe any policies or protocols that relate to how the CCCF responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the CCCF has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the CCCF has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the CCCF. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the CCCF in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for



medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the CCCF informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the CCCF used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Clallam County Sheriff's Office may have taken that either address the strengths or deficiencies of the CCCF identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at the CCCF in calendar years 2008 and 2009?
47. What has the CCCF done since the publication of the BJS Report in August 2010 to lower the incidence of sexual victimization?
48. Please provide copies of any revised policies or training materials issued after August 2010 to remedy the deficiencies that the BJS Report identified.

## Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the CCCF make available, and as requested, identify, the following individuals who held positions at the CCCF in calendar years 2008 and 2009:

- Sheriff Bill Benedict.
- CCCF Superintendent Ron Skuert.
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the CCCF.
- Others recommended by the Sheriff or Facility Supervisor and approved by the Panel.

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 11, 2011

VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS

Timothy P. Ryan  
Director  
Miami-Dade County Corrections and Rehabilitation Department  
2525 NW 62 Street  
Miami, FL 33147

Re: Jail Hearings of Review Panel on Prison Rape

Dear Director Ryan:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on August 17-18, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in jail facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in jail facilities, as well as common characteristics of the jail facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Director Timothy P. Ryan

February 11, 2011

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In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

The Miami-Dade County Pre-Trial Detention Center (PTDC) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the PTDC. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than April 8, 2011**. After we review the data, we will notify you of other witnesses that the Miami-Dade Corrections and Rehabilitation Department should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20531

Please submit an additional copy of the requested information to DOJ's contractor, Joe Fideli at:

Joe Fideli



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we recommend that the PTDC send its response to the Panel via a private, overnight mail delivery service. If the PTDC sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

Please confirm that you plan to appear at the hearing on August 17-18, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-

Director Timothy P. Ryan

February 11, 2011

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mail: Joseph.Swidorski@usdoj.gov). Please provide Mr. Swiderski with the name, phone number, and e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's jail facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Miami-Dade County Pre-Trial Detention Center (PTDC) produce the information itemized below on or before **Friday, April 8, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the PTDC's hearing before the Panel, the PTDC should update its responses to the Data Request as appropriate.

Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Joe Fideli



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202.514.8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other

documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the PTDC in calendar years 2008 and 2009.

2. (a) Please state whether the PTDC had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the PTDC in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the PTDC in calendar years 2008 and 2009.
3. Please provide the document setting forth the PTDC's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the PTDC's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the PTDC, or any other similar publication containing operational policies and procedures affecting inmates, that the PTDC distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the PTDC had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

9. Please provide the following information pertaining to the PTDC: (a) the number of inmates at the PTDC at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the PTDC in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.
10. Please provide the following information pertaining to the PTDC: (a) the number of inmates at the PTDC at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the PTDC in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the PTDC in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the PTDC in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at PTDC in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the PTDC in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.



## Human Resources

17. Please provide a complete organizational chart of the staff working at the PTDC as of January 1, 2008. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
18. Please provide a complete organizational chart of the staff working at the PTDC as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the PTDC hire in calendar year 2008? (b) How many custody and program staff left employment at PTDC, for whatever reason, in calendar year 2008? (c) How many custody and program staff did PTDC hire in calendar year 2009? (d) How many custody and program staff left employment at the PTDC, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the PTDC hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the PTDC hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the PTDC hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the PTDC hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the PTDC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the

number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

24. Please provide the following information pertaining to the PTDC: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.

25. Please state the average daily ratio of sworn staff to inmates at the PTDC on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?

26. For the total number of staff on January 1, 2008, at PTDC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

27. For the total number of staff on January 1, 2009, at PTDC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the PTDC in calendar years 2008 and 2009.

29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the PTDC that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.
30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the PTDC. (b) How does the PTDC select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the PTDC.
35. For each investigation involving alleged SOI sexual abuse at the PTDC in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the alleged victim and alleged perpetrator(s), and (i) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the PTDC in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities

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<sup>2</sup> For this request, the Panel is seeking documents that the PTDC has not produced in response to any other question.

of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.

37. For any litigation, whether pending or closed, against the PTDC involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.
38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the PTDC. (b) Please describe any policies or protocols that relate to how the PTDC responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the PTDC has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the PTDC has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the PTDC. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the PTDC in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility;

(b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the PTDC informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the PTDC used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Miami-Dade County Corrections and Rehabilitation Department have taken that either address the strengths or deficiencies of the PTDC identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at the PTDC in calendar years 2008 and 2009?
47. What has the PTDC done since the publication of the BJS Report in August 2010 to lower the incidence of sexual victimization?
48. Please provide copies of any revised policies or training materials issued after August 2010 to remedy the deficiencies that the BJS Report identified.

## Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the PTDC make available, and as requested, identify, the following individuals who held positions at the PTDC in calendar years 2008 and 2009:

- Director Timothy P. Ryan.
- PTDC Facility Supervisor Captain John Johnson.
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the PTDC.
- Others recommended by the Director or Facility Supervisor and approved by the Panel.

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

February 11, 2011

VIA ELECTRONIC MAIL  
AND FEDERAL EXPRESS

Marlin N. Gusman  
Sheriff  
Orleans Parish Sheriff's Office  
819 South Broad Street  
New Orleans, LA 70119-7418

Re: Jail Hearings of Review Panel on Prison Rape

Dear Sheriff Gusman:

In accordance with the Prison Rape Elimination Act of 2003 (PREA), Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. §§ 15601-15609), the Review Panel on Prison Rape (Panel) requests your appearance for sworn testimony at a public hearing on August 18, 2011. The hearing will be held at the United State Department of Justice, Office of Justice Programs (OJP) in Washington, DC. We will send you a final hearing agenda once it is available. The Panel will also post information related to the upcoming hearing on its Web site (<http://www.ojp.usdoj.gov/reviewpanel/reviewpanel.htm>).

Under PREA, the Bureau of Justice Statistics (BJS) at the United States Department of Justice is authorized to conduct a comprehensive statistical review of the incidence of sexual victimization in jail facilities throughout the country. PREA directs the Panel to rely on the BJS data and to hold public hearings at which it is to request the appearance of representatives from two institutions with the lowest incidence of sexual victimization and representatives from three institutions with the highest incidence of sexual victimization. The Panel is responsible for conducting these hearings to assist BJS in identifying common characteristics of victims and perpetrators of sexual assault in jail facilities, as well as common characteristics of the jail facilities with the highest and lowest prevalence of sexual assault. The current Panel members are: Dr. Reginald Wilkinson, current president of the Ohio College Access Network and past president of the American Correctional Association; Anne Seymour, a national crime victim advocate with twenty-seven years' experience, specializing in corrections-based victim services; and Dr. Gary Christensen, president of Corrections Partners, Inc. and a retired jail administrator. For more information, please see the Panel's Web site.

Sheriff Marlin N. Gusman

February 11, 2011

Page 2

In August of 2010, BJS issued the report *Sexual Victimization in Prisons and Jails reported by Inmates, 2008-09*. For your convenience, I have enclosed a copy of the BJS report, which also is available online at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf>. The report presents findings from the National Inmate Survey (NIS) 2008-09, conducted in 167 state and federal prisons, 286 local jails, and 10 special correctional facilities (operated by U.S. Armed Forces, Indian tribes, or U.S. Immigration and Customs Enforcement (ICE)) between October 2008 and December 2009, with a sample of 81,566 inmates ages 18 or older.

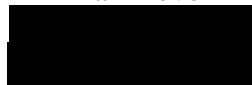
The Orleans Parish South White Street Jail (SWSJ) was identified in the report as having among the highest prevalence of sexual assault. Your sworn testimony will be in connection with the operations of the SWSJ. The hearing will address the prevalence and incidence of both inmate-on-inmate and staff-on-inmate sexual assault and will examine the spectrum of contact ranging from unwanted touching to non-consensual and physically forced assault resulting in injury. Shortly, we will provide more guidance about (1) information that the Panel would like to review before the hearing and the (2) witnesses that you should identify and make available for sworn testimony at the hearing. You will also have an opportunity to submit brief written testimony before the hearing.

In anticipation of the upcoming hearing, we have enclosed pertinent document and data requests. To prepare for the hearing, responsive documents are due **no later than April 8, 2011**. After we review the data, we will notify you of other witnesses that the Orleans Parish Sheriff's Office should make available for sworn testimony at the hearing. We will also be contacting your agency to arrange a site visit for Panel members and/or staff. Please submit the requested information (an original and two copies) to the following address:

Joseph Swiderski, Program Analyst  
Review Panel on Prison Rape, Office of Justice Programs  
U.S. Department of Justice  
810 7th Street, N.W.  
Washington, DC 20531

Please submit an additional copy of the requested information to DOJ's contractor, Dan Dove at:

Dan Dove



Because we often experience substantial delays in the delivery of regular mail as a consequence of security precautions, we recommend that the SWSJ send its response to the Panel via a private, overnight mail delivery service. If the SWSJ sends its response by an overnight courier, the zip code in the above address should be changed to 20001.

Please confirm that you plan to appear at the hearing on August 18, 2011, by contacting Joseph Swiderski, Program Analyst, Review Panel on Prison Rape (Phone: 202.514.8615; e-mail: [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov)). Please provide Mr. Swiderski with the name, phone number, and



Sheriff Marlin N. Gusman

February 11, 2011

Page 3

e-mail address of a contact person on your staff who will serve as a liaison with our office in responding to the Panel's information requests, identifying witnesses, and making travel and other arrangements related to the hearing. The Panel will cover all reasonable costs that invited witnesses may incur in traveling to the hearing.

We appreciate your willingness to assist the Panel in carrying out its important work of making our country's jail facilities free from the threat of sexual assault.

Sincerely,

Michael L. Alston  
Attorney Advisor

Enclosure

## Data Request

Pursuant to section 4(b)(3)(C) of the Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified, as amended, at 42 U.S.C. §§ 15601-15609 (2006)), the Review Panel on Prison Rape (Panel) requests that the Orleans Parish South White Street Jail (SWSJ) produce the information itemized below on or before **Friday, April 8, 2011**.

In preparing the response to the Data Request, please restate each numbered question in full before providing a complete, written answer or supplying the requested documentation. Please organize and label all produced documents to correspond with the numbered questions and, if applicable, their subparts. The request for information is an ongoing one. Until the date of the SWSJ's hearing before the Panel, the SWSJ should update its responses to the Data Request as appropriate.

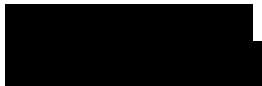
Please prepare one original and three (3) complete copies of the response to the Data Request.

Please send the original and (2) complete copies of the response to the Data Request to the Panel at the following address **via a private mail service**:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
c/o Office of Justice Programs  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

Please send one (1) complete copy of the response to the Data Request to the following Justice Department contractor:

Dan Dove



Please direct questions regarding the preparation of the response to the Data Request to Mr. Joseph Swiderski at 202.514.8615 or [Joseph.Swiderski@usdoj.gov](mailto:Joseph.Swiderski@usdoj.gov).

### Policy

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse<sup>1</sup> at the SWSJ in calendar years 2008 and 2009.

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<sup>1</sup> For this Data Request, the term "sexual abuse" includes staff-on-inmate (SOI) misconduct as well as inmate-on-inmate (IOI) sexual assault; "inmate" refers to pretrial detainees, immigration detainees, and convicts (i.e., any person in custody); and "staff" includes employees, contractors, and volunteers.

2. (a) Please state whether the SWSJ had a staff member in calendar years 2008 and 2009 who was responsible for coordinating administrative efforts to eliminate sexual abuse at the SWSJ in conformity with the goals of PREA. (b) Please provide the name and title of the PREA coordinator(s) for the SWSJ in calendar years 2008 and 2009.
3. Please provide the document setting forth the SWSJ's standard operating procedures in calendar years 2008 and 2009 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.
4. (a) Please describe the grievance process available to inmates in calendar years 2008 and 2009. (b) Please provide any written materials (e.g., internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008 and 2009. (c) Please provide any written policy or other materials available in calendar years 2008 and 2009 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.
5. For calendar years 2008 and 2009, please provide a copy of the post order at each security station (e.g., the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.
6. Please provide all documents that address the SWSJ's policies and procedures in calendar years 2008 and 2009 for classifying inmates and assigning housing to inmates.
7. Please provide a copy of the inmate handbook for the SWSJ, or any other similar publication containing operational policies and procedures affecting inmates, that the SWSJ distributed to inmates in calendar years 2008 and 2009.

## Operations

8. Please provide copies of all Memoranda of Understanding (MOUs) that the SWSJ had in calendar years 2008 and 2009 with other correctional institutions, law enforcement agencies, or service-providers that would be involved in responding to SOI and IOI sexual victimization (e.g., hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).
9. Please provide the following information pertaining to the SWSJ: (a) the number of inmates at the SWSJ at its full rated capacity as of January 1, 2008; (b) the actual number of inmates on January 1, 2008; (c) the actual number of inmates on March 1, 2008; (d) the actual number of inmates on June 1, 2008; (e) the

actual number of inmates on September 1, 2008; (f) the total number of inmates who spent any time at the SWSJ in calendar year 2008; (g) the average length of stay of an inmate in calendar year 2008; (h) the longest length of stay of any inmate in calendar year 2008.

10. Please provide the following information pertaining to the SWSJ: (a) the number of inmates at the SWSJ at its full rated capacity as of January 1, 2009; (b) the actual number of inmates on January 1, 2009; (c) the actual number of inmates on March 1, 2009; (d) the actual number of inmates on June 1, 2009; (e) the actual number of inmates on September 1, 2009; (f) the total number of inmates who spent any time at the SWSJ in calendar year 2009; (g) the average length of stay of an inmate in calendar year 2009; (h) the longest stay of any inmate in calendar year 2009.
11. For the total number of inmates in calendar year 2008, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
12. For the total number of inmates in calendar year 2009, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
13. How many inmates, while housed at the SWSJ in calendar year 2008, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the SWSJ in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.
15. How many inmates, while housed at SWSJ in calendar year 2009, (a) committed suicide, (b) attempted suicide, (c) were homicide victims, or (d) were victims of attempted homicide?
16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the SWSJ in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

#### Human Resources

17. Please provide a complete organizational chart of the staff working at the SWSJ as of January 1, 2008. The organizational chart should show (a) each staff

18. Please provide a complete organizational chart of the staff working at the SWSJ as of January 1, 2009. The organizational chart should show (a) each staff position, (b) whether the position was filled or vacant, (c) whether the incumbent in each position was an employee or contractor, and (d) the supervisory position to which each staff position reported.
19. For calendar years 2008 and 2009, (a) what are the minimum qualifications for custody staff (e.g., age, education, and prior criminal record)? (b) Describe the background screening process for applicants and employees in custody staff positions.
20. (a) How many custody and program staff did the SWSJ hire in calendar year 2008? (b) How many custody and program staff left employment at SWSJ, for whatever reason, in calendar year 2008? (c) How many custody and program staff did SWSJ hire in calendar year 2009? (d) How many custody and program staff left employment at the SWSJ, for whatever reason, in calendar year 2009?
21. (a) How many entry-level sworn staff did the SWSJ hire in calendar year 2007? (b) How many of the entry-level sworn staff whom the SWSJ hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? (c) How many entry-level sworn staff did the SWSJ hire in calendar year 2008? (d) How many of the entry-level sworn staff whom the SWSJ hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired?
22. For calendar years 2008 and 2009, please state (a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior; (b) how many program and custody staff were allowed to resign for similar conduct or behavior; and (c) how many program and custody staff were disciplined or warned about similar conduct or behavior.
23. Please provide the following information pertaining to the SWSJ: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1, 2008; and (iv) September 1, 2008; and (f) the number of non-sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2008; (iii) June 1,

2008; and (iv) September 1, 2008; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

24. Please provide the following information pertaining to the SWSJ: (a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; (b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; (d) the number of staff, both sworn and non-sworn, actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; (e) the number of sworn staff actually present on (i) January 1, 2008; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (f) the number of non-sworn staff actually present on (i) January 1, 2009; (ii) March 1, 2009; (iii) June 1, 2009; and (iv) September 1, 2009; and (g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.
25. Please state the average daily ratio of sworn staff to inmates at the SWSJ on (a) January 1, 2008; (b) March 1, 2008; (c) June 1, 2008; (d) September 1, 2008; (e) January 1, 2009; (f) March 1, 2009; (g) June 1, 2009; and (h) September 1, 2009. (i) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008? (j) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?
26. For the total number of staff on January 1, 2008, at SWSJ, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.
27. For the total number of staff on January 1, 2009, at SWSJ, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau: (a) White, (b) Black or African American, (c) Hispanic or Latino, (d) Asian, (e) Alaska Native or American Indian, (f) Native Hawaiian or Other Pacific Islander, and (g) two or more races.

#### Investigations

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the SWSJ in calendar years 2008 and 2009.
29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the SWSJ that occurred in calendar years 2008 and 2009, including the identity of the alleged victim and alleged perpetrator(s). (b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.

30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008 and 2009.<sup>2</sup>
31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008 and 2009 involving allegations of sexual abuse.
32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008 and 2009 involving allegations of sexual abuse, including sexually inappropriate behavior.
33. (a) Please provide copies of inmate grievances filed in calendar years 2008 and 2009, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution. (b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008 and 2009, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.
34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the SWSJ. (b) How does the SWSJ select staff members who are responsible for conducting investigations of alleged sexual abuse? (c) For calendar years 2008 and 2009, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the SWSJ.
35. For each investigation involving alleged SOI sexual abuse at the SWSJ in calendar years 2008 and 2009, please provide (a) the accused staff member's job assignment at the time of the alleged sexual abuse, (b) the sex of the staff member, (c) the race or national origin of the staff member, (d) the race or national origin of the inmate, (e) the sexual orientation of the inmate, (f) a brief synopsis of the facts, (g) the outcome of the investigation, (h) the identities of the alleged victim and alleged perpetrator(s), and (i) information on whether the matter was referred to the appropriate authority for prosecution.
36. For each investigation involving alleged IOI sexual abuse at the SWSJ in calendar years 2008 and 2009, please provide (a) the race or national origin of the alleged victim, (b) the sexual orientation of the alleged victim, (c) a brief synopsis of the facts, (d) the outcome of the investigation, and (e) the identities of the alleged victim and alleged perpetrator(s), and (f) information on whether the matter was referred to the appropriate authority for prosecution.
37. For any litigation, whether pending or closed, against the SWSJ involving sexual abuse alleged to have occurred in calendar years 2008 and 2009, please provide (a) the complaint, (b) the venue where the complaint was filed, (c) the date on

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<sup>2</sup> For this request, the Panel is seeking documents that the SWSJ has not produced in response to any other question.

which the complaint was filed, (d) the case docket number, (e) the status of the complaint, including any settlement agreements.

38. For calendar years 2008 and 2009, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.
39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (*see* 45 C.F.R. § 164.514(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008 and 2009 at the SWSJ. (b) Please describe any policies or protocols that relate to how the SWSJ responds to victims who allege sexual abuse, by either another inmate or by a staff member.

#### Victim Services

40. Please describe the protocols or policies that the SWSJ has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by a staff member.
41. Please describe any capacity that the SWSJ has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).
42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the SWSJ. (b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

#### Training

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008 and 2009 for the staff (sworn and unsworn, security and civilian) at the SWSJ in regard to the following: (a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility; (c) specialized training for those responsible for investigating allegations of sexual abuse; (d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse; (e) specialized training for



medical professionals, including mental health counselors, in responding to allegations of sexual abuse; (f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse; and (g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victims in the immediate, short, and long term.

44. For each of the courses identified in response to Question 43, please provide the following information for each course instructor: (a) name, (b) title, (c) address, and (d) credentials that qualify the instructor for teaching the course.
45. (a) Please describe how the SWSJ informed inmates in calendar years 2008 and 2009 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse. (b) Please provide copies of all instructional materials that the SWSJ used in calendar years 2008 and 2009 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

#### Self-Assessment and Future Actions

The Panel is interested in knowing what actions the Orleans Parish Sheriff's Office may have taken that either address the strengths or deficiencies of the SWSJ identified in BJS, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09* (Aug. 2010), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svpjri0809.pdf> [hereinafter BJS Report].

46. What are the key factors that led to the high incidence of sexual victimization at the SWSJ in calendar years 2008 and 2009?
47. What has the SWSJ done since the publication of the BJS Report in August 2010 to lower the incidence of sexual victimization?
48. Please provide copies of any revised policies or training materials issued after August 2010 to remedy the deficiencies that the BJS Report identified.

## Requested Witnesses

For sworn testimony in Washington, DC, the Panel requests that the SWSJ make available, and as requested, identify, the following individuals who held positions at the SWSJ in calendar years 2008 and 2009:

- Sheriff Marlin N. Gusman.
- SWSJ Facility Supervisor Col. Anella Joseph.
- The person responsible for and has first-hand knowledge of investigations alleging SOI sexual misconduct. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular SOI cases.
- The person responsible for and has first-hand knowledge of investigations alleging IOI sexual abuse. This person should not only know well investigative policies and procedures but also be able to respond to questions about particular IOI cases.
- The principal person with first-hand knowledge of providing victim services to inmates who experienced sexual victimization (e.g., a counselor, a mental health or medical professional, a SANE, or a chaplain).
- The PREA Coordinator for the SWSJ.
- Others recommended by the Sheriff or Facility Supervisor and approved by the Panel.

The Panel may also request the appearance of individuals identified in the response to the Data Request, as well as contractors for food services, medical services, and other services.



U.S. Department of Justice

Review Panel on Prison Rape

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Washington, D.C. 20531

Via Electronic Mail and Certified Mail

August 3, 2011

Marlin N. Gusman  
Sheriff  
Orleans Parish Sheriff's Office  
819 Broad Street  
New Orleans, LA 70119-74118

Re: Instructions for Submitted Testimony, Supplemental Data Request, Witnesses

Dear Sheriff Gusman:

The Review Panel on Prison Rape (Panel) requests additional information from the Orleans Parish Sheriff's Office (OPSO) in anticipation of the upcoming hearings under the Prison Rape Elimination Act (PREA) of 2003 scheduled for September 15-16, 2011 in Washington, DC.

Please send the additional requested information to the following address *by overnight mail* on or before Wednesday, August 24, 2011:

Review Panel on Prison Rape  
Attn: Mr. Joseph Swiderski  
810 7<sup>th</sup> Street, NW  
Washington, DC 20001

A. Questions for Sheriff Gusman

The Panel understands that you will not be available to testify in person at the hearings. In your absence, the Panel requests that you submit a written, notarized statement answering the four questions listed in this section. Please organize your answers to correspond to the numbered questions.

1. As you are aware, the Bureau of Justice Statistics (BJS) reported a high incidence of sexual victimization in 2008-09 at the South White Street Jail, which was until its recent evacuation, a facility of the Orleans Parish Prison (OPP). In your opinion, what factors contributed to the reported high incidence of sexual victimization at the South White Street Jail?

2. For the period under review, how do you explain the disparity between the high incidence of sexual victimization as reported by the BJS at the South White Street Jail and the absence of any records of sexual victimization that the OPP has for the South White Street Jail?
3. The U.S. Department of Justice has under review national standards for combating sexual victimization in confinement settings that were prepared by the National Prison Rape Elimination Commission pursuant to PREA. National Standards to Prevent, Detect, and Respond to Prison Rape, 76 Fed. Reg. 6248 (proposed Feb. 3, 2011) (to be codified at 28 C.F.R. pt. 115). How does the OPP monitor compliance with PREA?
4. What measures does the OPP take to protect inmates, such as non-heterosexual persons, who may be particularly vulnerable to sexual predation while incarcerated at OPP?

#### B. Supplemental Data Request

Given that the South White Street Jail is no longer operational, the Panel requests that the OPSO provide written responses to the three questions below. Please clearly label the responses to each question, as well as any attachments, to correspond to the numbered questions and each subpart.

1. For each incident of reported inmate-on-inmate sexual victimization in 2008-09 at the OPP, please provide a copy of the complete investigative record, which would include (a) the name of the alleged inmate-victim, (b) the date and time of the alleged incident, (c) the nature of the incident, (d) the process by which the OPP became aware of the incident, (e) the date on which the OPP became aware of the incident, (f) the person(s) investigating the incident, (g) the outcome of the investigation, (h) if warranted, the remedial actions that the OPP took, and (i) whether the OPP referred the matter to the appropriate responsible officials for prosecution or other action.
2. For each incident of reported staff-on-inmate sexual misconduct in 2008-09 at the OPP, please provide a copy of the complete investigative record, which would include (a) the name of the alleged inmate-victim, (b) the date and time of the alleged incident, (c) the nature of the incident, (d) the process by which the OPP became aware of the incident, (e) the date on which the OPP became aware of the incident, (f) the person(s) investigating the incident, (g) the outcome of the investigation, (h) if warranted, the remedial actions that the OPP took, and (i) whether the OPP referred the matter to the appropriate responsible officials for prosecution or other action.

3. Through victim advocates, the Panel has become aware of alleged incidents of sexual victimization at OPP involving former inmates. Based on this information, the Panel requests the following data:
  - a. For [Redacted], a former inmate of OPP, the Panel requests all investigative records, including medical reports, related to alleged repeated sexual assaults against him that took place at OPP between January and March of 2009.
  - b. For [Redacted], a former inmate at OPP, the Panel requests all investigative records, including medical reports, related to alleged sexual assaults against him that took place at OPP in September 2010.

#### C. Onsite Visit

The Panel confirms that Ms. Anne Seymour and Mr. George Mazza will be visiting the OPP on Tuesday, August 23, 2011, at 9:00 am. They would like to tour the sections of OPP that currently house female inmates, which the Panel understands includes Templeman V. Ms. Seymour and Mr. Mazza also request a brief tour of the House of Detention. After the tour, they would like to meet with OPP administrators to review the OPP's response to the initial data request and ask additional clarifying questions. They do not anticipate that the visit will last much longer than three hours. Please let Mr. Mazza know where he and Ms. Seymour should meet you to begin the tour. Mr. Mazza's telephone number is [Redacted] and his e-mail address is [Redacted].

#### D. Witnesses

The Panel understands that in your absence, you will designate a deputy or other high-ranking person to speak for OPSO at the upcoming hearings. The Panel requests the appearance of Commander Michael R. Laughlin, whom OPSO identified as the person who is in charge of the Special Operations Division and the PREA Coordinator in 2008-09. The Panel requests the appearance of Chief Earl Weaver, Jr., whom the OPSO identified as the staff member in 2008-09 responsible for coordinating administrative efforts to eliminate sexual abuse at the South White Street Jail in conformity with the goals of PREA. If none of the already requested staff persons occupies the position, the Panel requests the appearance of the head of the OPSO's Internal Affairs Division. The Panel also requests the appearance of high-ranking persons at OPP who could speak from first-hand experience in providing medical and psychological care to inmates who experience sexual victimization (e.g., a psychologist, doctor, nurse, Sexual Assault Nurse Examiner (SANE), or other medical professional). Please provide the names and contact information for the designated attendees to Mr. Joseph Swiderski at [Redacted] or [Redacted].

Marlin N. Gusman, Sheriff  
Orleans Parish Sheriff's Office  
August 3, 2011  
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Mr. Swiderski is available to work with your executive assistant, Ms. Ida Barr, to make travel and lodging arrangements for your staff members who will be appearing at the hearings in Washington, DC.

The Panel appreciates the cooperation of the OPSO in preparing for the hearings.

Sincerely,

Michael L. Alston  
Attorney Advisor