



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS

July 29, 2014

Reginald Wilkinson, Chair  
Review Panel on Prison Rape  
United States Department of Justice  
810 7th Street NW  
Washington, DC 20531

Dear Mr. Wilkinson,

It is the policy of the ODOC to provide a safe, humane and secure environment for all offenders in our custody and we are committed to eliminating rape and sexual harassment in the facilities that house our offenders. As requested, the Oklahoma Department of Corrections (ODOC) provides the following information in connection with the testimony which will be provided in August for the Review Panel on Prison Rape.

**Factors which may have led to high incidence of sexual victimization at the Mabel Bassett Correctional Center (MBCC)**

Sexual assault victims were at one time unable to be completely separated from offender sexual predators as the MBCC is the only medium- and maximum-security facility for female offenders in Oklahoma. Unless the offender discharged or was moved to lower security, there was a risk of interaction between sexual assault victim and perpetrator. Additionally, finding appropriate housing assignments for offenders with mental health needs were challenging and could lead to higher incidences of sexual victimization if the sexual predator was unable to be moved or discharged. Installation of fencing inside the facility to differentiate the two security levels has helped alleviate this issue. Another factor of concern for the MBCC was narrowly defining what constituted sexual assault or abusive sexual contact and investigation of every allegation as a PREA incident. It was determined female offenders were using the narrow definitions to manipulate staff and other offenders to achieve desired outcomes, such as cell moves or having alleged sexual predators moved to segregated housing for punishment. Once staff realized the sexual assault allegations were being used as a control mechanism, the curriculum and lesson plans for educating staff and offenders on the PREA standards was revised to better define what constituted sexual assault.

### **Factors which may have led to low incidence of sexual victimization at the Jackie Brannon Correctional Center (JBCC)**

Each offender arriving at the JBCC receives an initial orientation upon arrival, the offenders are shown the PREA video, and a more detailed, in-depth orientation is provided within seven (7) days of arrival which includes discussion of sexual abuse/assault/threat by staff and other offenders. Offenders also receive written information about prevention, self-protection, reporting sexual assaults, and protection from retaliation as well as methods to identify and report such misconduct. Additionally, the offenders at the JBCC are provided a variety of programs and religious services which keep the offenders busy throughout the day. Another factor would be communication between facility leadership and the staff and offenders. All department heads conduct regular staff meetings to discuss the PREA policy and interactions between staff and offenders. Verbal communication with offenders and staff has promoted more open communication between staff, supervisors, and offenders.

### **Measures taken to reduce the prevalence and incidence of sexual assault**

The starting point and most important factor in reducing sexual assaults and victimization at any of the ODOC facilities is to establish a climate that constantly reinforces the statement that these actions will be the subject of zero tolerance. A total agency effort in supporting this climate towards unhealthy relationships and sexual assaults reduces offender-on-offender and staff-on-offender victimization and assaults. Whether an offender or an employee, punishment for the perpetrator of sexual assaults or harassment is enforced and the agency maintains a zero-tolerance policy. Every allegation of sexual assault, misconduct and harassment is thoroughly investigated.

### **Implementation of the Prison Rape Elimination Act National Standards**

The ODOC developed and implemented Operating Policy (OP)-030601, entitled Oklahoma Prison Rape Elimination Act (PREA policy). A comprehensive, mandatory training program centered on this policy is provided to all staff as part of their pre-service training and during annual in-service training to establish the importance of preventing sexual assault towards offenders in the correctional facilities. For offenders, an in-depth facility orientation is also conducted within seven days to educate them on ODOC's zero tolerance stance concerning victimization and sexual assaults along with how and where to report sexual assault. Facility staff educates offenders regarding the Prison Rape Elimination Act during this offender orientation and express their expectations for zero tolerance of victimization and sexual assault/harassment.

In addition to training and orientation for staff and offenders, the agency initiated training for county sheriffs with the assistance of the Oklahoma Sheriffs Association and the PREA Resource Center. Collaboration was also initiated with the Oklahoma City YWCA Rape Crisis Forensic Staff in developing training curriculum for agency and community rape crisis staff. Contract language was added to all vendor contracts for housing of offenders in jails, prisons or community settings which addresses compliance with PREA standards.

**Measures taken to protect from sexual victimization those offenders who have mental-health problems, are non-heterosexual, or have a history of prior victimization**

The current agency screening process identifies an offender's mental-health needs through assessment by mental health staff. Offenders identified with high incidences or history of trauma and/or cognitive impairments are considered as a part of the facility housing/cell assignment at reception to address vulnerabilities of these offenders. Non-heterosexual offenders are normally identified by voluntary self-reporting by the offender to assessment and reception case management staff during the private intake assessment process. Offenders often disclose and discuss sexual orientation privately with mental health staff during the private mental health assessment. Mental-health needs, age, history of vulnerability, sexual predator identification, and other risk/needs factors identified by staff or communicated by the offender are considered by intake and facility staff when making cell/housing assignments.

**Identify the distinctive needs of the MBCC, as a facility that houses only female inmates, in preventing sexual victimization.**

Some of the distinctive needs of the MBCC include: increasing the ability to educate offenders addressing healthy relationships; increasing treatment for offenders to address their history of trauma and domestic violence and assault; increasing video capability in the facility; continued enforcement of immediate consequences and sanctions for offender-on-offender consensual sex acts; and recruiting more gender-specific applicants for correctional officer positions.

**Describe the process for investigating an incident of inmate-on-inmate or staff sexual misconduct at the MBCC and the JBCC.**

All allegations of sexual abuse and harassment, including third party and anonymous reports, are initially reviewed to determine if sufficient information exists to complete a formal investigation. The alleged victim is physically separated from the alleged suspect while the incident is under investigation and designated staff conducts preliminary interviews with the alleged victim and suspect. The offenders are also immediately provided support by mental health staff. The facility head ensures immediate notification is made to the inspector general and, if physical evidence is present, the crime scene is secured and documented by a staff member. Offenders also receive support from community rape advocates in the event of a sexual assault exam. If sufficient information exists to complete a formal inquiry, the inspector general ensures an agent who has received specialized training in sexual abuse investigations in confinement settings is assigned to investigate the allegations. Interviews of alleged victims, suspects and witnesses are conducted in a thorough, professional, non-abusive and non-threatening manner and gender-specific investigators are assigned when deemed necessary. The investigating agent will gather and preserve direct and circumstantial evidence, including any physical and DNA evidence as well as any available electronic monitoring data.

**Describe the ODOC's process for providing information to appropriate Oklahoma District Attorneys about the sexual assault of an inmate.**

If there is a substantiated finding of sexual assault which violates state statute, a copy of the investigation and supporting documentation is forwarded to the appropriate district attorney or United States attorney for possible criminal prosecution. When an investigation is referred for criminal prosecution, the agent submits a copy of the investigation report, an affidavit and all work products obtained during the investigation to the prosecuting authority, including descriptions of physical, testimonial and documentary evidence. The Inspector General's Office or the facility ensures that all physical evidence is preserved pending adjudication of the charge. District attorneys are allowed to conduct independent interviews of offenders involved in the case, if requested through the Inspector General's Office.

As I indicated, the ODOC is committed to eliminating rape and sexual harassment in the facilities that house our offenders and we will continue to work daily to ensure communication and training is provided throughout the system for offenders and staff.

I look forward to providing detailed testimony at the hearing in August.

Sincerely,



Robert Patton  
Director