



2016

Management & Training Corporation

Corporate Office Report

Prison Rape Elimination Act (Prea)

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Approved: _____

Date _____

7/26/17



A Leader in Social Impact

Introduction

The United States Department of Justice published final rules implementing the Prison Rape Elimination Act (PREA) on May 17, 2012. Management & Training Corporation (MTC) immediately began a process designed to fully install the standards at all of the facilities it operates. Several standards provide direction regarding the collection, management and analysis of data, including the production of reports. PREA § 115.88 obligates that an agency review data for any possible corrective action and requires specific actions by the agency, as follows in this excerpt from the standard:

(a) The agency shall review data collected ...in order to assess and improve effectiveness ...by:

...(3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

(b) Such report shall include a **comparison of the current year's data and corrective actions** with those from prior years and shall provide an **assessment of the agency's progress** in addressing sexual abuse.

This report provides a comparison of annual data and presents corrective actions, as well as assesses MTC's progress in addressing sexual abuse.

Management & Training Corporation

Management & Training Corporation (MTC) was founded in 1981 with a mission to be a leader in social impact by giving young people the tools they need to find meaningful jobs and become contributing members of their communities. MTC launched its business in the federal Job Corps program, preparing America's youth to be successful in today's job market. The company expanded into other areas which support its commitment to helping improve society.

Today, MTC employs more than 6,800 people worldwide through five divisions: Education & Training, Corrections, MTC Medical, Economic & Social Development and MTCnovo. Each of these divisions helps make a social impact by improving the lives of those we serve and the communities in which they live.

In 1987, MTC entered the private corrections business. The agency currently has 24 residential secure facilities located across the United States. The corporation has multiple contracts with governmental agencies at the county, state and federal levels with the purpose of managing correctional facilities and providing services to offenders and detainees assigned to their care and custody.

This privately held corporation has divided the Corrections Division into four (4) regions. Each regional vice president directs and oversees the overall function and management of each

facility in their region. Regional directors along with assigned wardens share in the responsibility for operational integrity and contractual compliance.

Demographics of MTC Operated Facilities

End of 2016 - Rated Capacity	27,724
Average Daily Population	24,348*
Average Length of Stay	381 days*
Number of Offenders Received at MTC Facilities	70,763*
Number of Offenders Departing MTC Facilities	71,172*
Security/Custody Level	
Minimum	15,522
Medium	5,902
High	2,931
Age Range of Offenders	18 – 79
Average Age	36
Gender	
Female	3,227
Male	21,135
Full Time MTC Employees	6,801
Full Time Corrections Employees	3,661
Full Time Medical (Only MTC Medical operated facilities)	211

* Includes data for facilities no longer under contract

MTC 2016 PREA Report

MTC continues to maintain compliance with the PREA standards having completed audits at every MTC facility during the three-year audit cycle (115.401.a) which concluded in August 19, 2016. MTC also met the requirement to have one-third of each facility type audited during each one-year period (115.401.b) during the first audit cycle.

The chart that follows, presents PREA Allegations and Investigation Results for 2016 within MTC operated facilities compared with allegations for 2014 and 2015. Given the average daily population of offenders decreased from 2015 the decline in allegations from 2015 shows a leveling off when compared to the proportionate decline in the number of relative allegations overall in 2016. There is a significant year-over-year increase in allegations that are determined to be unfounded. This may be a result of inmates' perception of a PREA allegation as an effective means to get attention without consequence.

	2014	2015	2016
Total PREA Allegations	128	183*	176
Substantiated	16	18	16
Unsubstantiated	57	91	74
Unfounded	51	69	79
Open/Investigation Pending	4	5	7

*Count includes additional allegations reported/identified after the 2015 report was published

As was noted in the Federal Register (Vol. 77, No. 119 /Wednesday, June 20, 2012 /Rules and Regulations 37107), an increase in allegations “might just reflect inmates’ increased willingness to report abuse, due to the facility’s success at assuring inmates that reporting will yield positive outcomes and not result in retaliation.” Facilities have improved investigative actions based on the specialized training and accountability. Improvements in the MTC Offender Data System are enhancing staff ability to identify, track and account for allegations.

Summary of Facility Reports for 2016

MTC collected a summary of incident reviews for 2015 as a result of sexual abuse incident reviews required by PREA § 115.86 for those investigations into allegations of sexual abuse wherein the findings were listed as substantiated or unsubstantiated. (Note: The PREA Resource Center clarified that an allegation of sexual harassment did not require an incident review under the rules).

Summary of Facility Reports for 2016 under each responsive question is as follows:

1. Need to change policy or practice - **All responses were NO.**
2. Was the incident or allegation motivated by status; or gang affiliation; or other group dynamics at the facility: **All responses were NO.**
3. Did physical barriers enable abuse – **With one exception, the responses were all NO** (There was 1 occasion where barriers were perceived to enable an inmate on inmate abuse incident in a shower).
4. Adequacy of staffing levels – **Overall staffing is considered adequate.**
Out of 70 incidents, only three incidents (i.e. two unsubstantiated inmate on inmate incidents and one substantiated staff involved incident) was staffing perceived to be inadequate.
5. Need for additional monitoring technology - **With one exception, the responses were all NO.** However, some Texas Department of Criminal Justice (TDCJ) contracted sites have

commented on major work requests that are still pending or in progress to make surveillance specific modifications to TDCJ owned facilities; some since 2009.

The totals collected in the Offender Data System for PREA Allegations in 2016 from all 26 facilities (Note: A facility that is closed begins losing staff and offenders generally in increasing numbers starting about 90 days in advance of a set date. The Walnut Grove Correctional Facility closed September 1, 2016 and the South Texas Intermediate Sanction Facility closed on December 30, 2016).

MTC Report of 2016 PREA Allegations and Investigation Results

	Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Inmate on Inmate Nonconsensual Sexual Acts	36	3	18	14	1
Inmate on Inmate Abusive Sexual Contacts	39	6	12	21	0
Inmate on Inmate Sexual Harassment	41	1	15	23	2
Staff on Inmate Sexual Misconduct	20	3	8	9	0
Staff on Inmate Sexual Harassment	15	1	4	8	2
TOTALS	151	14	57	75	5

MTC Report of 2015 PREA Allegations and Investigation Results

	Allegations	Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Inmate on Inmate Nonconsensual Sexual Acts	53	6	22	22	3
Inmate on Inmate Abusive Sexual Contacts	35	1	23	10	1
Inmate on Inmate Sexual Harassment	45	5	26	13	1
Staff on Inmate Sexual Misconduct	36	5	11	20	0
Staff on Inmate Sexual Harassment	14	1	9	4	0
TOTALS	183	18	91	69	5

MTC Report of 2014 PREA Allegations and Investigation Results

	Allegations	Investigation Results			
		Substantiated	Unsubstantiated	Unfounded	Investigation Ongoing
Inmate on Inmate Nonconsensual Sexual Acts	34	8	14	12	0
Inmate on Inmate Abusive Sexual Contacts	56	2	26	26	2
Staff on Inmate Sexual Misconduct	23	5	10	7	1
Staff on Inmate Sexual Harassment	15	1	7	6	1
TOTALS	128	16	57	51	4

Agency Progress Assessment

PREA standard 115.88 calls for an **assessment of the agency's progress** in addressing sexual abuse. Overall, MTC has made certification a major priority. As a consequence, all MTC operated prison facilities have been certified, including the two facilities that Mississippi and Texas closed (Walnut Grove Correctional Facility and the South Texas Intermediate Sanction Facility). The three facilities housing Immigration and Customs Enforcement (ICE) detainees have been operating in compliance with the PREA standards for some time, but are still awaiting notice of their audit dates from ICE. Significant progress continues to be made within each facility to enhance operations and physical plant.

The majority of the substantiated findings are a result of offender on offender conduct, as well as with the unsubstantiated findings with offender on offender sexual harassment. Further, the number of unfounded cases continues to grow. Finally, MTC has not had a reported case of offender or staff retaliation.

Noteworthy Areas of Progress

Offender Data System (ODS)

Investigations

In 2015, MTC Corrections initiated discussion with our Information Systems program staff on the development of a record system with the Offender Data System to capture real time the investigations which are initiated. The system was used in 2016 to collect and display PREA

data. The MTC PREA Coordinator continues to host quarterly teleconferences to update the Wardens, PREA Managers, and Investigators on the system to enhance staff awareness and understanding, as well as making efforts to ensure proper use. Work continues on segments of the PREA system to improve functionality and reporting.

Incident Reviews

MTC made tremendous strides in the automation of the PREA data collection. The system provides a platform which captures all data required for responses to the Survey of Sexual Victimization (SSV).¹ In addition, incident reviews required by the PREA standards, are now able to be put into the system for review by management. However, given this part of the system was just rolled out in 2016, more education and follow-up is warranted. MTC also recognized more work on the Incident Review portion of ODS is needed (e.g. tab consolidation, the system should also force staff to enter incident review information for any allegation which is unsubstantiated or substantiated, and should enable the production of a printable page for documentation purposes).

ODS Generated Automated Emails

Efforts have been made to provide additional structure within the Offender Data System by triggering automated email distribution following entries into the ODS PREA system. The original MTC plan for the PREA automated data collection included the ability to send specific staff a variety of email along with a copy of the related standards, triggered by timelines within the standards or inputs into the system. Staff receipt of the email would serve as a reminder that action was needed. The email serve as part of an accountability system designed to not only comply with the standards, but ultimately to enhance offender sexual safety. The purpose of the five emails (which include the specific PREA standards being attached to each email for reference/education and duties to be followed) are listed in the following paragraphs:

Email A - from ODS notifying the facility PREA Manager that a new PREA Allegation has been assigned for investigation making sure assigned staff implement actions which ensure the involved offender(s) and/or staff are protected from retaliation. Also, any use of involuntary segregated housing for the inmate who alleged suffering sexual abuse shall only be used after an assessment determines there is no available alternative means of separation from likely abusers. The reasons need to be documented within 24 hours of placement.

1. Protect inmates and/or staff from retaliation for at least 90 days in accordance with standard 115.67 and MTC policy 903E.02.
2. Document any use of involuntary segregated housing within 24 hours in accordance with standard 115.68, 115.43 and MTC policy 903E.02.

¹ The Bureau of Justice modified the title of this survey. It was formerly called the Survey of Sexual Violence.

Email B – from ODS notifying the facility PREA Manager that a determination has been made on a PREA investigation and the specific action which is required:

1. Reassess the inmate's risk of victimization or abusiveness based upon information from the investigation. 115.41 (g)
2. For substantiated or unsubstantiated sexual abuse allegations, initiate a Sexual Abuse Incident Review within 30 days of determination. 115.86
3. Inform the inmate and document the notification, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. 115.73 (a & e)

Email C - from ODS notifying the facility HR Manager that a determination has been made on a PREA investigation and the specific action which is required:

1. Follow standards and policy related to disciplinary sanctions for staff as detailed below (115.76)
2. Follow standards and policy related to hiring and promotion decisions as detailed below (115.17)
3. Inform the inmate and document the notification, consistent with standard 115.73 (c), unless the allegation, following an investigation, was unfounded. (This can be performed by the PREA Manager depending on facility direction).

Email D - from ODS notifying the facility Disciplinary Hearing Officer that a determination has been made on a PREA investigation involving an inmate(s) and specific action is required:

1. Follow standards and policy related to disciplinary sanctions for inmates as detailed below (115.78).

Email E - from ODS notifying the PREA Manager to contact the investigative agency to obtain the results of the PREA case identified below. (115.73)

1. Contact investigative agency and document status.

MTC Policy Update/Modifications

MTC Policy, 903E.02 Ensuring Safe Prisons was modified (Effective August 1, 2016) to address or provide additional guidance in the following areas:

Formalize process associated with the MTC PREA Hotline touching on the following PREA standards: 115.22 a; 115.51; 115.72; 115.87 a, c & d; and 115.89 a & d

Provide clarifying language for post-allegation protective custody in support of PREA standards 115.43 and 115.68 a-1

Provide clarifying language for criminal and administrative agency investigations in support of PREA standards 115.71 c & d.

Video Surveillance

During 2016, a number of facilities added cameras, monitors, installed larger Digital Video Recorder (DVR) units and provided the necessary cabling/equipment to support those cameras. It is estimated that investments in video surveillance exceeded \$300,000 during 2016. Several facilities installed pan, tilt and zoom (PTZ) cameras to increase the ability of staff to view specific areas of the facility to minimize what might be considered blind spots. Another facility installed 53 additional color stationary and PTZ cameras to augment the state system of 60 cameras. At least one facility received a DVR from another MTC facility which was upgrading their system, enabling the state owned facility to finally be able to record what the camera system was projecting.

The feedback from the facilities varied, noting that some had no perceived needs for modifications, while others had pending major work orders to upgrade cameras and systems. Overall, the video surveillance systems were perceived as a helpful security system when it came to checking on facts as they related to allegations, but they were not too useful in direct preventative or responsive efforts such as staff duty posting, tours, unannounced rounds and security inspections/audits.

Gender Responsive and Trauma Informed Care practices

During 2015, MTC undertook a unique and innovative step with regard to the oversight and operation of facilities housing female offenders. The implementation of Gender Responsive and Trauma Informed Care practices, enhanced policy and procedures and the dedication of the staff in detection, response, and reporting of sexual victimization was a priority in several training activities for administrators and senior corporate/facility staff during the year was a major initiative. Additional training activity, baseline assessments and policy implementation took place in 2016, creating a more gender responsive environment.

New Locks at Wilkinson County Correctional Facility

During December 2015, the Wilkinson CCF began the installation of new locks on offender doors. A well-known and very effective security grade locking system (i.e. Folgers Adams Locks) were installed on cell doors. After installation, these locks have greatly assisted staff during 2016 to minimize the offenders' ability to defeat the locking mechanism, thus improving security (i.e. limit unauthorized movement and ability to come out to harm others). In the past, offenders could more easily defeat their door locking mechanisms.

Monitoring Key Performance Indicators

As in past years, MTC continues to monitor Key Performance Indicators, such as the following:

- Inmate on Inmate Assaults

- Contraband Confiscations
- Positive Drug Tests
- Use of Force Events
- Disruptive Events
- Suicides/Attempted Suicides

This monitoring activity is designed, not only to collect pertinent operational data, but to provide indicators of problems and trends in the data, so as to disrupt security problems in the future.

PREA Phone Hotline

Where permitted by the customer agency, offenders may call the MTC PREA phone hotline free of charge. Offender calls are received, electronically saved and scanned by the PREA Coordinator or Assistant PREA Coordinator to determine if they could be considered a PREA allegation. Once reviewed, those calls which require investigation are forwarded in a timely manner to the Warden of the facility where the offender is housed. Calls from offenders who do not speak English are referred to a bilingual staff member at the corporate office for translation. All calls are saved electronically on the MTC Corporate Office network which is part of a network system that is backed up at an external site.

Summary – Areas of Progress

In summary, MTC continues to find ways to improve our application of the requirements under PREA, as well as train staff and offenders/detainees on those items which will help them prevent, respond, screen, investigate, report, collect data and stay safe inside the facilities MTC operates.

Facility Audit Scheduling and Certification

For the *first year of audits*, August-2013 to August-2014, MTC planned to complete the certification process for nine facilities and was successful. That represented 41% of the facility complement. The facilities certified along with the audit start dates are listed below:

1. Taft	12-13-13
2. Otero I	2-18-14
3. Marana	3-11-14
4. Giles W. Dalby	4-15-14
5. Gadsden	6-10-14
6. Marshall County	6-17-14
7. Walnut Grove	8-5-14
8. East Texas	8-11-14
9. Billy Moore	8-13-14

The *second audit year* (Aug 20, 2014 to Aug 20, 2015) culminated with the following certified facilities:

10. Sanders Estes	9-29-14
11. Diboll	1-14-15
12. Bridgeport (Male)	5-5-15
13. Bridgeport (Female/Pre-Parole Transfer)	5-5-15
14. East Mississippi	5-18-15
15. ASP-Kingman	6-16-15
16. Willacy County RDC	7-7-15

The *third year cycle of audits* included the facilities listed below. The Cleveland Correctional Center (CCC) was originally audited and certified while being operated by a different contractor. The contract was subsequently won by MTC in a competitive procurement, with MTC assuming Cleveland facility operations September 1, 2015. While not required, MTC made the decision to seek another audit of the CCC, whereupon the facility was certified under MTC Policy and Procedures.

17. Cleveland Correctional Center	4-2-15
18. North Central Correctional Complex	9-22-15
19. Kyle	10-5-15
20. South Texas	1-12-16
21. West Texas ISF	2-23-16
22. Wilkinson County	5-4-16
23. Lockhart	6-15-16
24. Idaho CAPP	7-13-16

The first **re-certification** took place in 2016, consistent with the standards and previous certification dates. A **special re-certification** took place at the Cleveland Correctional Center in Cleveland Texas on December 12 – 13, 2016 with a final report dated December 26, 2016. A previous client of the Texas Department of Criminal Justice received PREA certification prior to MTC being awarded a contract and assuming responsibility for the facility on September 1, 2015. MTC made an independent decision to obtain this certification, based in part on the fact that there was new leadership, policy, practice, and a new contractual relationship.

The calendar for the *fourth audit year cycle* (August 20, 2016 to August 19, 2017), which includes audits in 9 facilities, are as follows:

1. Taft Correctional Institution	10/3/16
2. Otero County Prison Facility	2/21/17
3. Arizona State Prison - Marana	2/28/17
4. Giles W. Dalby Correctional Center	3/28/17
5. Gadsden Correctional Facility	4/20/17
6. Marshall County Correctional Facility	5/9/17

7. East Texas Treatment Facility	7/17/17
8. Billy Moore Correctional Center	7/19/17
9. Sanders Estes Unit	8/1/17

During the fourth audit year cycle, the *Immigration and Custom Enforcement* (ICE) Detention PREA standards were more widely distributed. Many of the standards are the same as those for Prisons and Jails; others have been tailored to meet the ICE specialized operational standards and population. ICE conducted training on their standards with DOJ Certified Auditors and awarded a contract to begin the process of auditing ICE contracted facilities. As of the date of this report, these MTC facilities continue to operate consistent with the requirements of the ICE PREA standards and conduct staff/detainee PREA training. Based on facility inspections and file reviews, these facilities are prepared for audits, however our ICE contracted facilities listed below, have not been audited:

- IAH Secure Adult Detention Facility, TX (1,054 beds)
- Imperial Regional Detention Facility, CA (782 beds)
- Otero County Processing Center, NM (1,089 beds)

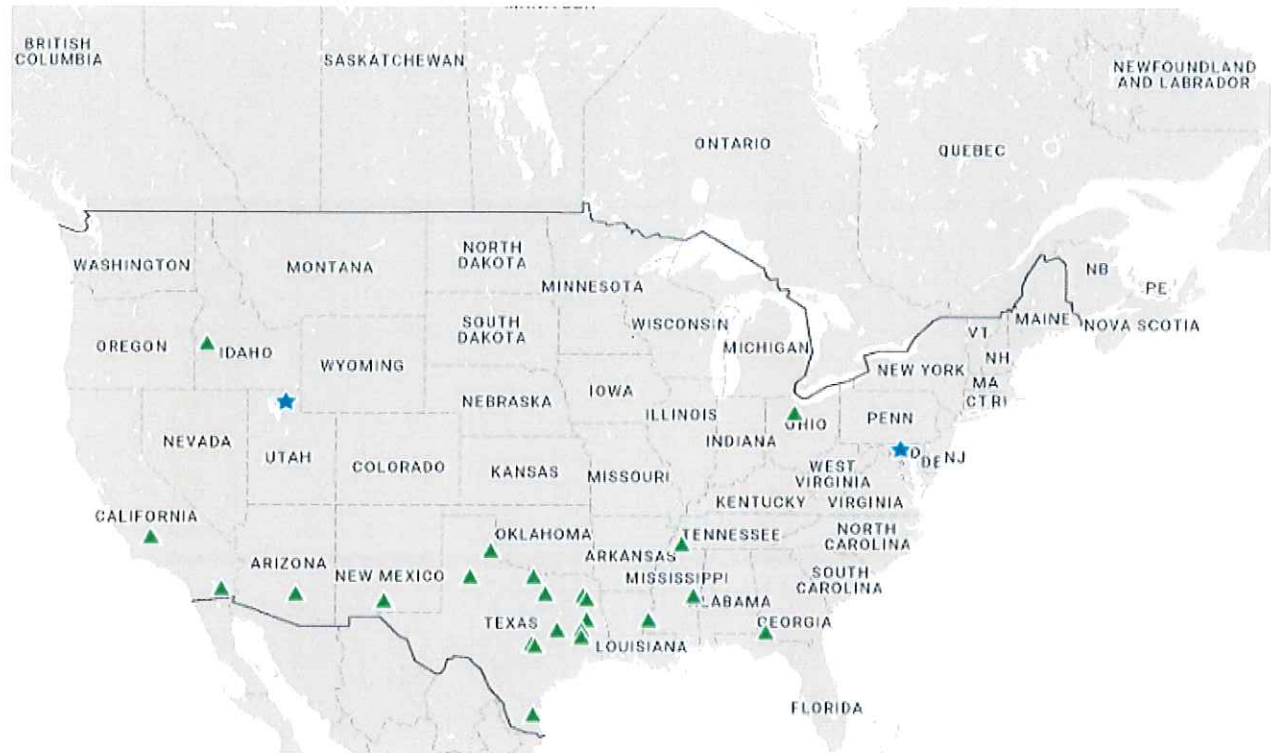
MTC PREA Policy, Reports and Auditor Summary Reports - Facility Certifications

To make an allegation of inmate-on-inmate or staff-on-inmate sexual abuse or sexual harassment, please contact via email the MTC Prison Rape Elimination Act (PREA) Coordinator. MTC will ensure an administrative or criminal investigation for all allegations of sexual abuse and sexual harassment. MTC PREA contact:

Mark Lee, MTC PREA Coordinator, Mark.Lee@mtctrains.com

Summary Certification Reports for each facility and MTC PREA Policy (**903E.02 Ensuring Safe Prisons**) can be found on the website (<http://www.mtctrains.com/corrections/prea>).

MTC Corporate and Facility Locations



CORRECTIONAL FACILITIES



CORPORATE LOCATIONS