



2018

Management & Training Corporation

Corporate Office Report

Prison Rape Elimination Act (PREA)

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Approved



Date







## 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 implement 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.

Trends and figures are based on data collected in calendar year 2018 and prior years.

## 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 9,700 people worldwide through five divisions: Education & Training, Corrections, MTC Medical, Economic & Social Development and MTC Limited. 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. In 2018, MTC operated 25 confinement facilities located across the United States. The corporation has multiple contracts with governmental agencies at the county, state and federal levels for the purpose of managing correctional facilities and detention centers, and providing services to inmates 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 operation 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 Correctional Facilities

End of 2018	
Rated Capacity	26,030
Average Daily Population	25,596
Average Length of Stay	395 days
Number of Intakes	65,700
Number of Departures	65,893
Security/Custody Level	
Minimum	17,058
Medium	5,817
High	2,320
Average Age	35
Gender	
Female	2,788
Male	22,413
Full Time MTC Employees	9,700
Full Time Corrections Employees	5,097
Full Time MTC Medical employees (11 facilities)	358

## MTC 2018 PREA Report

MTC established compliance with PREA standard 115.401a by completing audits at every MTC facility during the first three-year audit cycle, which concluded on August 19, 2016. MTC continues to maintain compliance with PREA standard 115.401.b by auditing one-third of each facility type per year during each successive three-year audit cycle.

An initial jump in PREA allegations was observed from 2014 to 2015, which can be attributed to increased communication of inmate rights to sexual safety and the realization that there are multiple effective methods of reporting PREA allegations, the number of PREA allegations made has been

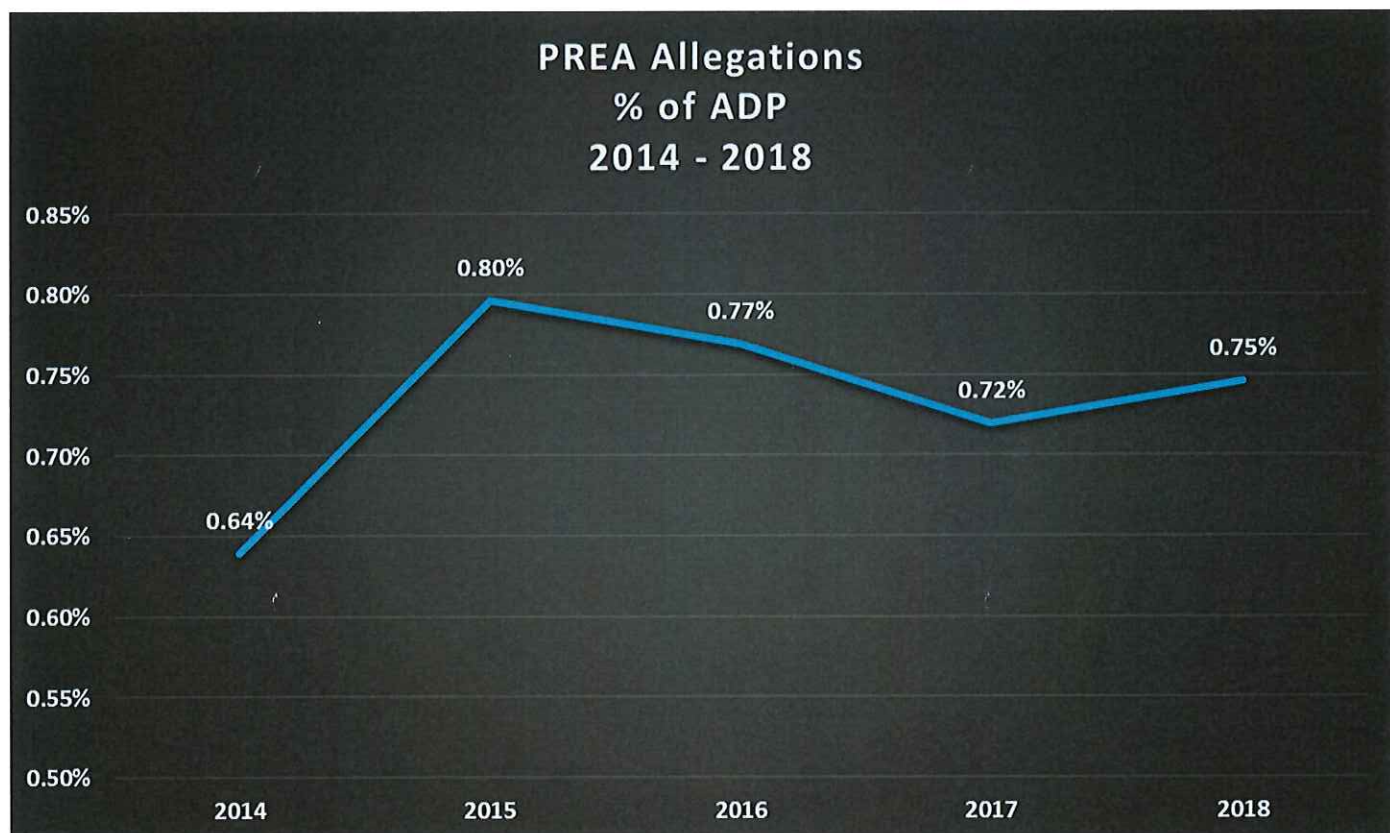




generally level since 2015. The percentage of PREA allegations made compared to the average daily population of MTC facilities has decreased over the same time period.

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.”

	<b>Total PREA Allegations (+/- previous year)</b>		<b>Average Daily Population (+/- previous year)</b>	
<b>2014</b>	<b>128</b>	<b>2014-2018 Net Change +49%</b>	<b>20,018</b>	<b>2014-2018 Net Change +28%</b>
<b>2015</b>	<b>170 (+33%)</b>		<b>21,345 (+7%)</b>	
<b>2016</b>	<b>176 (+4%)</b>		<b>22,880 (+7%)</b>	
<b>2017</b>	<b>181 (+3%)</b>		<b>25,025 (+9%)</b>	
<b>2018</b>	<b>191 (+6%)</b>		<b>25,596 (+3%)</b>	







The following charts depict a breakdown of PREA allegations and the results of their subsequent investigations for each calendar year. While the number of substantiated and unsubstantiated cases has risen at a pace corresponding to overall allegations, the number of unfounded cases rose the most dramatically over the five-year period.

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

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

*Unsubstantiated allegation* means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

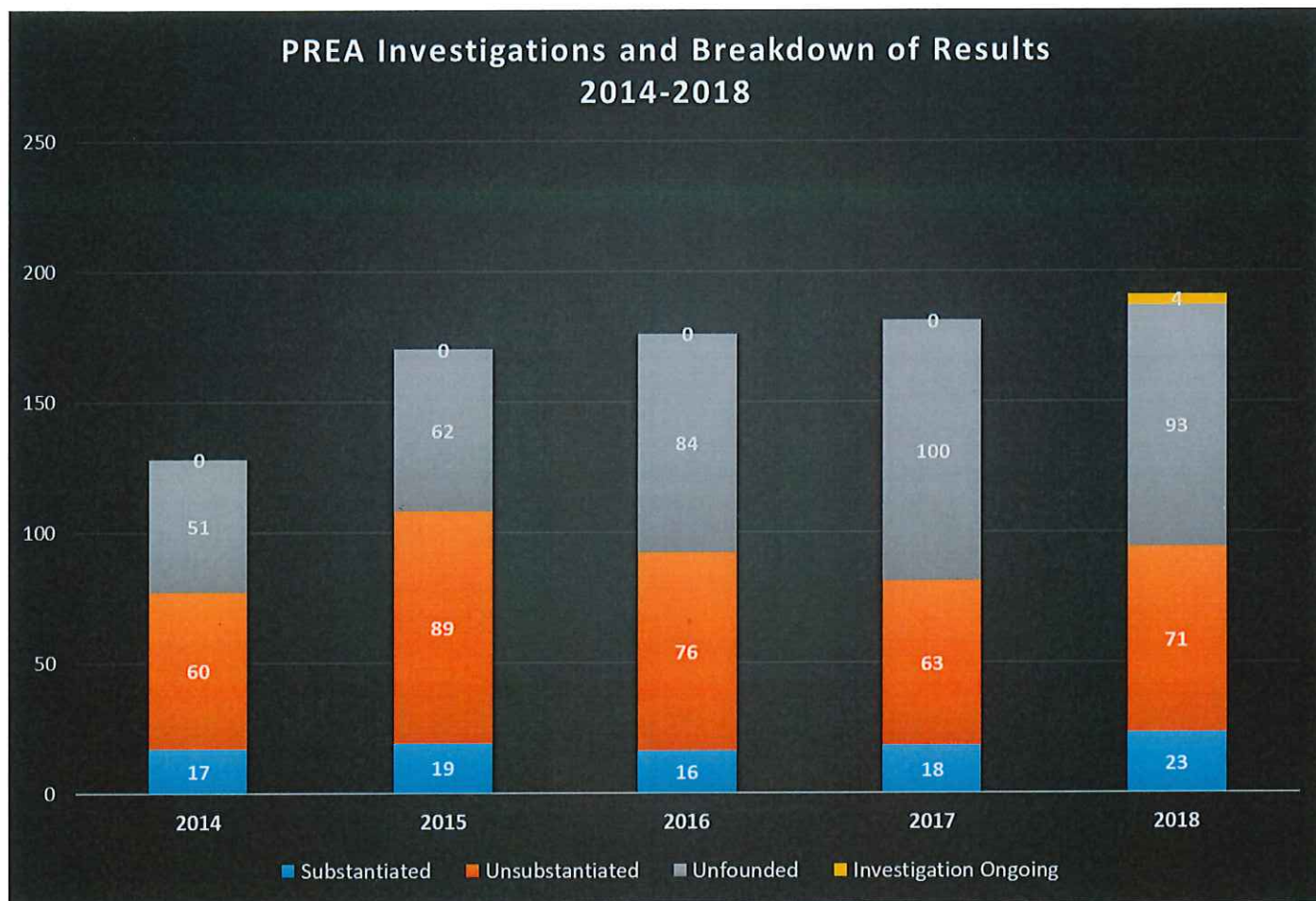
The slight uptick in substantiated cases in 2018 may be attributed to better training for investigators. Investigative files are routinely reviewed by corporate office to ensure investigators impose a standard of proof no higher than a preponderance of the evidence to substantiate sexual abuse or sexual harassment cases.

The largest share of investigative determinations is in the unfounded category. One facility alone, comprises two-thirds of PREA investigations with an unfounded determination. Of its 64 total PREA investigations in 2018, 61 (95.3%) were determined to be unfounded. An evaluation of the PREA investigations conducted at this facility revealed that in well over half of them, the alleging inmate recanted his allegation, citing various reasons, primarily to be moved off of the housing unit. In most of these cases, the PREA hotline was abused by the alleging inmate to manipulate his placement throughout the facility. Inmates claimed they used the hotline because they knew it would garner a quick response.

The number of unfinished investigations is due to reliance on the investigative authority the case was referred to; however, regular contact is made to stay abreast of the progress of the cases.

	2014	2015	2016	2017	2018
<b>Total PREA Allegations</b>	<b>128</b>	<b>170</b>	<b>176</b>	<b>181</b>	<b>191</b>
<b>Substantiated</b>	<b>17</b>	<b>19</b>	<b>16</b>	<b>18</b>	<b>23</b>
<b>Unsubstantiated</b>	<b>60</b>	<b>89</b>	<b>76</b>	<b>63</b>	<b>71</b>
<b>Unfounded</b>	<b>51</b>	<b>62</b>	<b>84</b>	<b>100</b>	<b>93</b>
<b>Investigation Ongoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>





#### Summary of Facility Incident Reviews for 2018

Of the 187 completed PREA investigations, 57 were that of sexual abuse with determinations of substantiated or unsubstantiated, requiring a sexual abuse incident review. The results of all incident reviews conducted in 2018, or as a result of an investigation initiated in 2018, are summarized below in the categories required by PREA § 115.86.

1. **Need to change policy or practice** – In one of the 57 incidents reviewed, the committee recommended a change in local policy/procedure. In the single case, the recommended change was approved by the warden and implemented.
2. **Was the incident or allegation motivated by status, gang affiliation, or other group dynamics at the facility** – In only one of the 57 incidents reviewed was this determined to be a factor. It was determined that the victim's physical disability may have played a role and risk of victimization. This was an unsubstantiated case. The committee's recommended changes were approved by the warden and implemented.





3. **Did physical barriers enable abuse** – Two of the 57 incident reviews identified physical barriers to be a factor. In these cases, changes of procedure and staffing pattern were implemented to restrict access to area where incidents occurred.
4. **Adequacy of staffing levels** – Overall staffing is considered adequate, however, one of the 57 sexual abuse incidents reviewed identified staffing levels as being a factor. As a result, the facility placed additional focus on its staffing review process.
5. **Need for additional monitoring technology** – Three of the 57 incident reviews indicated there was a need for additional monitoring technology and recommended placement of new cameras and increased recording time.

The chart below represents a breakdown of all PREA investigations by type and investigative results.

PREA Allegations and Investigative Results 2015-2018	Investigative Results																			
	Allegations				Substantiated				Unsubstantiated				Unfounded				Investigation Ongoing			
	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018	2015	2016	2017	2018
Inmate/Inmate Sexual Abuse	76	82	88	80	7	5	4	6	42	35	27	35	27	42	57	38	0	0	0	1
Staff/Inmate Sexual Abuse	28	22	21	27	4	3	1	4	7	11	7	13	17	8	13	7	0	0	0	3
Inmate/Inmate Sexual Harassment	44	48	45	68	6	7	8	11	30	20	18	16	8	21	19	41	0	0	0	0
Staff/Inmate Sexual Harassment	22	24	27	16	2	1	5	2	10	10	11	7	10	13	11	7	0	0	0	0
<b>TOTAL</b>	<b>170</b>	<b>176</b>	<b>181</b>	<b>191</b>	<b>19</b>	<b>16</b>	<b>18</b>	<b>23</b>	<b>89</b>	<b>76</b>	<b>63</b>	<b>71</b>	<b>62</b>	<b>84</b>	<b>100</b>	<b>93</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

## Agency Progress Assessment

PREA standard 115.88 calls for an assessment of the agency's progress in addressing sexual abuse. MTC has made PREA certification a major priority, regardless of whether required by contracting agency. As a result of significant policy development, training, and technological advancements, all MTC operated prison facilities have been certified. Additionally, the four facilities housing Immigration and Customs Enforcement (ICE) detainees have been operating in compliance with the PREA standards for some time, and three of the four were audited for compliance in 2018 with all standards being met or corrective actions accepted. The fourth ICE detention center PREA/SAAPI (Sexual Abuse and Assault Prevention and Intervention) audit is scheduled for 2019.





The majority of the substantiated and unsubstantiated findings in 2019 are a result of inmate on inmate conduct, outweighing staff on inmate substantiated and unsubstantiated cases 68-25. Further, the number of unfounded cases continues to outweigh other determinations. No cases of inmate or staff retaliation has been reported.

### **Noteworthy Areas of Progress**

#### **Operations Data System (ODS)**

##### **Investigations**

In 2018, MTC has continued to expand the capabilities of its data system of record and its ability to capture real time data related to the entire PREA investigative and post-investigation process. This would include the 90-day retaliation monitoring and Incident Review, as well as BJS Survey of Sexual Victimization data, and an automated email notification system.

The system was used in 2018 to collect and monitor PREA data and compliance with PREA standards. The MTC PREA Coordinator continues to host video and 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. Identifying areas of improvement in the Operations Data System (ODS) and a priority listing with Information Systems for development and improvement in functionality and reporting.

#### **MTC Policy Update/Modifications**

MTC Policy 903E.02 Ensuring Safe Prisons was modified (effective November 1, 2018) to add the requirement that allegations/investigations of sexual abuse or harassment are documented in ODS within 72 hours of receipt of allegation.

#### **Video Surveillance**

In 2018, a strong emphasis was placed on the adequacy of video surveillance systems adding cameras, upgrading current cameras and monitors, installing higher capacity DVR units and provided the necessary cabling/equipment to support those systems.

Strategic placement of convex mirrors and a priority on more frequent and thorough unannounced rounds by supervisory staff supplement video surveillance systems.

#### **Virtual Training Institute**

In 2018, MTC implemented a new Virtual Training Institute to reach a larger audience at facilities. Among topics covered by experts in their respective fields were; Adult Interviewing Techniques – covering best practice techniques for interviewing and interrogating people during investigations of sexual abuse in confinement settings; Trauma and Victim Responses – Discussing the short and long



term impact of trauma on victims and how it can affect a victim's cooperation in an investigation to include how an investigator can facilitate a victim's willingness to cooperate with an investigation.

### **Comprehensive Audit Process**

In 2018, MTC completed its first year of a new internal audit system, which incorporated aspects of multiple disciplines into one audit tool. The Comprehensive Audit Process endeavors to continually and incrementally improve outcomes in staff and inmate safety, programmatic outcomes, and operational efficiencies. It also incorporates a relentless follow up process to ensure corrective actions have been taken. One of the most robust sections of this audit is the PREA section, which helps ensure continuous compliance with PREA standards, and helps maintain attention to PREA obligations between the PREA audit cycles.

### **Monitoring Key Performance Indicators**

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

- Allegations of Sexual Abuse and Harassment
- 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 to prevent security problems in the future.

### **PREA Hotline**

Where permitted by the customer agency, inmates may call the MTC PREA phone hotline free of charge. Over 400 calls by inmates were made to the MTC PREA Hotline in 2018. Inmate 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 inmate is housed. Calls from inmates 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 inmates/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 the first three-year audit cycle*, August-2013 to August-2014, MTC successfully completed the certification process for nine facilities. 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 of the first three-year audit cycle*, (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 of the first three-year audit cycle*, included the facilities listed below.

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.



The *first year of the second three-year audit cycle*, (August 20, 2016 to August 19, 2017), continued into 2017 with the following facilities.

- |  |          |
|--|----------|
| 1. Taft Correctional Institution         | 10-5-16  |
| 2. Cleveland Correctional Center         | 12-13-16 |
| 3. Arizona State Prison-Marana           | 2-24-17  |
| 4. Otero County Prison Facility          | 2-22-17  |
| 5. Giles W. Dalby Correctional Facility  | 3-28-17  |
| 6. Marshall County Correctional Facility | 5-10-17  |
| 7. East Texas Treatment Facility         | 7-18-17  |

The *second year of the second three-year audit cycle*, (Aug 20, 2017 to Aug 19, 2018) included the following facilities.

- |  |         |
|--|---------|
| 8. Billy Moore Correctional Facility     | 7-19-17 |
| 9. Sanders Estes Unit                    | 8-2-17  |
| 10. Gadsden Correctional Facility        | 11-3-17 |
| 11. Diboll Correctional Center           | 12-4-17 |
| 12. East Mississippi Correctional Center | 4-4-18  |
| 13. Otero County Processing Center       | 4-5-18  |
| 14. Bridgeport Correctional Facility     | 4-18-18 |
| 15. Imperial Regional Detention Center   | 6-28-18 |
| 16. North Central Correctional Complex   | 7-19-18 |

The *third year of the second three-year audit cycle*, (Aug 20, 2018 to Aug 19, 2019) included the following facilities.

- |  |          |
|--|----------|
| 17. Kyle Correctional Facility               | 9-13-18  |
| 18. IAH Detention Center                     | 9-20-18  |
| 19. Willacy County Regional Detention Center | 9-26-18  |
| 20. Bradshaw State Jail                      | 10-17-18 |
| 21. Lindsey State Jail                       | 11-4-18  |



### **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. The MTC PREA contact is:

Mark Lee, MTC PREA Coordinator, [Mark.Lee@mtctrains.com](mailto:Mark.Lee@mtctrains.com)

Summary Certification Reports for each facility and MTC PREA Policy, 903E.02 Ensuring Safe Prisons, can be found on the MTC website at <http://www.mtctrains.com/corrections/prea/>. Additionally, found at this link is the MTC's PREA Investigation Referrals document, indicating the parties responsible for six basic steps of the investigative process at MTC correctional facilities in PREA cases with a criminal element.