

# PREA ANNUAL REPORT 2021



A Leader in Social Impact

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.

In 1987, using the expertise we developed in operating residential Job Corps centers, MTC began providing services to another population: the men and women in correctional facilities. Our focus was and continues to be rehabilitation through programs designed to meet the criminogenic needs of those whom we serve. In each of the facilities we operate, we have adopted our Job Corps model, providing extensive support, training, and rehabilitative programming.

Today, MTC employs nearly 10,000 people worldwide through five divisions: Education & Training, Corrections, MTC Medical, Economic & Social Development and MTC UK. Each of these divisions helps make a social impact by improving the lives of those we serve and the communities in which they live.

MTC is committed to providing those we serve with a safe environment in which there is zero tolerance towards any form of sexual abuse or sexual harassment. MTC facilities provide training, education, screening, supervision, and multiple levels of communication to increase awareness of safe reporting and promote a culture that discourages sexual violence.

All MTC-operated correction and detention locations are held to the highest standards in providing clean and well-maintained facilities, quality and timely health care, and programs that are effective in preparing people for reentry. The key to our success is building a culture based on respect and humane treatment.

The United States Department of Justice published Final Rule implementing the Prison Rape Elimination Act (PREA) National Standards effective August 20, 2012. PREA standard §115.87 provides specific direction to collect, at least annually, incident-based sexual abuse data, that at a minimum, includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.<sup>1</sup>

Standard §115.88 requires an agency to review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by identifying problem areas and taking corrective action on an ongoing basis. An annual report will be prepared by the MTC PREA Coordinator to document findings and corrective actions for each facility, as well as the agency as a whole. This report will include a comparison of the current year's data and corrective actions with those for prior years – providing an assessment of the agency's progress in addressing sexual abuse.<sup>2</sup>

This report provides a review of the incident-based sexual abuse allegations reported and collected from January 1 – December 31, 2021, as well as a comparison of aggregated data reported in previous years; and presents findings, corrective actions, and an assessment of MTC's progress in addressing sexual abuse.



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Leann K. Bertsch, Sr. Vice President, MTC Corrections

June 29, 2022

Date

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<sup>1</sup> 28 CFR 115.87

<sup>2</sup> 28 CFR 115.88

## POLICY

It is the policy of MTC to provide uniform guidelines and procedures to reduce the risk of prison sexual violence. MTC is committed to a zero-tolerance standard for sexual violence and any sexual conduct regardless of consensual status. MTC will aggressively respond to, investigate, and support the prosecution of incidents of sexual violence and sexual misconduct in all MTC operated facilities, through internal administrative disciplinary processes and external partnerships with law enforcement and county prosecutors.<sup>3</sup>

This policy shall be applicable to all persons, including visitors and volunteers, employed by, under contract with, or supervised by MTC, including professional staff and any person who is involved directly or indirectly in the care and custody of those within our care.

## DEFINITIONS RELATED TO SEXUAL ABUSE<sup>4</sup>

The definitions related to sexual abuse identified below are the definitions used to classify all reported sexual abuse allegations at MTC-operated facilities.

### *Sexual abuse* includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

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<sup>3</sup> MTC Policy 903E.02, Sexual Safety in Prisons (PREA)

<sup>4</sup> 28 CFR 115.6

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:**

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) - (5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

**Sexual harassment includes—**

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

## INVESTIGATIVE PROCEDURES

MTC-operated facilities conduct investigations into sexual abuse and sexual harassment allegations promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.<sup>5</sup>

Each investigation will be classified based on the alleged incident into one of the following categories:

Inmate/Detainee on Inmate/Detainee Sexual Abuse  
 Staff on Incarcerated individuals/Detainee Sexual Abuse  
 Incarcerated individuals/Detainee on Incarcerated individuals/Detainee Sexual Harassment  
 Staff on Incarcerated individuals/Detainee Sexual Harassment

Investigations are conducted by investigators who have completed specialized training in conducting such investigations. Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.<sup>6</sup>

At the conclusion of each PREA investigation, an outcome will be determined based on the evidentiary standard and will subsequently be classified as one of the following:<sup>7</sup>

**Substantiated** – An allegation that was investigated and determined to have occurred.

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

**Unfounded** – An allegation that was investigated and determined not to have occurred.

**Investigation Ongoing**– The investigation has not been completed.

There shall be no standard higher than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.<sup>8</sup>

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<sup>5</sup> 28 CFR 115.71

<sup>6</sup> 28 CFR 115.34

<sup>7</sup> 28 CFR 115.5

<sup>8</sup> 28 CFR 115.72

## 2021 POPULATION DEMOGRAPHICS

In 2021, MTC operated 28 confinement facilities and one community release center 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, detention centers, and community release centers, and providing services to incarcerated individuals and detainees assigned to their care and custody.

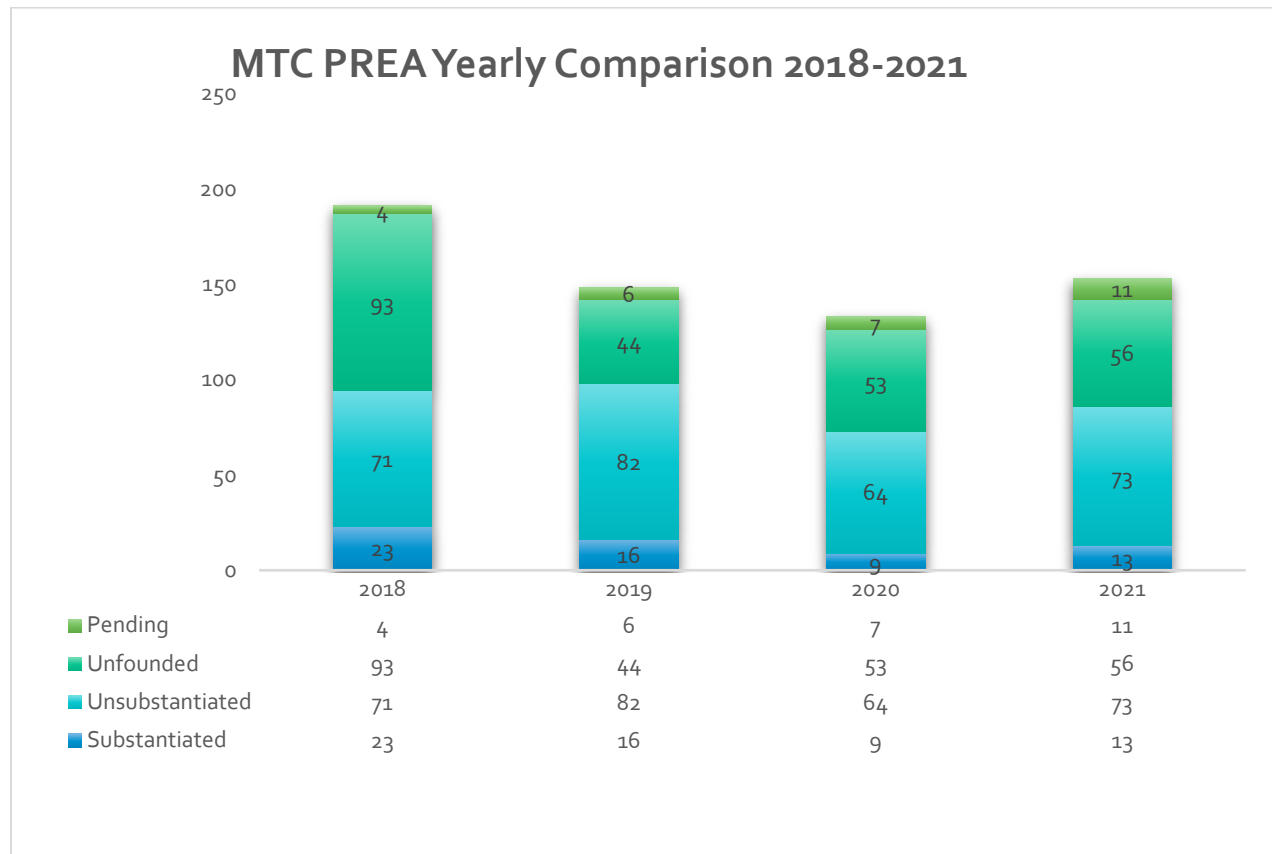
The MTC Corrections Division is divided into three (3) regions. Each regional vice president directs and oversees the overall operation and management of each facility in their region. Regional directors along with assigned wardens share in the responsibility for operational integrity and contractual compliance.

MTC Operated Facility Demographics 2021	
Rated Capacity	27,842
Average Daily Population	19,712
Average Length of Stay	491 days
Average Age	36
Number of Intakes	48,578
Number of Departures	46,588
Average Security/Custody Level	
Low/Minimum	12,366
Medium	5,605
High	2,000
Gender	
Female	2,753
Male	17,225

## PREA ANALYSIS

As demonstrated in the following data from 2018-2021, there has been a slight increase in the average daily population (ADP) as movement began to increase following the pandemic. However, the increase in PREA related allegations increased at a much higher rate than the ADP. Although allegations increased, a review and analysis of the outcomes do not reflect cause for concern. MTC has consistently upheld the importance of providing secure facilities where incarcerated individuals and detainees feel safe, respected, and encouraged to report any type of sexual abuse or harassment through a variety of methods.

Total Allegations / Average Daily Population				
Year	Total Allegations	+/- Previous Year	ADP	+/- Previous Year
2018	191	+6%	25,596	+3%
2019	148	-22%	22,330	-12%
2020	133	-10%	19,508	-12%
2021	153	+15%	19,712	+1%





## INVESTIGATION ANALYSIS

2021 Allegations and Investigative Results					
Report Type	Allegations	Ongoing	Substantiated	Unsubstantiated	Unfounded
I/I Sexual Abuse	64	8	4	37	15
E/I Sexual Abuse	40	1	6	18	15
I/I Sexual Harassment	33	2	2	13	16
E/I Sexual Harassment	16	0	1	5	10
<b>Totals</b>	<b>153</b>	<b>11</b>	<b>13</b>	<b>73</b>	<b>56</b>

As indicated above, a total of 153 allegations were received through various reporting methods in 2021. MTC activated four corrections facilities in 2021, and attribute the increase in allegations to the increase in facilities.

## INCIDENT REVIEWS

The highest percentage of allegations, 48%, were determined to be unsubstantiated and 8% were determined to be substantiated. In accordance with PREA standard §115.86, a sexual abuse incident review was completed at the conclusion of each investigation. Based on the information collected from each incident review, the following determinations were made.

1. **Need to change policy or practice** – In five of the 86 incidents reviewed, the committee recommended a change in local procedure involving training of staff and offenders, unannounced rounds, and promotion of sexual prevention and intervention. In each 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** – Of the 86 incidents reviewed group dynamics, gang affiliation, and status were not determined to be a factor.
3. **Did physical barriers enable abuse** – Physical barriers were not a factor in the 86 reviewed cases. Identifying areas where physical barriers may be of concern is a best practice of MTC correction/detention facilities and is monitored during the comprehensive audit process.
4. **Adequacy of staffing levels** – Overall staffing is considered adequate, there were 7 of the 86 cases in which staff were not in the area when the alleged incident happened. Three of the cases were reported from other facilities, the remaining were in areas where staff make

regular rounds but are not in the area at all times. There were no concerns regarding adequate staffing levels involving these allegations.

5. **Need for additional monitoring technology** – MTC has worked with all facilities to ensure cameras, mirrors, and other monitoring technology are maintained and updated when possible. Monitoring technology was adequate in all 86 reviews.

The majority of the substantiated and unsubstantiated findings in 2021 are a result of incarcerated individuals on incarcerated individuals conduct, outweighing staff on incarcerated individuals substantiated and unsubstantiated cases 56-30. No cases of incarcerated individuals or staff retaliation has been reported.

## 2021 PROGRESS IMPROVEMENTS

### Investigations

In 2021, MTC continues to adjust the design and functionality improvements to its data system of record, the Operations Data System (ODS), which have streamlined and added functionality to the investigative process. Additional reports and expanded automation of notifications and forms help ensure the sexual safety of incarcerated individuals and complete compliance with PREA standards. The improvements also allow for increased oversight by the MTC PREA Coordinator.

MTC continued its use of video and teleconference trainings and learning engagements to keep wardens, PREA compliance managers and investigators apprised of the ODS improvements, as well as investigative best practices and legal considerations.

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

An annual review of MTC Policy 903E.02 Ensuring Safe Prisons and updated accordingly. The policy was reviewed by all applicable staff as a refresher to ensure continued connection with PREA standards to include updated references and additional guidance as provided by the PREA Resource Center and the American Correctional Association.

### **Video Surveillance**

In 2021, emphasis remains ensuring adequacy of video surveillance systems, and where feasible, 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.

### **Comprehensive Audit Process**

In 2021, MTC completed its fourth year of an 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 incarcerated individual 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
- Incarcerated individuals on Incarcerated individuals 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, incarcerated individuals may call the MTC PREA phone hotline free of charge. Over 130 calls by incarcerated individuals were made to the MTC PREA Hotline in 2021. Incarcerated individual 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 incarcerated individuals are housed. Calls from incarcerated individuals 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 incarcerated individuals/detainees on those items which will help them prevent, respond, screen, investigate, report, collect data and stay safe inside the facilities MTC operates.