In September of 2003, President Bush signed the Prison Rape Elimination Act (PREA). In August 2012, the PREA standards promulgated by the United States Department of Justice went into effect. Since then, staff throughout the Department of Corrections has acted to prevent, detect, reduce and respond to sexual abuse and sexual harassment in confinement facilities, including community confinement facilities and privately-operated facilities that hold contracts with the Department of Corrections.

The South Dakota Department of Corrections (SDDOC) is pleased to publish its 2018 Annual Report.

This report reflects the SDDOC’s continued efforts to move forward in complying with the national standards promulgated under the Prison Rape Elimination Act. The SDDOC is committed to keeping those in our custody safe and free from harm and has zero tolerance for sexual assault and harassment of offenders under its jurisdiction.

**STAFFING**

Protecting inmates and youth from sexual assault and harassment and compliance with PREA standards is a top priority for the SDDOC and all staff throughout the Department have been involved in achieving these goals.

The Department Secretary has assigned a senior staff person in the Administration Office responsibility for overseeing the agency’s PREA activities.

**DOC PREA Coordinator & PREA Compliance Managers**

PREA Coordinator: The PREA Coordinator manages the Department’s policies and procedures pertaining to the Prison Rape Elimination Act and the associated PREA standards. The PREA Coordinator oversees PREA policy development and updates, staff and investigator PREA training, and documentation of agency procedures relating to PREA.

PREA Compliance Managers: Each of the three main adult facilities has a PREA Compliance Manager to oversee facility level compliance with the PREA standards. The juvenile division has assigned a Juvenile PREA Compliance Manager to oversee PREA compliance at the agency’s contract facilities.

**Adult Division**

PREA Investigators: Each adult facility designated a primary PREA investigator and trained additional staff as back-up PREA Investigators.

Staffing Plans: Each adult facility developed a PREA compliant staffing plan. The staffing plans outlined the minimum staffing levels, facility layout review, and video camera coverage. In 2018, staffing levels were maintained.

**Juvenile Division**
PREA Contract Compliance: The Juvenile PREA Compliance Manager assists and monitors the community placement facilities under contract for compliance to the National PREA Standards.

TRAINING

PREA Training

The adult division continued with pre-service training programs for new staff, contractors, and volunteers. The yearly in-service training program continued to expand to include new PREA related updates and policies. In addition there were a number of specialty training programs/events for PREA Investigators and PREA Compliance Managers.

Pre-Service PREA Training - Training all staff must attend prior to contact with offenders:

This standardized training includes all ten of staff training requirements in the PREA Standards.

1) Zero-tolerance policy for sexual abuse and sexual harassment.
2) How to fulfill staff responsibilities under DOC sexual abuse and sexual harassment prevention, detection, reporting and response policies, and procedures.
3) Inmates' right to be free from sexual abuse and sexual harassment.
4) The right of inmates and staff members to be free from retaliation for reporting sexual abuse and sexual harassment.
5) The dynamics of sexual abuse and sexual harassment in a confinement/correctional setting.
6) The common reactions of sexual abuse and sexual harassment victims.
7) How to detect and respond to signs of threatened and actual sexual abuse.
8) How to avoid inappropriate relationships with inmates.
9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
10) How to comply with relevant laws related to mandatory reporting of sexual abuse to law enforcement.

In-Service PREA Training - Annual training for all staff that has regular contact with offenders.

The in-service training for all facility staff for 2018 was a Back to Basics course.

Some of the topics included:
- Reviewed the Departments Zero Tolerance Policy, standard PREA definitions, victim advocates, gender non-conforming issues, training requirements, reporting requirements, first responders, corrections protocol, PREA investigations, PREA risk assessments, and confidentiality.
Specialty Training – Adult and Juvenile Division specialized training to select groups to cover training and policy reviews.

PREA Investigator Training for Juvenile Facilities
The second PREA Juvenile Investigator Training was scheduled for January 2019 in Sioux Falls, SD.

PREA Meeting/Review for PREA Compliance Manager/Special Investigations Units
First training held in June 2018 at the South Dakota State Penitentiary at Sioux Falls, SD.

  Review / refresher on PREA related training included:
  • Reporting to inmate victims;
  • Retaliation investigations & tracking;
  • PREA investigator review, and
  • Effective PREA investigative report writing.

Second training held in December 2018 at the South Dakota Women’s Prison at Pierre, SD.

  Review / refresher on PREA related training included:
  • A five-year comparison of facility PREA statistics;
  • Sexual incident report procedures;
  • Policy updates;
  • Bias in sexual abuse investigations; and
  • Report writing.

POLICIES

Adult Division Policy Updates
In 2018 there were no new PREA impacted policies issued by the SDDOC. The following policies were reviewed with minor procedural changes:

  • Compliance with the Prison Rape Elimination Standards Act;
  • PREA Institutional Risk Screen;
  • Screening of Staff, Volunteers and Contractors for Prior Sexual Abuse;
  • Inmate Correspondence; and
  • Administrative Remedy for Inmates.

Juvenile Division Policy Updates
In 2018 there were no new or updated PREA impacted policies or operational memorandums issued by the SDDOC.
SUPPORT SERVICES

Pursuant to PREA Standards 115.21 (115.321) Evidence Protocol and Forensic Examinations and 115.53 (115.353) Access to Outside Confidential Support Services; the SDDOC has maintained Memorandums of Understanding (MOU) with the following local victim advocates groups to provide services to SDDOC offenders who were victims of sexual abuse.

Support Services MOU’s

The Compass Center in Sioux Falls
  • Covering the Sioux Falls Campus: South Dakota State Penitentiary, Jameson Annex, and Sioux Falls Community Work Center.

Missouri Shores Domestic Violence Center in Pierre, SD
  • Covering the South Dakota Women’s Prison and Pierre Community Work Center.

Working Against Violence, Inc in Rapid City, SD
  • Covering Rapid City Community Work Center.

River City Domestic Violence Center in Yankton, SD
  • Covering Mike Durfee State Prison in Springfield and the Yankton Community Work Center.

AUDITS

Adult Division Audits:

The adult division contracted with a private PREA auditing company, The Nakamoto Group, to conduct an audit of Mike Durfee State Prison (MDSP) during April 2018. The MDSP facility consists of the main campus at Springfield, SD, the Rapid City Community Work Center (minimum and work release inmates) in Rapid City, SD and the Yankton Community Work Center in Yankton, SD.

The on-site PREA compliance audit of MDSP was conducted from April 10th thru April 12th, 2018. The final PREA compliance report was issued on May 14th, 2018. The report found MDSP compliant with all 45 of the PREA Standards.

The next PREA audit was conducted for the South Dakota State Penitentiary in the spring of 2019.

Juvenile Division Contract Facility Audits:

Pursuant to Section 115.401 of the PREA Standards, private providers utilized by the SDDOC – Juvenile Division conducted PREA Audits as outlined below.

The Sequel Transition Academy completed their second audit in June 2018 and were found in full compliance. The on-site visit was conducted from June 11th thru June 13th, 2018. The final PREA
compliance report was issued on September 26\textsuperscript{th}, 2018. The report found Sequel Transition Academy compliant with 37 standards and exceeding two.

Their next PREA Audit is scheduled for 2021.

2018 DATA REVIEW FOR CORRECTIVE ACTION AND PUBLICATION

General Definitions:

<table>
<thead>
<tr>
<th>Substantiated allegation:</th>
<th>An allegation that was investigated and a preponderance of the evidence determined the allegation to have occurred.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfounded allegation:</td>
<td>An allegation that was investigated and determined not to have occurred.</td>
</tr>
<tr>
<td>Unsubstantiated allegation:</td>
<td>An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.</td>
</tr>
<tr>
<td>Informational:</td>
<td>An allegation or report of sexual activity, while a possible institutional rule violation, the incident was determined not to involve sexual abuse or sexual harassment.</td>
</tr>
</tbody>
</table>

Adult Division:

The following definitions apply to the adult divisions data:

<table>
<thead>
<tr>
<th>Inmate sexual abuse:</th>
<th>(1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer, 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:</td>
</tr>
<tr>
<td></td>
<td>a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;</td>
</tr>
<tr>
<td></td>
<td>b. Contact between the mouth and the penis, vulva, or anus;</td>
</tr>
<tr>
<td></td>
<td>c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and</td>
</tr>
<tr>
<td></td>
<td>d. 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.</td>
</tr>
</tbody>
</table>

| Staff sexual abuse:        | 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.

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

Adult Division – Reported Incidents and Administrative Response:

Reporting Period: January 1 to December 31, 2018

SDDOC Adult Facilities (All)

<table>
<thead>
<tr>
<th>DOC 2018</th>
<th>Inmate Sexual Abuse</th>
<th>Inmate Sexual Abuse - Touching</th>
<th>Inmate Sexual Harassment</th>
<th>Staff Sexual Abuse / Touching</th>
<th>Staff Sexual Harassment</th>
<th>Total Incidents - Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>0</td>
<td>3</td>
<td>11</td>
<td>2</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>6</td>
<td>22</td>
<td>42</td>
<td>4</td>
<td>12</td>
<td>86</td>
</tr>
<tr>
<td>Unfounded</td>
<td>5</td>
<td>14</td>
<td>20</td>
<td>5</td>
<td>6</td>
<td>50</td>
</tr>
<tr>
<td>Total Incidents - Category</td>
<td>11</td>
<td>39</td>
<td>73</td>
<td>11</td>
<td>22</td>
<td>156</td>
</tr>
</tbody>
</table>

2018 Annual PREA Report
Mike Durfee State Prison (MDSP)

<table>
<thead>
<tr>
<th>MDSP 2018</th>
<th>Inmate Sexual Abuse</th>
<th>Inmate Sexual Abuse - Touching</th>
<th>Inmate Sexual Harassment</th>
<th>Staff Sexual Abuse / Touching</th>
<th>Staff Sexual Harassment</th>
<th>Total Incidents - Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>1</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Unfounded</td>
<td>1</td>
<td>6</td>
<td>7</td>
<td>1</td>
<td>3</td>
<td>18</td>
</tr>
</tbody>
</table>

Total Incidents - Category: 2 10 7 1 4 24

Administrative Response to substantiated staff-involved incidents
Not applicable – no staff substantiated cases.

South Dakota State Penitentiary (SDSP)

<table>
<thead>
<tr>
<th>SDSP 2018</th>
<th>Inmate Sexual Abuse</th>
<th>Inmate Sexual Abuse - Touching</th>
<th>Inmate Sexual Harassment</th>
<th>Staff Sexual Abuse / Touching</th>
<th>Staff Sexual Harassment</th>
<th>Total Incidents - Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>0</td>
<td>2</td>
<td>11</td>
<td>2</td>
<td>4</td>
<td>19</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>5</td>
<td>18</td>
<td>33</td>
<td>1</td>
<td>5</td>
<td>62</td>
</tr>
<tr>
<td>Unfounded</td>
<td>4</td>
<td>7</td>
<td>12</td>
<td>1</td>
<td>3</td>
<td>27</td>
</tr>
</tbody>
</table>

Total Incidents - Category: 9 27 56 4 12 108

Administrative Response to substantiated staff-involved incidents
Both staff-involved substantiated sexual abuse cases involved contract employees at SDSP. The Division of Criminal Investigations was involved in the one case that appeared to be criminal. Both contract staff have been denied any future access to SDDOC facilities.

SDSP had four substantiated sexual harassment cases, three of which involved staff making a single inappropriate comment and one of staff passing notes to an inmate. The administrative
action in these cases was a verbal reprimand(s) with monitoring and one action consisting of suspension and a work-improvement program.

South Dakota Women’s Prison (SDWP)

<table>
<thead>
<tr>
<th>SDWP 2018</th>
<th>Inmate Sexual Abuse</th>
<th>Inmate Sexual Abuse - Touching</th>
<th>Inmate Sexual Harassment</th>
<th>Staff Sexual Abuse / Touching</th>
<th>Staff Sexual Harassment</th>
<th>Total Incidents - Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>0</td>
<td>0</td>
<td>9</td>
<td>3</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Unfounded</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Total Incidents - Category</td>
<td>0</td>
<td>2</td>
<td>10</td>
<td>6</td>
<td>6</td>
<td>24</td>
</tr>
</tbody>
</table>

Administrative Response to substantiated staff-involved incidents

Not applicable – no staff substantiated cases.

Adult Aggregate Data Review and Corrective Action

All Facilities Charted Totals

The chart below indicates the trends over the last 5 years in each reporting category.
Trends over 5-year period:

The 2018 total number of incidents at 156 is an increase of 25% over 2017’s reported 125 total incidents. 2018’s total is 20% above the five-year average of total incidents at 130.

This year’s increase over the previous year in totals was driven by a significant increase in substantiated reports (from three to 20) a moderate increase in unsubstantiated reports (from 75 to 86) and a minimal increase in unfounded reports (from 47 to 50). This re-established the trend of a steady increase in incidents over the reporting period. 2017 was the only year in the five-year period that showed a decrease in the total numbers. This increase was not uniform across the three facilities: MDSP had a 14% decrease in total reports, while SDSP (+38%) and SDWP (+33%) both had increases driving the DOC’s total increase.

All facilities corrective action:

- All staff participated in additional training on professional communications and correctional boundaries and
- Additional PREA investigator training in criteria needed to substantiate or unfound a case of sexual abuse / sexual harassment and bias in correctional investigations.

**Mike Durfee State Prison (MDSP)**

Trends over Five-year period:

MDSP had a 14% decrease in 2018 of total allegations investigated, from 28 to 24 incidents over the 2018 reporting year. The current year’s total incidents at 24 is slightly higher than the five-year total incident average of 23 incidents.

This decrease is due to inmate sexual harassment incidents decreasing from 20 in 2017 to 7 incidents in 2018, a 65% decrease. The slight gains in other categories did not significantly impact the inmate sexual harassment decreases.

Substantiated sexual abuse (penetration & touching) incidents continued its four-year downward trend, bottoming out in 2018 at zero substantiated cases. The trend for reported allegations of sexual abuse (both types) have been increasing over the last three years and have a five-year average of 7.8 sexual abuse allegations per year.

No facility corrective action is indicated at this time.

**South Dakota State Penitentiary (SDSP)**

Trends over Five-year period:

SDSP showed a 37% increase in totals PREA investigations from 2017 to 2018. The increase in investigations was primarily in the inmate categories with inmate sexual abuse cases rising 80% over the previous year (from 20 to 36) and inmate sexual harassment rising 30% (from 43 to 56). Investigations for staff sexual abuse also increased 33%, but numerically the increase was small – from three to four investigations.
South Dakota Women's Prison (SDWP)

Trends over Five-year period:

SDWP had a 33% increase in 2018 of total allegations investigated, from 18 to 24 total incidents over the 2018 reporting year.

This increase is attributed to increase of reported inmate sexual harassment incidents – up 150% (from 4 to 10) and increase in staff involved incidents – up 140% (from 5 to 12). Reported inmate sexual abuse incidents decreased 78%, from 9 incidents in 2017 to 2 incidents in 2018.

For a second year, SDWP's total 2018 PREA investigations (24 incidents) for 2018 is above the five-year average of 13 incidents.

In 2018 SDWP did report one substantiated incident of inmate sexual abuse. This is consistent with the five-year average of one substantiated incident per year.

No facility corrective action is indicated at this time.

Juvenile Aggregate Data Review

The following definitions apply to the juvenile aggregated sexual abuse data.

The U.S. Department of Justice Survey of Sexual Victimization (SSV-IJ Juvenile) defines sexual incidents with different descriptive categories but uses the same definitions for these acts. Below is a chart indicating the equivalent descriptive titles between adult and juvenile reporting.

<table>
<thead>
<tr>
<th>Adult Descriptive Categories</th>
<th>Equivalent (=)</th>
<th>Youth Descriptive Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Sexual Abuse - Penetration</td>
<td>=</td>
<td>Youth Nonconsensual Sexual Acts</td>
</tr>
<tr>
<td>Youth Sexual Abuse – Touching</td>
<td>=</td>
<td>Youth Abusive Sexual Contact</td>
</tr>
<tr>
<td>Youth Sexual Harassment</td>
<td>=</td>
<td>Youth Sexual Harassment</td>
</tr>
<tr>
<td>Staff Sexual Abuse Penetration / Touching</td>
<td>=</td>
<td>Staff Sexual Misconduct</td>
</tr>
<tr>
<td>Staff Sexual Harassment</td>
<td>=</td>
<td>Staff Sexual Harassment</td>
</tr>
</tbody>
</table>

To maintain consistency for this data review, the Adult Descriptive Categories will be used.
Juvenile Contracted Facilities
Reporting Period: January 1 to December 31, 2018

Sequel Transition Academy

The single facility operating on behalf of the SDDOC is the Sequel Transition Academy. In June 2013, the facility reopened as the Sequel Transition Academy, a 32-bed licensed group care home that provides transitional services to DOC youths returning to the Sioux Falls area. Sequel Youth and Family Services leases the property from the state.

<table>
<thead>
<tr>
<th>SEQUEL / FALLS ACADEMY 2018</th>
<th>Youth Sexual Abuse</th>
<th>Youth Sexual Abuse -Touching</th>
<th>Youth Sexual Harassment</th>
<th>Staff Sexual Abuse /Touching</th>
<th>Staff Sexual Harassment</th>
<th>Total Incidents - Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantiated</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unsubstantiated</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unfounded</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Incidents - Category</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

2019 PROSPECTUS

The second PREA 3-year audit cycle started in 2017 with audit of South Dakota Women’s Prison in August 2017. The Mike Durfee State Prison Audit was conducted in April of 2018 and the last audit of the second 3-year audit cycle was conducted at South Dakota State Penitentiary in April of 2019. All three adult facilities were found to be in full compliance with the National PREA Standards- Adult facilities & Jails for the second PREA 3-year audit cycle.

The state’s contracted juvenile facility, Sequel Transition Academy completed its PREA audit for the second PREA 3-year audit cycle in June of 2018. The facility was found to be in full compliance with the National PREA Standards – Juveniles.

The third PREA 3-year audit cycle will commence in 2020 with the planned audit of the South Dakota Women’s Prison facility.

The SDDOC will continue its pursuit of compliance with the PREA standards and protecting inmates and youth from sexual assault and harassments.