

The Prison Rape Elimination Act of 2003 (PREA; Public Law 108-79), was enacted to address sexual abuse in prison and jails. In addition to setting mandatory standards for the detection, prevention, and punishment of sexual abuse or rape in prisons, PREA requires all correctional facilities to collect and report detailed information regarding sexual victimization of inmates.

On August 20, 2012 (updated June 4, 2015), the Bureau of Prisons (BOP) published internal policy implementing the PREA regulations promulgated by the Attorney General. The policy emphasizes the BOP's zero tolerance for sexual abuse or harassment of any type by staff or inmates in the BOP. The BOP's National and Regional PREA Coordinators and institution PREA compliance managers oversee agency implementation of the law, regulations, and BOP policy. The agency provides annual training for all staff on PREA generally and to specialized staff on topics specific to their PREA responsibilities.

Standards 115.87 and 115.88, which are detailed on the following page, delineate specific data monitoring and collection requirements. This document summarizes information that will be provided to the Bureau of Justice Statistics (BJS) by the BOP in accordance with PREA.

- I. Scope of Assessment: This report provides a review of the incident-based and aggregate data collected for calendar year (CY) 2019. Factors such as motivation and other possible contributing factors are reported when available. This report includes comparisons to data from the CY 2018 report.
- II. Inmate-on-Inmate Abuse Data Collected: The BOP has **122** institutions. In some cases, multiple facilities are co-located, comprising a correctional complex. In addition, the agency contracts with **11** privately operated low security facilities and **185** Residential Reentry Centers (RRC).
- III. Overview of Data: During the CY 2019 data collection period, **104** BOP facilities, **10** privately operated contract facilities, and **6** RRC facilities had at least one sexual abuse allegation. Of the **596** total inmate-on-inmate sexual abuse allegations, **561** occurred at BOP facilities, **26** at privately operated low security facilities, and **9** at RRCs. The table which begins on page 3 presents the allegation details individually by facility and aggregated by security level.

Please note that this report is typically published by June 30<sup>th</sup> each year. Due to the COVID-19 pandemic, data collection was delayed, thus delaying the report.

## § 115.87 DATA COLLECTION

(a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

(b) The agency shall aggregate the incident-based sexual abuse data at least annually.

(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

(d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

(e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

(f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

## § 115.88 DATA REVIEW FOR CORRECTIVE ACTION

(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

(1) Identifying problem areas;

(2) Taking corrective action on an ongoing basis; and

(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.

(c) The agency's report shall be approved by the agency head and made readily available to the public through its Web site or, if it does not have one, through other means.

(d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

Inmate-on-Inmate Sexually Abusive Behavior Data		
Minimum Security Level Facilities	Allegations	Substantiated
FPC Alderson (F)	1	0
FPC Duluth	2	0
<b>Minimum Security Level Total</b>	<b>3</b>	<b>0</b>
Low Security Level Facilities	Allegations	Substantiated
FCI Aliceville (F)	2	0
FCI Bastrop	4	0
FCI Beaumont Low	4	0
FCI Butner Low	4	0
FCI Coleman Low	2	0
FCI Danbury	2	0
FCI Dublin (F)	5	0
FCI Elkton	7	2
FCI Englewood	6	1
FCI Forrest City Low	4	0
FCI Fort Dix	15	1
FCI La Tuna	1	0
FCI Lompoc	1	0
FCI Loretto	2	0
FCI Miami	2	0
FCI Milan	4	0
FCI Oakdale I	1	1
FCI Oakdale II	1	0
FCI Petersburg Low	3	0
FCI Safford	3	0
FCI Sandstone	2	0
FCI Seagoville	6	2
FCI Tallahassee (F)	4	0
FCI Terminal Island	3	0
FCI Texarkana	4	0
FCI Yazoo City Low	2	0
<b>Low Security Level Total</b>	<b>94</b>	<b>7</b>
Medium Security Level Facilities	Allegations	Substantiated
FCI Allenwood Medium	2	0
USP Atlanta	13	1
FCI Beaumont Medium	4	0
FCI Beckley	4	0
FCI Bennettsville	1	0
FCI Berlin	2	0
FCI Butner Medium I	11	1
FCI Butner Medium II	9	1
FCI Coleman Medium	4	0
FCI Cumberland	6	1
FCI Edgefield	7	0
FCI El Reno	3	0
FCI Estill	10	0
FCI Fairton	21	0
FCI Florence	8	0
FCI Gilmer	9	0
FCI Greenville	2	0
FCI Jesup	11	0
USP Leavenworth	1	0
USP Lewisburg	3	0
USP Lompoc	8	0
FCI Manchester	1	0
USP Marion	7	0
FCI McDowell	13	0
FCI McKean	1	0
FCI Memphis	5	1
FCI Otisville	5	1
FCI Oxford	1	0
FCI Pekin	6	0
FCI Petersburg Medium	10	0
FCI Phoenix	1	0
FCI Pollock Medium	2	0
FCI Ray Brook	1	0
FCI Schuylkill	3	0
FCI Sheridan	3	0
FCI Talladega	5	0
FCI Terre Haute	2	0
FCI Tucson	1	0
FCI Victorville Medium II	6	0

FCI Williamsburg	4	0
FCI Yazoo City	5	0
<b>Medium Security Level Total</b>	<b>221</b>	<b>6</b>
<b>High Security Level Facilities</b>	<b>Allegations</b>	<b>Substantiated</b>
USP Allenwood	8	2
USP Atwater	5	0
USP Beaumont	4	0
USP Big Sandy	3	0
USP Canaan	5	0
USP Coleman I	10	0
USP Coleman II	9	0
USP Florence	8	0
USP Hazelton	2	0
USP Lee	4	0
USP McCreary	4	0
USP Pollock	4	1
USP Terre Haute	24	0
USP Thomson	7	0
USP Tucson	22	4
USP Victorville	3	1
USP Yazoo City	9	1
<b>High Security Level Total</b>	<b>131</b>	<b>9</b>
<b>Administrative Security Level Facilities</b>	<b>Allegations</b>	<b>Substantiated</b>
MDC Brooklyn	7	0
FMC Butner	20	2
FMC Carswell (F)	9	1
MCC Chicago	3	0
FMC Devens	7	0
FMC Fort Worth	5	1
MDC Guaynabo	3	1
FDC Houston	5	0
FMC Lexington	10	0
MDC Los Angeles	1	0
FDC Miami	1	0
MCC New York	6	0
FTC Oklahoma City	3	1
FDC Philadelphia	18	1
FMC Rochester	3	1
MCC San Diego	4	0
FDC Seatac	6	0
USMCFP Springfield	1	0
<b>Administrative Security Level Total</b>	<b>112</b>	<b>8</b>
<b>Privately Operated Low Security Facilities</b>	<b>Allegations</b>	<b>Substantiated</b>
Adams County (contract expired July 2019)	3	0
Big Spring Cedar Hill	3	0
Big Spring Flightline	2	0
D. Ray James	4	0
Giles W. Dalby	2	1
Great Plains	2	0
McRae	1	0
Moshannon Valley	1	0
Reeves III	0	0
Rivers	5	1
Taft	3	0
<b>Privately Operated Low Security Facilities Total</b>	<b>26</b>	<b>2</b>
<b>Residential Reentry Centers (RRC)</b>	<b>Allegations</b>	<b>Substantiated</b>
Correctional Alternatives, Inc (San Diego, CA)	1	0
Dismas (Charleston, WV)	1	0
Liedel Corrections Center (Houston, TX)	2	0
Oceanview Corp (San Diego, CA)	3	0
Rock Valley Community Program, Inc (Janesville, WI)	1	0
Rubidoux RRC (Rubidoux, CA)	1	0
<b>RRC Total</b>	<b>9</b>	<b>0</b>
<b>Grand Totals</b>		
	<b>Allegations</b>	<b>Substantiated</b>
Bureau of Prisons Facilities:	561	30
Privately Operated Low Security Facilities:	26	2
Residential Reentry Centers	9	0

Key/Notes:

- (F) = Female Institution
- Minimum security level facilities are stand-alone camps; if an institution has a satellite camp or federal satellite low, the reporting numbers are combined.
- RRC totals are for victims who are in BOP jurisdiction, not other residents of the RRC (i.e., State inmates)

- IV. Inmate-on-Inmate Incident-Based Assessment for Substantiated Cases: There were 30 substantiated cases of inmate-on-inmate sexually abusive behavior in BOP facilities during this reporting period, 2 substantiated cases in Privately Operated Low Security facilities, and no substantiated cases in RRCs. Provided below is specific information on the type of incident, location, details of the case, and dynamics of the case, arranged alphabetically by institution name. This is followed by a chart listing the problems identified and corrective actions taken, if any, for all substantiated cases of sexual abuse.

FCC Allenwood (High):

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Common Area
3. Details: The black male assailant was found to have repeatedly offered to perform fellatio on multiple white inmates. Video evidence supported one of the claims with regard to the perpetrator approaching the victim.

FCC Allenwood (High):

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cell
3. Details: The American Indian male assailant admitted to sexual conversations with the white male victim, but he denied he sexually harassed the victim. An inmate witness supported the allegation.

USP Atlanta (Medium):

1. Type of Incident: Sexual Harassment
2. Location: Secure Mental Health Housing Unit
3. Details: The white male assailant was found to have repeatedly exposed his penis while masturbating in the presence of the white male victim. Inmate and staff witnesses confirmed this behavior on one occasion during group therapy.

FCC Butner (Medium I):

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cell
3. Details: The white male assailant admitted to writing notes to the white male victim detailing his sexual fantasies and asking the victim to meet him in the shower at midnight. He denied sexually harassing the victim, indicating that the victim expressed interest in him.

## FCC Butner (Medium II):

1. Type of Incident: Sexual Harassment
2. Location: Suicide Watch Cell
3. Details: The black male assailant, while serving as a suicide watch companion, masturbated in front of the black transgender female inmate on suicide watch. Video evidence supported the allegation. The assailant admitted to his behavior, stating it was a "moment of weakness and frustration" after the victim exhibited her breasts and buttocks.

## FMC Butner:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit
3. Details: According to the white male victim and multiple inmate witnesses, the white male assailant repeatedly threatened to sexually assault and kill the victim.

## FMC Butner:

1. Type of Incident: Sexual Act
2. Location: Housing Unit Bathroom
3. Details: The American Indian male assailant admitted to aggressively trapping the white male victim in the toilet stall and forcibly performing fellatio on the victim despite the victim saying no and trying to get away.

## FMC Carswell:

1. Type of Incident: Sexual Contact
2. Location: Food Service
3. Details: While on work detail, the white female assailant pinched the breasts and buttocks of the American Indian female victim. The assailant admitted to her actions and video evidence corroborated the event as well.

## FCI Cumberland:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit, Gym
3. Details: The white male assailant made sexualized comments and gestures toward the white male victim. On several occasions, he held items up to his groin, made motions like he was having sex with the item, and told the victim, "This is like your ass." There were three inmate witnesses to this behavior.

## FCI Elkton:

1. Type of Incident: Sexual Act
2. Location: Housing Unit Cell
3. Details: The white male assailant admitted to rubbing his penis on the white male victim's back, face, and mouth. His penis briefly entered the victim's mouth. The assailant stated he thought they were flirting and that his behavior would be okay since the victim was homosexual.

## FCI Elkton:

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Cell
3. Details: The white male assailant admitted to making a sexual comment to the white male victim followed by rubbing the handle of his cane against the victim's groin. Multiple inmate witnesses corroborated the allegation as well.

## FCI Englewood:

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Cell
3. Details: The white male assailant was witnessed by another inmate to have grabbed the groin area of the white transgender female victim. The assailant admitted to "a quick hit to the crotch."

## FCI Fort Dix:

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Cell
3. Details: The two black Hispanic male assailants were found to have touched the white Hispanic male victim's chest and buttocks. An inmate witness heard the victim yell, "Don't pull my nipple," and one of the assailants admitted to touching the victim's chest and buttocks "by accident."

## FMC Fort Worth:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cells
3. Details: The white male assailant admitted to sending sexually explicit letters to two white male victims.

## MDC Guaynabo:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit/ Hallway
3. Details: In the Detention Center, male and female inmates live separately and do not have physical contact. During this incident, the white Hispanic female victim was collecting trash from the various Units with a staff escort. While outside the door of a housing unit, the white Hispanic male assailant grabbed his groin while stating, "This is what I have for you." Two staff observed this act, and the victim reported the assailant had been engaging in similar behavior for two months.

## FCI Memphis:

1. Type of Incident: Sexual Harassment
2. Location: Recreation
3. Details: The white male assailant admitted to pulling down the shorts and underwear of the white male victim thereby exposing his buttocks while stating, "That ass is mine tonight if he does not pay up." The assailant denied that his comments were sexual in nature. Inmate witnesses also corroborated the allegation. The victim stated that the assailant made other comments of a sexual nature prior to this event as well.

## FCI Oakdale I:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cell
3. Details: The black male assailant admitted to making sexual proposals in writing and verbally to the white male victim. He stated that he believed the victim was open to engaging in a homosexual relationship due to his "posturing" in the unit.

## FTC Oklahoma:

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Cell
3. Details: The white transgender female victim alleged the black male assailant hit her in the face with his penis and attempted to remove her clothing. Staff witnessed the victim on the ground struggling against the assailant with her bra pulled up over her head.

## FCI Otisville:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Common Area & Cell
3. Details: The white male assailant denied making sexual proposals to provide oral sex to the white male victim, stating that he is "only interested in black men." The assailant admitted to pasting pictures of his own face on photos of scantily clad women in magazines and giving them to the victim.

## FDC Philadelphia:

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cell
3. Details: The white Hispanic male assailant was found to have sexually harassed the white transgender female victim. The assailant admitted to asking if he could lick the victim's neck and using terms of endearment with her, though he stated he was "joking" and "playing with" the victim.

## FCC Pollock (Medium):

1. Type of Incident: Sexual Act
2. Location: Housing Unit Cell
3. Details: The black male assailant was alleged to have entered the black male victim's cell during a brief lockdown, at which time he reportedly displayed a homemade weapon and anally penetrated the victim. The assailant stated the sexual relationship with the victim was consensual. Camera evidence supports the assailant entered the victim's cell during that time.

## FMC Rochester:

1. Type of Incident: Sexual Act
2. Location: Housing Unit Cell
3. Details: The white Hispanic male assailant admitted to the FBI that he forcefully anally penetrated the white Hispanic male victim despite not having consent to do so and despite hearing the victim tell him to stop.

## FCI Seagoville:

1. Type of Incident: Sexual Act
2. Location: Housing Unit Showers
3. Details: The black male assailant used deception and threats to coerce the black male victim into performing and receiving oral sex. When the victim learned deception was involved, he expressed that he no longer wanted to engage in the behavior. At this point, the assailant threatened to “out” the victim to his family. The assailant acknowledged these events occurred, but stated he believed their sexual behavior was consensual.

## FCI Seagoville:

1. Type of Incident: Sexual Harassment
2. Location: Recreation
3. Details: The white male assailant was found to have sexually harassed the white male victim. The assailant admitted to “mutual flirting” and to attempting to kiss the victim.

## FCC Tucson (High):

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Common Area
3. Details: The black male assailant was found to have kissed the cheeks and groped the buttocks of the black male victim. This was corroborated with video evidence.

## FCC Tucson (High):

1. Type of Incident: Sexual Contact
2. Location: Housing Unit Common Area
3. Details: The two black male assailants admitted to slapping the buttocks of the black male victim, each in a separate incident. Video evidence corroborated the allegation against one assailant and an inmate witness corroborated the allegation against the second.

## FCC Tucson (High):

1. Type of Incident: Sexual Act
2. Location: Housing Unit Cell
3. Details: The American Indian male assailant was found to have anally penetrated the black male victim without consent. While a prior consensual sexual relationship was acknowledged, the victim denied consenting to penetration during this incident. The forensic medical examination revealed an anal canal laceration and scratches on the victim’s back.

## FCC Tucson (High):

1. Type of Incident: Sexual Act
2. Location: Special Housing Unit Cell
3. Details: The black male assailant was found to have orally and anally penetrated the American Indian male without consent. An inmate witness observed one act and the forensic medical examination revealed abrasions and bruises to the victim.

## FCC Victorville (High):

1. Type of Incident: Sexual Act
2. Location: Special Housing Unit Cell
3. Details: The black male assailant was found to have sexually assaulted, both orally and anally, the black Hispanic male victim. The forensic medical examination found semen in the victim's anus.

## FCC Yazoo City (High):

1. Type of Incident: Sexual Act
2. Location: Housing Unit Cell
3. Details: The black Hispanic male assailant was found to have anally raped the white transgender female victim. The forensic medical examination supported the allegation.

## Giles W. Dalby CI (Privately Operated Low Security facility)

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit
3. Details: The Hispanic male assailant was found to have repeatedly sexually propositioned the Hispanic male victim for oral and anal sex.

## Rivers CI (Privately Operated Low Security facility)

1. Type of Incident: Sexual Harassment
2. Location: Housing Unit Cell
3. Details: The black male victim was found to have been sexually propositioned by multiple other black inmates in his housing unit.

Incident Reviews for Substantiated Inmate-on-Inmate Sexual Abuse Data (excludes sexual harassment)		
Minimum Level Facility	Problem Identified	Corrective Action
No Substantiated Cases CY 2019	N/A	N/A
Low Level Facility	Problem Identified	Corrective Action
FCI Elkton (Act)	No problems identified or recommendations made. It was noted that both the victim and the perpetrator identified as homosexual. The perpetrator admitted to the behavior and stated he thought it was okay to pursue the victim due to the victim's sexual orientation.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
FCI Elkton (Contact)	No problems identified or recommendations made. The perpetrator reported being homosexual and he was also identified as possibly having lower cognitive functioning. He admitted to the behavior as a joke. There were also inmate witnesses.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
FCI Englewood (Contact)	No problems identified or recommendations made. A motivating factor may have been the victim's transgender status. The perpetrator admitted to "a quick hit to the crotch" of the victim, but denied this was sexual.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
FCI Fort Dix (Contact)	It was noted that as former military barracks, the housing units have blind spots. The perpetrator admitted to incidental contact with the victim's chest and buttocks and there was also an inmate witness.	A thorough review of the incident was conducted. Blind spots and physical barriers were noted, and staff were reminded to make frequent, irregular rounds to deter misconduct. Additionally, a request for increased funding to upgrade the institution's camera system was submitted. Staffing levels in the area were adequate.
FCI Seagoville (Act)	No problems identified or recommendations made. The perpetrator admitted to consensual sexual acts.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in the shower where monitoring technology is not permitted and where some degree of privacy is required. Staffing levels in the area were adequate, as well.

Medium Level Facility	Problem Identified	Corrective Action
FCI Pollock (Act)	No problems identified or recommendations made. The perpetrator admitted to engaging in consensual sexual behavior.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate, as well.
High Level Facility	Problem Identified	Corrective Action
USP Tucson (Contact)	No problems identified or recommendations made. Monitoring technology supported the allegation.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
USP Tucson (Contact)	No problems identified or recommendations made. The medical examination supported the allegation of sexual assault.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
USP Tucson (Act)	No problems identified or recommendations made. The inmates involved had a prior consensual sexual relationship. The medical examination supported the allegation of sexual assault.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate, as well.
USP Tucson (Act)	No problems identified or recommendations made. The medical examination supported the allegation of sexual assault and there was an inmate witness to a portion of the allegation.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate, as well.
USP Victorville (Act)	No problems identified. The medical examination supported the allegation of sexual assault. The victim identifying as bisexual may have been a motivating factor for the assault. It was recommended that SHU staff receive training on monitoring inmates with a history of sexual victimization and inmates who identify as LGBTI.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate, as well. SHU staff were trained to closely monitor inmates with a history of sexual victimization and those who identify as LGBTI to prevent and/or detect sexual victimization.

USP Yazoo City (Act)	No problems identified or recommendations made. The medical examination supported the allegation of sexual assault. The victim’s transgender status may have been a motivating factor.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate, as well.
<b>Administrative Facility</b>	<b>Problem Identified</b>	<b>Corrective Action</b>
FMC Butner (Act)	No problems identified or recommendations made. The perpetrator admitted to the abusive behavior and also admitted to “cheeking” his psychotropic medications for a week. His mental illness may have played a role in this behavior.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in the toilet stall where monitoring technology is not permitted and where some degree of privacy is required. Staffing levels in the area were adequate.
FMC Carswell (Contact)	No problems identified or recommendations made. The perpetrator admitted to the behavior and video evidence was also available.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. Staffing levels in the area were adequate, as well.
FTC Oklahoma (Contact)	No problems identified or recommendations made. The victim’s transgender status was believed to be motivating factor.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted, but staff observed and stopped the behavior when approaching the cell. Staffing levels in the area were adequate.
FMC Rochester (Act)	No problems identified. The perpetrator admitted to the sexual act. It was recommended that it be reinforced to inmates during Admissions and Orientation (A&O) that PREA exists for their protection and the many ways they can report an allegation. Additionally, it was recommended staff be reminded to make frequent, irregular rounds throughout the Unit.	A thorough review of the incident was conducted. No physical barriers enabled abuse and there were no noted issues with monitoring technology. The incident occurred in a housing unit cell where monitoring technology is not permitted. Staffing levels in the area were adequate. Inmates are reminded throughout A&O of PREA, the reason it exists and how to report allegations. Staff also received notice to complete rounds frequently.

V. Assessment By Security Level (Inmate-on-Inmate) :

a. Breakdown of sexual abuse allegations by security level:

Security Level	Number of Institutions with Reported Allegations	Substantiated Inmate-on-Inmate Incidents
Minimum Level	2	0
Low Level (Includes Private Facilities)	36	9
Medium Level	41	6
High Level	17	9
Administrative Level	18	8
Residential Reentry Centers	6	0
<b>Total Institutions with allegations (Includes Private Facilities &amp; RRCs)</b>	<b>120</b>	<b>32</b>

b. Institutions are operated at five security levels that differ in terms of security barriers, types of housing, and staff-to-inmate ratio. Administrative facilities are institutions with special missions, such as the detention of pretrial offenders, the treatment of inmates with serious or chronic medical and/or mental health problems, or the containment of extremely dangerous, violent, or escape-prone inmates. These facilities are capable of housing inmates of all security levels. In comparison to CY 2018, medium and administrative security levels saw an increase in reported allegations. The increase in allegations at medium security facilities was notable (167 in CY 2018 to 221 in CY 2019), but there is no pattern or easily identifiable reason for this increase in these facilities. Substantiated cases remained fairly consistent across all other security levels with a slight decrease in administrative facilities and a slight increase in high security facilities. The increase in high security substantiated cases may have been attributed to forensic medical exam findings contributing to the investigation outcomes. The overall number of substantiated inmate-on-inmate cases increased slightly from CY 2018 (29) to CY 2019 (32).

VI. Staff-on-Inmate Incident-Based Assessment: Data for this category is provided in annual aggregate form in the below table. In addition, staff incidents are not part of the administrative record review for inmates and are received, assessed, and processed by the Office of Internal Affairs. Thus, facility security-level is not noted, and only the year-end totals are provided in this report. During 2019, there were 10 substantiated cases in this category, 2 of which occurred at contract facilities. Please note that investigative cases must be closed prior to inclusion in this report. Additionally, this report encompasses cases that were closed by September 24, 2020, as this is when the data for the report was obtained.

It should be noted that at the time of the writing of the CY 2018 report (April 2019), there were 419 ongoing PREA staff investigative cases with 6 substantiated cases. Since April 2019, an additional 12 cases in the BOP were substantiated for allegations in CY 2018. The total substantiated cases in CY 2018 is therefore 18, representing 3.3 percent of the staff allegations.

Facility	Number of Allegations	Number of Substantiated Cases	Ongoing Investigative Cases
BOP	501	8 (1.6%)*	389
Residential Reentry Centers	17	0 (0%)	10
Private Facilities	16	2 (12.5%)**	0

\*BOP substantiated cases represent 8 perpetrators & 16 victims

\*\*Private Facilities substantiated cases represent 2 perpetrators & 2 victims

#### VII. Overview of Information for BOP-Managed Facilities (inmate-on-inmate cases):

- a. No single factor appears to underlie the incidents reviewed above. The incidents did not appear to have been motivated by race, ethnicity, gang affiliation, or other group dynamics at the facility. In four of 32 substantiated cases (12.5%), the victim's transgender status may have been a risk factor. This percentage closely mirrors that of all PREA allegations, not just substantiated cases. Transgender inmates were the alleged victims in 12.9% of the 587 allegations in CY 2019. Sexual orientation may have been a risk factor in three substantiated cases (9.3%).
- b. Based on the locations in which the incidents occurred, physical layouts/barriers did not appear to contribute to the incidents. It appears that monitoring technology worked effectively, did not contribute to incidents, and was utilized where available during investigations. Monitoring technology assisted in 18.7% of the substantiated cases as compared to CY 2018 when none of the substantiated cases were aided by video evidence. Almost half of the substantiated cases occurred in inmate's cells where cameras are not present.
- c. Sexual offenders continue to represent a higher number of victims (34.3%) and perpetrators (43.7%) in substantiated cases. For all allegations in CY 2019, approximately 30% of these involved alleged victims who have been convicted of sex offenses and approximately 25% involved alleged perpetrators with sex offenses. These types of offenses are often a marker for both increased risk of victimization and increased risk of abusiveness which increases their likelihood to be involved in some manner in PREA allegations.
- d. There were three notable similarities to last year. First, the inmate perpetrator admitted to engaging in some form of sexually abusive behavior or harassment in fourteen of the substantiated incidents (43.7% in CY 2019 vs 44.8% in CY 2018).

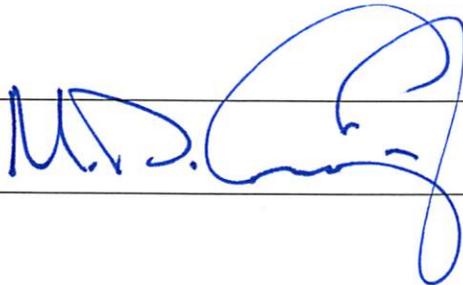
Second, in eleven of the substantiated cases, there were witnesses who came forward during the investigation (34.3% vs 37.9% in CY 2018). And third, medical examinations assisted in substantiating four cases (1.2% vs 1.4% in CY 2018).

- e. Staffing levels did not appear to have caused or contributed to the sexual abuse cases.

VIII. Conclusion: The total number of PREA allegations increased this year. This may be attributable to the agency's adherence to a strict zero tolerance policy for sexually abusive behavior, as well as the continued emphasis of this policy with staff and inmates. Staff and inmates understand what behavior is inappropriate and know how to report this behavior. It was also noted within multiple investigations by inmates that PREA is sometimes used as a "weapon, tool, and retaliation tactic" for some inmates in order to facilitate cell changes, remove other inmates from programming, or to ensure safety from other inmates due to debts or gang affiliation issues. All allegations are thoroughly investigated, and will continue to be so, regardless of the possible reason behind the allegation. However, use of PREA as a tool may account for some of the increased numbers in allegations.

It remains clear that inmates are very cognizant of PREA policies and their right to be free from sexually abusive behavior. They are willing to report behaviors that previously may have been tolerated or viewed as bullying or horseplay. As with 2018, a significant number of inmate witnesses came forward to corroborate allegations and provide eyewitness statements to investigators. Forensic medical examinations and surveillance monitoring also helped to substantiate a number of cases. Witnesses, video evidence, and forensic evidence likely contributed to assailants admitting to their behavior. Investigators are thorough in their interviews, circling back to assailants as more evidence becomes available, and giving assailants the opportunity to admit to the abusive behavior.

M.D. Carvajal  
Director



Date:

11/4/2020