

Boyd Andrew Community Services Helena Pre-Release Center Annual Report for 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023

The Helena Pre-Release Center (HPRC) posts an annual report of PREA investigations and outcomes.

The following are standardized definitions offered by the Prison Rape Elimination Act. This ensures everyone is using the same language, and has the same understandings of key terms.

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
- (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 above.

(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.

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 following annual reports offer a yearly comparison of the number of PREA Investigations completed based upon receipt of reports/complaints of sexual abuse or sexual harassment. All reports are investigated.

Resident allegations made towards staff in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (2) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2014:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

The HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2015.

Resident allegations made towards staff in 2015:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (2) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2015:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2016.

Resident allegations made towards staff in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2016:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of 2017.

Resident allegations made towards staff in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded (0) Under Investigation

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded (0) Under Investigation

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2017:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded

**A total of two PREA related incidents were investigated in 2017. The first incident involved one resident alleging sexual harassment by another resident. The resident which made the accusation was transferred out of the facility for admitted narcotics use for which he sought medical attention. During the disciplinary hearing, the resident stated he did not actually use narcotics, but was seeking an escape from sexual harassment which was occurring at the facility by another resident. An investigation into this matter yielded no substantive evidence to support the accusation, resulting in a finding of unsubstantiated.*

Incident 2 originated with an anonymous call to the Montana Department of Corrections regarding an employee engaging in a romantic relationship with a resident at the facility. An investigation was conducted by the Helena Police Department and BACS has classified this incident as unfounded.

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2018**.

Resident allegations made towards staff in 2018:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2018:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (1) Substantiated (0) Unfounded

**A total of one PREA related incidents were investigated in 2018, the incident investigated related to both inmate on inmate sexual harassment claims and inmate on inmate sexual abuse claims. On 9/19/18, it was reported to staff that an inmate had sexually harassed and possibly sexual abused another inmate while they worked together in the community. The allegations revolve around talk at work of a sexual nature, calling other's names, and possibly dropping or placing a wrench down the alleged victim's underwear. During the investigation it was discovered that the one offender had in fact admitted to sexual harassment and that he had been disciplined at work. Staff was unable to substantiate that sexual abuse had occurred. The two were separated (one in the Center one on Transitional Living), the alleged victim was let go from his employment (terminated by employer). Both were subsequently released from HPRC into the community without further issue. Helena PD was investigating the issue and were weighing possible Sexual Assault (M) charges against the alleged perpetrator.*

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2019**

Resident allegations made towards staff in 2019:

Sexual Abuse: (2) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2019:

Sexual Abuse: (1) Unsubstantiated (0) Substantiated (1) Unfounded

Sexual Harassment: (1) Unsubstantiated (0) Substantiated (0) Unfounded

** A total of 5 PREA reports were investigated in 2019, 4 were found to be unsubstantiated and one was determined to be unfounded. The unfounded report was made by a staff member who thought she witnessed a resident touch another resident's buttock, camera review indicated no contact occurred. There were two reports made regarding a staff member having inappropriate relationships with a resident. Both reports involved the same staff member, both reports were referred to law enforcement for investigation and both reports were determined to be unsubstantiated. There was one unsubstantiated report of resident on resident sexual harassment, a former resident made a report after leaving the facility indicating that he had been sexually harassed by another resident. There was one unsubstantiated report of resident on resident sexual abuse, a former resident made a report after leaving the facility indicating that he had been sexually abused by his roommate. There were no substantiated reports made in 2019.*

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2020**

Resident allegations made towards staff in 2020:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (1) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2020:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

In 2020 one resident reported a staff member touching his penis during a pat search. This report was determined to be unfounded as it was determined to be incidental due to the resident's obese size during a routine pat search. The resident reported that he agreed the contact was incidental in the performance of staff duties.

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2021**

Resident allegations made towards staff in 2021:

Sexual Abuse: (0) Unsubstantiated (1) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2021:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

**A total of one PREA related incidents were investigated in 2021, the incident investigated related to staff on inmate sexual abuse claims. The report was made by an inmate reporting a staff member having a relationship with an inmate. The report was forwarded to Helena Police Department for possible prosecution. The report was determined to be substantiated internally. The staff member was immediately terminated from employment.*

HPRC has compiled the following data regarding PREA reports, and subsequent PREA investigation results for the year of **2022**

Resident allegations made towards staff in 2022:

Sexual Abuse: (3) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Voyeurism: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Resident allegations made towards residents in 2022:

Sexual Abuse: (0) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (0) Unfounded

**A total of three PREA related incidents were investigated in 2022. The incidents investigated related to staff on inmate sexual abuse claims. The first report was made by three inmates reporting three female staff members showing the residents pornographic videos/pictures on the staff member's cell phone. Two of the residents had already left HPRC by the time the report was made to HPRC's PREA Manager and could not be contacted or would not return calls. The third resident was*

interviewed, but denied the allegation ever took place. The staff members were interviewed and had HPRC cell phone policy reviewed. The report was determined to be unsubstantiated internally. The second report was made by a resident reporting that a staff member was having a relationship with a resident. The alleged victim was interviewed and adamantly denied any relationship. The alleged victim's cell phone was checked for any staff information. No staff information was found in the phone. The alleged staff member was interviewed and also denied the allegation as the staff member was already in a committed relationship. This report was determined to be unsubstantiated internally.

The third report was made by a resident that a staff member had sexually assaulted him while he was sleeping. The staff member was at the resident's room to serve him a class two violation. The staff member had called out the resident's name twice with no response from the resident. The staff member then shook the resident's shoulder to wake him up. It was noted that the resident had ear plugs in while he was sleeping accounting for why he did not hear the staff member calling his name. At the conclusion of the investigation internally it was determined that the staff member was within scope of her duties. This report was determined to be unsubstantiated internally.

HPRC also made one report to Other Agency for Sexual Assaults or Attempted Sexual Assaults. The report started when a HPRC resident approached the Director and reported that he was a victim of sexual assault or rape by an officer at Silver Bow County Detention Center. Due to the location of where this reported offense happened at, the report was made to Montana Department of Corrections Investigation on 8/8/2022 for further investigation.

Resident allegations made towards residents in 2023:

Sexual Abuse: (2) Unsubstantiated (0) Substantiated (0) Unfounded

Sexual Harassment: (0) Unsubstantiated (0) Substantiated (2) Unfounded

*A total of four PREA related incidents were investigated in 2023. The incidents investigated related to staff on inmate sexual abuse and/or sexual harassment claims. The first report was a sexual harassment made by an inmate's case manager reporting that the inmate reported to her that a female staff member taking pictures of the inmate in the community on the staff member's cell phone. The staff was interviewed and denied the allegation. The staff member allowed the investigator to review pictures on the staff member's phone. The report was determined to be unsubstantiated internally.

The second report was made by a resident reporting that a staff member was having a relationship with a resident. The alleged victim was interviewed and adamantly denied any relationship. The alleged staff member was interviewed and also denied the allegation. The HPRC Investigator also interviewed random staff members on other shifts and the facility cameras. No supporting evidence was found. This report was determined to be unsubstantiated internally.

The third report was made by a resident that a staff member had sexually harassed him while he was performing a random UA. The staff member was interviewed and asked to walk the investigator through the UA procedure. The UA was performed correctly. The investigator then interviewed the resident about the UA procedure. This information matched the staff member's. The resident was asked if the staff member had made any inappropriate remarks or gestures, and the resident stated no. The resident stated his complaint was that the staff member was standing too close during the random UA. This report was determined to be unfounded internally.

HPRC also responded to one report from Another Agency for Sexual Assaults or Attempted Sexual Assaults. This incident was investigated in 2019 and was determined to be unsubstantiated.

As a requirement and at least on an annual basis, HPRC Program management team including the Program Director, PREA Coordinator, Deputy Director of Corrections, and Security Supervisor will meet and review the staffing plan for adequate level of staffing and video monitoring to protect Resident's against sexual abuse and sexual harassment. The review includes the physical layout of the facility, population, substantiated and unsubstantiated incidents of sexual abuse and sexual harassment and any other relevant factors.

HPRC Program currently has 36 cameras which are located both inside and outside the facility. Recorded video and audio is accessible for approximately 40 days.

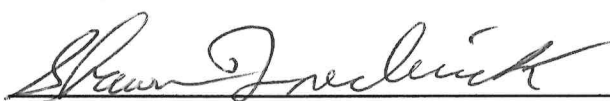
HPRC staff receive annual training on PREA. Our training curriculum includes Transgender and Cross gender Pat Searches, PREA power point presentations containing information from the PREA Resource Center website and PREA policies review. HPRC Specialized services such as Mental Health, Medical and investigative staff have all received specialized PREA training from the NIC Website. HPRC Program revised its PREA policies in 2017 to meet and comply with all PREA Standards. The policy is reviewed and revised as necessary annually.

HPRC trains all contractors, volunteers, victim advocates and visitors on PREA as stated per PREA training policy.

HPRC had its first audit in October of 2017 which determined that HPRC meets standards for overall PREA compliance.

HPRC had its second audit in October 2020 to determine that HPRC was continuing to meet standards for overall PREA Compliance.

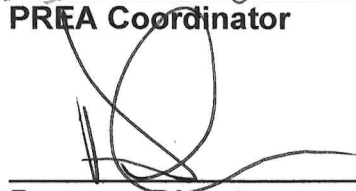
HPRC had its third audit in July 2023 to determine that HPRC was continuing to meet standards for overall PREA compliance.



PREA Coordinator

4-3-2024

Date



Program Director

4-3-24

Date

Amy Tenney
Chief Executive Officer of BACS.

4/4/24
Date

