



STATE OF MISSISSIPPI
Tate Reeves, Governor
DEPARTMENT OF HUMAN SERVICES
Robert G. Anderson
Executive Director

Oakley Youth Development Center
PREA Annual Report – 2019

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Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003). In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

Oakley Youth Development Center (OYDC) PREA Policy

In compliance with Sections 115.311 and 115.322 of the Prison Rape Elimination Act (PREA) Standards, Oakley Youth Development Center has established a zero tolerance for incidents of juvenile sexual assault, rape, or sexual harassment in its facility. OYDC has implemented policies and procedures to ensure that the PREA Standards are upheld within its facility. All allegations of sexual assault/harassment are referred for investigations.

OYDC reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. OYDC conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Corrective action is taken on an ongoing basis.

Corrective Action

- One-on-One Supervision
- Programming Adjustments
- School Schedule Adjustments
- Staff Refresher Training
- Youth Refresher Education

2018 Report of Substantiated Allegations of Abuse

Youth-on-Youth Sexual Victimization	
Nonconsensual Sexual Acts	0
Abusive Sexual Contact	2
Sexual Harassment	0
Staff-on-Youth Sexual Abuse	
Staff Sexual Misconduct	0
Staff Sexual Harassment	0

2017 Report of Substantiated Allegations of Abuse

Youth-on-Youth Sexual Victimization	
Nonconsensual Sexual Acts	0
Abusive Sexual Contact	0
Sexual Harassment	0
Staff-on-Youth Sexual Abuse	
Staff Sexual Misconduct	0
Staff Sexual Harassment	0

Definitions

Youth-on-Youth Sexual Victimization

The survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of youth-on-youth sexual victimization. These categories are:

Nonconsensual Sexual Acts (more severe)

Sexual Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

and

- Sexual Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

or

- Contact between the mouth and the penis, vulva, or anus;

or

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.

Abusive Sexual Contact (less severe)

Sexual Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

and

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

- Excludes incidents in which the contact was incidental to a physical altercation.

Sexual Harassment

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

Staff-on-Youth Sexual Abuse

The survey utilizes the definition of “sexual abuse” by a staff member, contractor, or volunteer as provided by 28 C.F.R. §115.6 in the *National Standards to Prevent, Detect, and Respond to Prison Rape* (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-youth sexual abuse. These categories are:

Staff Sexual Misconduct

Any behavior or act of a sexual nature directed toward youth by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors).

Sexual relationships of a romantic nature between staff and youth are included in this definition. Consensual or nonconsensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

or

- Completed, attempted, threatened, or requested sexual acts;

or

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff Sexual Harassment

Repeated verbal statements, comments, or gestures of a sexual nature to a youth by an employee, volunteer, contractor, official visitor, or other agency representative (excludes family, friends, or other visitors). Includes:

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing

or

- Repeated profane or obscene language or gestures

PREA Certification and Standards Assurance for Audit Cycle 3

Audit Year One

Facility Audited (August 20, 2019-August 19, 2020)

Mississippi Department of Human Services (MDHS) Facility

Oakley Youth Development Center (OYDC) - Audited October 24-25, 2019 (pending final determination)

Dr. Dennis Daniels, OYDC Facility Administrator

Date

Shannon Lott, Interim Director of Division of Youth Services

Date