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PREA Review Panel
Documentation Request

Executive Summary

Enclosed in this document you will find the following information:

The foundation of this facility is based on policy and procedures. Included in this document you will find Policy 20-12 Inmate Sexual Assault Prevention and Response, Policy 20-04 Prisoner Grievance and Request System, Policy 19-04 Classifications, Policy 12-01 Investigation of Criminal Offenses, and Policy 17-01 Channels of Communications. All included policies speak specifically to how the inmates at David L. Moss are classified and housed, the response to and notification of sexual assault on an inmate or officer, the investigation of alleged sexual abuse and the follow-up measures to be taken when sexual assault occurs.

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The operation of the facility is often supported by outside contractors, such as medical and food service. Within this section of the documentation a copy of the medical contract has been included to support the procedure that the facility has put into place to deal with the victims of sexual assault. Also included in this section are various numbers depicting the genetic and racial make-up, as well as the occupancy of the facility at specific interval in time. Inmate daily population has varied beginning in 2008 at 1390, thru 2009 where in June we were housing more inmates than the rated capacity and then in 2010 where the average ranged around 1500. This section also speaks to the rate of inmate suicide, whether attempted or successful. For the time period mentioned there have been 3 successful suicides with 74 attempts, none of which were the result of having been sexually assaulted.

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For your review, Organizational Charts have been included for the time period requested, as well as the statistical data on staffing levels of the facility. Due to the direct supervision philosophy, the man power levels may differ from like agencies. Because we train our employees to talk to the inmates and interact with them frequently, the need for additional personnel might be slightly higher so that one officer does not get too attached to a specific inmate or get to the 'burn out' stage of their career earlier then they had planned.

Included in the investigations part of this document you will find copies of grievances, investigations and disciplinary sanctions, for both inmate and officer, concerning sexual assault or like activity. The information provided for the inmate victims has been redacted to protect the identity of the individuals noted.

The medical provider for the this facility have gone to great length to achieve the relationships that they have with the community organizations and due to that achievement, they are able to aid the victim while in our facility and then refer them to an outside counselor or facility for follow-up treatment, whether it be for physical or mental issues. If needed, the outside organizations are brought in prior to release to assist the victim with the transition as well.

The training that we provide for our employees is the most current and up-to-date information that can be found. As you will see from the lesson plans to the workbooks the training prepares our employees to be proactive and professional, which we attribute to our success. The instructors listed in this document have all been certified by the state recognized body of accreditation for law enforcement training and are experienced with not only the outside aspects of law enforcement, but also as to what goes on 'behind the glass' in detention settings as well. This mix of knowledge provides our employees with the best that there is to offer when it comes to training.

As stated in the last few questions of the attached document, the facility and its employees are top notch; they operate at a level of professionalism that is second to none and the training and cooperation we have with not only our contractors but the community as a whole lend to the successful, clean, well maintained and efficiently operated facility.

PREA Data Request

We have included 2010 in all responses to ensure that complete, accurate, and updated information is presented. All documentation that is given to the inmates is available in both English and Spanish.

1. Please provide copies of any relevant state or local laws, internal memoranda, general orders, policy manuals, standard operating procedures, or other documents, any of which applied to allegations of sexual abuse at the DLMCJC in calendar years 2008, 2009, and 2010.

Policy 20-12, Inmate Sexual Assault Prevention and Response is included behind the corresponding tab. This policy was first drafted in 2006, with one revision in September of 2006, both policies are included.

2. (a) Please state whether the DLMCJC had a staff member in calendar years 2008, 2009, and 2010 who was responsible for coordination administrative efforts to eliminate sexual abuse at the DLMCJC in conformity with the goals of PREA.

In 2008 and 2009 the responsibility for the administrative efforts of complying with PREA standards was shared by the Administrative Staff of the DLMCJC, as a group effort. Since that time the duties of PREA compliance have been the responsibility of the Administrative Captain. Once the policies and procedures, training modules and practices have been put into place the duties will fall to the Compliance Unit. The Compliance Unit handles all accreditations (i.e. ACA, NCCHC, CALEA, and ICE) as well as the duties of Staff Inspections and Life Safety compliance.

- (b) Please provide the name and title of the PREA coordinator(s) for the DLMCJC in calendar years 2008, 2009, and 2010.

2008 and 2009 – Chief Robinette, Captain Weigel, Sgt. Bob Darby and Cpl. H. Wilson.

2010 – Captain R. Weigel and Compliance Unit, to include Mark Lechtenberg, Captain R. Holman and Cpl. R. D’Souza.

3. Please provide the document setting forth the DLMCJC’s standard operating procedures in calendar years 2008, 2009, 2010 for investigating and responding to allegations of sexual abuse, noting in particular any differences in investigating SOI allegations and IOI allegations.

If notified immediately after the incident, the Sheriff's Office Criminal Investigations Unit is notified to respond and process as normal with any sexual assault case, i.e. processing the scene, taking the victim to the SANE unit, interviewing witnesses and gathering necessary statements and evidence. If notified with some time lapse, the report is given to our Jail Investigations Unit who do a cursory investigation, ensuring not to taint any evidence or investigative procedures. Once the primary investigation has taken place and there appears to be the slightest possibility that the allegation is true, the case is given to the Sheriff's Office Criminal Investigation Unit who conduct a thorough criminal investigation.

4. (a) Please describe the grievance process available to inmates in calendar years 2008, 2009, and 2010.

Inmates wishing to file a grievance may do so in one of two ways. The first avenue of filing grievances that the inmates have access to involves the inmate kiosk system. This system is a computerized system that they can access at any time that they are in the common area by which the inmate can type their grievance and electronically send it to a huge array of recipients, to include the jail administrator, jail investigations, ICE, medical or an array of various supervisors. The second avenue, used in times when the kiosk goes down, involves completing the necessary paperwork and dropping it in the pod mailbox to be picked up and delivered to the person that the inmate designates on the grievance paperwork.

Once the grievance is accepted, either paper or through the kiosk, the recipient will review the grievance, address it personally or forward to the appropriate individual. If the grievance is passed on, a response is written in the appropriate area and the original is returned to the inmate and the carbon copy is forwarded to the appropriate individual for the proper response or investigation.

(b) Please provide any written materials (e.g. internal memoranda, handbooks, or brochures) that set forth the inmate grievance process in calendar years 2008, 2009, and 2010.

Policy 14-03, Prisoner Grievance and Request System was first drafted in August of 2005. In March 2010 the policy was revised and moved within the policy manual, now 20-04, Inmate Grievance and Request System. This policy was revised again in October of 2010. Copies of all policies are included with this document, placed behind the corresponding tab.

(c) Please provide any written policy or other materials available in calendar years 2008, 2009, and 2010 designed to inform or give guidance to inmates victimized by sexual assault, or sexual misconduct of any type, regarding the specific actions they must take to initiate a formal grievance.

During the booking process the inmates are given their own copy of the Inmate Handbook which specifically states how to initiate a formal grievance, with a section specifically dealing with inmate sexual assault prevention and response. In 2010 the facility created a pamphlet that is also given to the inmates during classification that deals specifically with sex, rape and sexual assault. Copies of both the handbook, all revisions during this time frame and the pamphlet are included with this document, placed behind the corresponding tab.

5. For calendar years 2008, 2009, and 2010, please provide a copy of the post order at each security station (e.g. the post orders for all housing units) that specifically address staff procedures for responding to incidents of SOI and IOI sexual victimization.

Policy 20-12, Inmate Sexual Assault Prevention and Response is included with this document, placed behind the corresponding tab.

6. Please provide all documents that address the DLMCJC's policies and procedures in calendar years 2008, 2009, and 2010 for classifying inmates and assigning housing to inmates.

Policy 19-04, Classification is included with this document, placed behind the corresponding tab. This policy was first drafted in September of 2006 and revised in March of 2010; copies of both policies are included.

7. Please provide a copy of the inmate handbook for the DLMCJC, or any other similar publication containing operational policies and procedures affecting inmates, that the DLMCJC distributed to inmates in calendar years 2008, 2009, and 2010.

Copies of the Inmate Handbook have been included with this document, placed behind the corresponding tab. The handbook has been revised several times and a copy of each has been included.

8. Please provide copies of all Memoranda of Understanding (MOUs) that the DLMCJC had in calendar years 2008, 2009, 2010 with other correctional institutions, law

enforcement agencies, or service –providers that would be involved in responding to SOI and IOI sexual victimization (e.g. hospitals or medical centers, mental health services, crime victim assistance organizations, Sexual Assault Nurse Examiners (SANE) professionals, and training organizations).

As a full functioning law enforcement agency, the Tulsa County Sheriff's Office utilizes its local hospitals as needed, to include the SANE nurse, housed at one of our local medical facilities; we do not have an MOU to address this. Also, as fully functioning, we investigate the crimes reported out of the jail utilizing either our Internal Affairs unit for non-criminal actions or our Criminal Investigations Unit for criminal activity; again, there is no MOU needed for this function. The medical provider that we utilize brings to the facility the full battery of professional individuals to include the mental health aspect. When these types of incidents occur, they are educated, knowledgeable and well equipped to deal with the victims of such crime. The medical contract has been included and is placed behind the corresponding tab.

9. Please provide the following information pertaining to the DLMCJC:

(a) the number of inmates at the DLMCJC at its full rated capacity as of January 1, 2008: **1,714**

(b) the actual number of inmates on January 1, 2008; **1,390**

(c) the actual number of inmates on March 1, 2008; **1,286**

(d) the actual number of inmates on June 1, 2008; **1,394**

(e) the actual number of inmates on September 1, 2008; **1,538**

(f) the total number of inmates who spent any time at the DLMCJC in calendar year 2008; **30,312**

(g) the average length of stay of an inmate in calendar year 2008; **18 days**

(h) the longest length of stay of any inmates in calendar year 2008. **204 days**

10. Please provide the following information pertaining to the DLMCJC:

(a) the number of inmates at the DLMCJC at its full rated capacity as of January 1, 2009: **1,714**

(b) the actual number of inmates on January 1, 2009; **1,359**

- (c) the actual number of inmates on March 1, 2009; **1,373**
- (d) the actual number of inmates on June 1, 2009; **1,717**
- (e) the actual number of inmates on September 1, 2009; **1,653**
- (f) the total number of inmates who spent any time at the DLMCJC in calendar year 2009; **30,879**
- (g) the average length of stay of an inmate in calendar year 2009; **18**
- (h) the longest length of stay of any inmates in calendar year 2009. **365 days – This is the same inmate represented in 2008, booked in on June 10, 2008.**

****Please provide the following information pertaining to DLMCJC:**

- (a) the number of inmates at the DLMCJC at its full rated capacity as of January 1, 2010: **1,714**
- (b) the actual number of inmates on January 1, 2010; **1,370**
- (c) the actual number of inmates on March 1, 2010; **1,513**
- (d) the actual number of inmates on June 1, 2010; **1,497**
- (e) the actual number of inmates on September 1, 2010; **1,559**
- (f) the total number of inmates who spent any time at the DLMCJC in calendar year 2010; **28,933**
- (g) the average length of stay of an inmate in calendar year 2010; **19 days**
- (h) the longest length of stay of any inmates in calendar year 2010. **365, the same inmate that was represented in 2008 and 2009, booked in June of 2008. As of March 18, 2011, this individual has been in DLMCJC for a total of 1011 days.**

11. For the total number of inmates in calendar year 2008, please state the numbers in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

- (a) White; **12,222 males + 4,126 females = 16,348 total**
- (b) Black or African American; **7,414 males + 2,274 females = 9,688 total**
- (c) Hispanic or Latino; **2,586 males + 200 females = 2,786 total**

(d) Asian; ***Unknown, we do not track this ethnic category.***

(e) Alaska Native or American Indian; ***894 males + 383 females = 1,277 total***

(f) Native Hawaiian or Other Pacific Islander; ***Unknown, we do not track this ethnic category.***

(g) two or more races; ***We track 'Other' and 'Unknown' categories, 189 males + 24 females = 213 total.***

12. For the total number of inmates in calendar year 2009, please state the numbers in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

(a) White; ***12,122 males + 4,414 females = 16,536 total***

(b) Black or African American; ***6,952 males + 2,074 females = 9,026 total***

(c) Hispanic or Latino; ***3,681 males + 257 females = 3,938 total***

(d) Asian; ***Unknown, we do not track this ethnic category.***

(e) Alaska Native or American Indian; ***863 males + 353 females = 1,216 total***

(f) Native Hawaiian or Other Pacific Islander; ***Unknown, we do not track this ethnic category.***

(g) two or more races; ***We track 'Other' and 'Unknown' categories, 135 males + 28 females = 163 total.***

** For the total number of inmates in calendar year 2010, please state the numbers in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

(a) White; ***12,052 males + 4,019 females = 16,071 total***

(b) Black or African American; ***6,487 males + 1,883 females = 8,370 total***

(c) Hispanic or Latino; ***2,895 males + 215 females = 3,110 total***

(d) Asian; ***Unknown, we do not track this ethnic category.***

(e) Alaska Native or American Indian; ***829 males + 378 females = 1,207 total***

(f) Native Hawaiian or Other Pacific Islander; ***Unknown, we do not track this ethnic category.***

(g) two or more races; ***We track 'Other' and 'Unknown' categories, 148 males + 27 females = 175 total.***

13. How many inmates while housed at DLMCJC in calendar year 2008:

(a) committed suicide; ***1***

(b) attempted suicide; ***25***

(c) were homicide victims; ***0***

(d) were victims of attempted homicide. ***0***

14. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the DLMCJC in calendar year 2008, please provide information on whether any of these events involved SOI or IOI sexual victimization.

None.

15. How many inmates while housed at DLMCJC in calendar year 2009:

(a) committed suicide; ***1***

(b) attempted suicide; ***19***

(c) were homicide victims; ***0***

(d) were victims of attempted homicide. ***0***

16. In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the DLMCJC in calendar year 2009, please provide information on whether any of these events involved SOI or IOI sexual victimization.

None.

** How many inmates while housed at DLMCJC in calendar year 2010:

- (a) committed suicide; **1**
- (b) attempted suicide; **30**
- (c) were homicide victims; **0**
- (d) were victims of attempted homicide. **0**

** In regard to suicides, attempted suicides, homicides, and attempted homicides involving inmates at the DLMCJC in calendar year 2010, please provide information on whether any of these events involved SOI or IOI sexual victimization.

None.

17. Please provide a complete organizational chart of the staff working at the DLMCJC as of January 1, 2008. The organizational chart should show:

- (a) each staff position;
- (b) whether the position was filled or vacant;
- (c) whether the incumbent in each position was an employee or contractor;
- (d) the supervisory position to which each staff position reported.

A copy of the appropriate Organizational Chart has been included with this document, placed behind the corresponding tab.

18. Please provide a complete organizational chart of the staff working at the DLMCJC as of January 1, 2009. The organizational chart should show:

- (a) each staff position;
- (b) whether the position was filled or vacant;
- (c) whether the incumbent in each position was an employee or contractor;
- (d) the supervisory position to which each staff position reported.

A copy of the appropriate Organizational Chart has been included with this document, placed behind the corresponding tab.

****** Please provide a complete organizational chart of the staff working at the DLMCJC as of January 1, 2010. The organizational chart should show:

- (a) each staff position;
- (b) whether the position was filled or vacant;
- (c) whether the incumbent in each position was an employee or contractor;
- (d) the supervisory position to which each staff position reported.

A copy of the appropriate Organizational Chart has been included with this document, placed behind the corresponding tab.

19. For calendar years 2008, 2009, and 2010:

(a) what are the minimum qualifications for custody staff (e.g. age, education, and prior criminal record)?

- ***Must be 18 years of age***
- ***Be legally authorized to work in the USA***
- ***Possess a high school diploma or GED***
- ***Possess a valid Oklahoma driver's license***
- ***Have never been convicted of a felony, have criminal charges pending, or be on probation for any criminal offense***
- ***Currently have good vision-corrected distant vision 20/20 in each eye***

(b) Describe the background screening process for applicants and employees in custody staff positions.

Each applicant must complete a background investigation questionnaire, which includes the authority for release of information by the applicant. The questionnaire is examined thoroughly by the background investigator and any questions or concerns are addressed to the applicant. Each applicant will undergo a criminal history check by NCIC, Triple I, OSBI and other states), Oklahoma Driver's License check, local law enforcement check, DLM jail records, OSCN (protective orders and sexual offenders), ODCR, JOLTS, and gang relations.

20. (a) How many custody and program staff did the DLMCJC hire in calendar year 2008? **123**

(b) How many custody and program staff left employment at DLMCJC, for whatever reason, in calendar year 2008? **153**

(c) How many custody and program staff did DLMCJC hire in calendar year 2009? **111**

(d) How many custody and program staff left employment at the DLMCJC, for whatever reason, in calendar year 2009? **70**

(e) How many custody and program staff did DLMCJC hire in calendar year 2010? **69**

(f) How many custody and program staff left employment at the DLMCJC, for whatever reason, in calendar year 2010? **92**

21. (a) how many entry-level sworn staff did the DLMCJC hire in calendar year 2007? **6**

(b) how many of the entry-level sworn staff whom the DLMCJC hired in calendar year 2007 left employment, for whatever reason, on or before the first-year anniversary of being hired? **2**

(c) how many entry-level sworn staff did the DLMCJC hire in calendar year 2008? **36**

(d) how many of the entry-level sworn staff whom the DLMCJC hired in calendar year 2008 left employment, for whatever reason, on or before the first anniversary of being hired? **2**

(e) how many entry-level sworn staff did the DLMCJC hire in calendar year 2009? **6**

(f) how many of the entry-level sworn staff whom the DLMCJC hired in calendar year 2009 left employment, for whatever reason, on or before the first anniversary of being hired? **6**

(g) how many entry-level sworn staff did the DLMCJC hire in calendar year 2010? **13**

(f) how many of the entry-level sworn staff whom the DLMCJC hired in calendar year 2010 left employment, for whatever reason, on or before the first anniversary of being hired? **5**

22. For calendar years 2008, 2009, and 2010, please state:

2008

(a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior: **1**

(b) how many program and custody staff were allowed to resign for similar conduct or behavior: **0**

(c) how many program and custody staff were disciplined or warned about similar conduct or behavior? **0**

2009

(a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior: **3**

(b) how many program and custody staff were allowed to resign for similar conduct or behavior: **1**

(c) how many program and custody staff were disciplined or warned about similar conduct or behavior? **0**

2010

(a) how many program and custody staff were terminated from employment for sexually-related inappropriate conduct or sexually-related criminal behavior: **1**

(b) how many program and custody staff were allowed to resign for similar conduct or behavior: **1**

(c) how many program and custody staff were disciplined or warned about similar conduct or behavior? **0**

23. Please provide the following information pertaining to DLMCJC:

(a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2008; **340**

(b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; **43**

(c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2008; **297**

(d) the number of staff, both sworn and non-sworn, actually present on

(i) January 1, 2008; **333**

(ii) March 1, 2008; **335**

(iii) June 1, 2008; **324**

(iv) September 1, 2008; **308**

(e) the number of sworn staff actually present on

(i) January 1, 2008; **43**

(ii) March 1, 2008; **44**

(iii) June 1, 2008; **45**

(iv) September 1, 2008; **49**

(f) the number of non-sworn staff actually present on

(i) January 1, 2008; **297**

(ii) March 1, 2008; **291**

(iii) June 1, 2008; **279**

(iv) September 1, 2008; **259**

(g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2008.

35 employees per shift/105 employees per 24 hours

24. Please provide the following information pertaining to DLMCJC:

(a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2009; **339**

(b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; **62**

(c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2009; **277**

(d) the number of staff, both sworn and non –sworn, actually present on

(i) January 1, 2009; **339**

(ii) March 1, 2009; **359**

(iii) June 1, 2009; **345**

(iv) September 1, 2009; **348**

(e) the number of sworn staff actually present on

(i) January 1, 2009; **62**

(ii) March 1, 2009; **63**

(iii) June 1, 2009; **60**

(iv) September 1, 2009; **60**

(f) the number of non-sworn staff actually present on

(i) January 1, 2009; **277**

(ii) March 1, 2009; **296**

(iii) June 1, 2009; **285**

(iv) September 1, 2009; **288**

(g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2009.

40 employees per shift/120 employees per 24 hours

**** Please provide the following information pertaining to DLMCJC:**

(a) the total number of staff positions, whether filled or vacant, at full capacity on January 1, 2010; **339**

(b) the total number of sworn staff positions, whether filled or vacant, at full capacity on January 1, 2010; **62**

(c) the total number of non-sworn staff positions, whether filled or vacant, at full capacity on January 1, 2010: **277**

(d) the number of staff, both sworn and non-sworn, actually present on

(i) January 1, 2010; **371**

(ii) March 1, 2010; **343**

(iii) June 1, 2010; **339**

(iv) September 1, 2010; **338**

(e) the number of sworn staff actually present on

(i) January 1, 20010; **62**

(ii) March 1, 2010; **53**

(iii) June 1, 2010; **54**

(iv) September 1, 2010; **54**

(f) the number of non-sworn staff actually present on

(i) January 1, 2010; **309**

(ii) March 1, 2010; **299**

(iii) June 1, 2010; **285**

(iv) September 1, 2010; **284**

(g) the minimum mandatory number of daily staff (both sworn and non-sworn) during calendar year 2010.

40 employees per shift/120 employees per 24 hours

25. Please state the average daily ratio of sworn staff to inmates at the DLMCJC on:

(a) January 1, 2008; **333/1390**

(b) March 1, 2008; **335/1286**

(c) June 1, 2008; **324/1394**

(d) September 1, 2008; **308/1538**

(e) January 1, 2009; **339/1359**

(f) March 1, 2009; **359/1373**

(g) June 1, 2009; **345/1717**

(h) September 1, 2009; **348/1653**

(i) January 1, 2010; **371/1370**

(j) March 1, 2010; **343/1513**

(k) June 1, 2010; **339/1497**

(l) September 1, 2010; **338/1559**

(m) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2008?

The Facility does not require that staff be sworn or non-sworn, as both classifications of officers perform the same functions, therefore there is not a minimum mandated daily ratio of sworn staff at this facility.

(n) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2009?

The Facility does not require that staff be sworn or non-sworn, as both classifications of officers perform the same functions, therefore there is not a minimum mandated daily ratio of sworn staff at this facility.

(o) What is the minimum mandated daily ratio of sworn staff to inmates in calendar year 2010?

The Facility does not require that staff be sworn or non-sworn, as both classifications of officers perform the same functions, therefore there is not a minimum mandated daily ratio of sworn staff at this facility.

26. For the total number of staff on January 1, 2008, at DLMCJC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

- (a) White; **209**
- (b) Black or African American; **87**
- (c) Hispanic or Latino; **7**
- (d) Asian; **8**
- (e) Alaska Native or American Indian; **22**
- (f) Native Hawaiian or Other Pacific Islander; **0**
- (g) two or more races; **0**

27. For the total number of staff on January 1, 2009, at DLMCJC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

- (a) White; **215**
- (b) Black or African American; **84**
- (c) Hispanic or Latino; **8**
- (d) Asian; **8**
- (e) Alaska Native or American Indian; **24**
- (f) Native Hawaiian or Other Pacific Islander; **0**
- (g) two or more races; **0**

** For the total number of staff on January 1, 2010, at DLMCJC, please state the number in each of the following racial and ethnic categories as used and defined by the U.S. Census Bureau:

- (a) White; **241**
- (b) Black or African American; **78**

- (c) Hispanic or Latino; **15**
- (d) Asian; **10**
- (e) Alaska Native or American Indian; **27**
- (f) Native Hawaiian or Other Pacific Islander; **0**
- (g) two or more races; **0**

28. Please describe all of the ways (both within the institution as well as outside the institution) that an inmate could report an allegation of sexual abuse at the DLMCJC in calendar years of 2008, 2009, and 2010.

The inmates may report sexual abuse in a variety of ways: the inmate kiosk, the electronic mail system allowing them to forward any issues to a variety of institutional personnel; the paper grievance system by which the inmate may write down the allegation and forward to a variety of institutional personnel; and/or by phoning in, either while in custody from the inmate phones or after release or having a third party call in to report the abuse.

All avenues are taken seriously, documented and investigated thoroughly.

29. (a) Please provide a complete copy of the investigative record involving all allegations of sexual abuse at the DLMCJC that occurred in calendar years 2008, 2009, and 2010, including the identity of the alleged victim and alleged perpetrator(s).

Copies of the requested documentation have been included with this document, placed behind the corresponding tab.

(b) If the perpetrator is a staff member, please include a copy of the staff member's personnel file, including a copy of the staff person's background check.

The staff on inmate assault that occurred in 2008 involved an agency nurse brought in by the medical provider, to fill a temporary vacancy in the medical department. Any background investigation completed at that time was done by the agency and we do not have access to that record. This has been addressed and currently all individuals working within the secure part of the facility receive a complete background check, completed by the Jail Intelligence Unit of the facility.

The staff on inmate assaults that occurred in 2009 and 2010 have been included with this document, placed behind the corresponding tab. Due to governmental restrictions, not all documents were printed out for viewing, such as the Triple I in the

background information, however a CD containing all information has also been included.

30. Please provide copies of all incident reports that refer to alleged sexual abuse in calendar years 2008, 2009, 2010.

Incident reports alleging sexual abuse during the listed years have been included with this document, placed behind the corresponding tab.

31. Please provide copies of all disciplinary records showing actions taken against staff in calendar years 2008, 2009, and 2010 involving allegations of sexual abuse.

Staff disciplinary records are maintained in the Internal Affairs Unit, separate from their personnel files. Copies of the disciplinary files have been included with this document, placed behind the appropriate tab.

32. Please provide copies of any disciplinary records showing actions taken against inmates in calendar years 2008, 2009, and 2010 involving allegations of sexual abuse, including sexually inappropriate behavior.

Inmate disciplinary reports dealing with sexual misconduct/abuse for the years have been included with this document, placed behind the corresponding tab.

33. (a) Please provide copies of inmate grievances filed in calendar years 2008, 2009, and 2010, whether formal or informal, alleging sexual abuse; please include each grievance's disposition or resolution.

Inmate grievances concerning sexual abuse, for the years requested, have been included with the document, placed behind the corresponding tab.

(b) Please provide copies of inmate grievances, whether formal or informal, alleging that sexual abuse occurred in calendar years 2008, 2009, and 2010, regardless of the date when the grievance was filed; please include each grievance's disposition or resolution.

As of the date of this document, there have been no grievances filed for an incident during the years stated that have not already been included with this document.

34. (a) Please describe the qualifications and training that staff members must have to investigate allegations of sexual abuse at the DLMCJC.

Sex crimes that occur in the facility are investigated by the Sheriff's Office Criminal Investigations Unit, who traditionally respond to the facility with one investigator and one crime scene technician. Each deputy within the Criminal Investigations Unit has received the appropriate training to be an investigator, to include courses such as the Reid Technique of Interviewing and Interrogation School.

(b) How does the DLMCJC select staff members who are responsible for conducting investigations of alleged sexual abuse?

The Captain of the Sheriff's Office Criminal Investigations Unit assigns cases based on the units' rotation list. All detectives are trained to work all cases, as such the assignment of the next case goes to the next investigator on the rotation list.

(c) For calendar years 2008, 2009, and 2010, please provide the names and titles of the staff members, as well as others, who investigated any allegations of sexual abuse at the DLMCJC.

The following personnel have responded to investigate reports of sexual abuse during the listed years:

Deputy Curtis Floyd, Deputy Billy McKelvey, Cpl. H. Wilson, Detective Jeremy Yerton, Detective Bobbie Harris, and Crime Scene Tech Tim Shelton.

35. For each investigation involving alleged SOI sexual abuse at the DLMCJC in calendar years 2008, 2009, and 2010, please provide:

2008 Staff on Inmate

(a) the accused staff member's job assignment at the time of the alleged sexual abuse; ***Nurse with the medical provider***

(b) the sex of the staff member; ***Male***

(c) the race or national origin of the staff member; ***White***

(d) the race or national origin of the inmate; ***Black***

(f) the sexual orientation of the inmate; ***Unknown***

(g) a brief synopsis of the facts; ***The male nurse was peeking in on juvenile female inmate in medical unit taking a shower.***

(h) the outcome of the investigations; ***The investigation yielded enough information to present charges to the District Attorney.***

(i) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Juvenile B/F/15yoa and Suspect: Mike Ward.***

(j) information on whether the matter was referred to the appropriate authority for prosecution. ***Although charges were presented to the District Attorney, the District Attorney declined to file.***

2009 Staff on Inmate

(a) the accused staff member's job assignment at the time of the alleged sexual abuse; ***Detention Officer assigned to Classifications.***

(b) the sex of the staff member; ***Male***

(c) the race or national origin of the staff member; ***Black***

(d) the race or national origin of the inmate; ***Black***

(f) the sexual orientation of the inmate; ***Unknown***

(g) a brief synopsis of the facts; ***The Detention Officer used coercion to gain permission to perform oral sex on the male inmate.***

(h) the outcome of the investigations; ***The investigation yielded enough information to present charges to the District Attorney.***

(i) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Marlow Barnes and Suspect: Christopher Delt.***

(j) information on whether the matter was referred to the appropriate authority for prosecution. ***Charges were presented to the District Attorney and the suspect was convicted in District Court.***

36. For each investigation involving alleged IOI sexual abuse at the DLMCJC in calendar years 2008, 2009, and 2010, please provide:

2008 Inmate on Inmate

Incident #1

- (a) the race or national origin of the alleged victim; **White**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; **Suspect ordered victim to perform oral sex on him or suspect would kill victim. Suspect choked victim until he complied.**
- (d) the outcome of the investigation; **Suspect was arrested for Forcible Sodomy.**
- (e) the identities of the alleged victim and alleged perpetrator(s); **Victim: Jonathon Pigeon and Suspect: Michael Jackson.**
- (f) information on whether the matter was referred to the appropriate authority for prosecution. **Charges were presented to the District Attorney and were accepted.**

Incident #2

- (a) the race or national origin of the alleged victim; **Hispanic**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; **Victim stated that the suspect touched his 'bottom.'**
- (d) the outcome of the investigation; **Suspect went to segregation and received discipline.**
- (e) the identities of the alleged victim and alleged perpetrator(s); **Victim: Juan Lopez and Suspect: Dereck Norris.**
- (f) information on whether the matter was referred to the appropriate authority for prosecution. **Suspect received disciplinary sanctions while at the facility and the victim was eventually deported by ICE.**

Incident #3

- (a) the race or national origin of the alleged victim; **Black**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; **Victim stated that suspect grabbed his 'buttocks.'**

(d) the outcome of the investigation; ***suspect was sent to segregation as disciplinary sanction.***

(e) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Eugene Allen and Suspect: Jeremy VanWoundenberg.***

(f) information on whether the matter was referred to the appropriate authority for prosecution. ***Suspect the received disciplinary sanctions while at the facility.***

2009 Inmate on Inmate

Incident #1

(a) the race or national origin of the alleged victim; ***White***

(b) the sexual orientation of the alleged victim; ***Unknown***

(c) a brief synopsis of the facts; ***Female inmate on the phone has male inmate keep walking past her rubbing her buttocks.***

(d) the outcome of the investigation; ***Suspect was arrested for sexual assault.***

(e) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Tabatha Flores and Suspect: Timothy Bradford.***

(f) information on whether the matter was referred to the appropriate authority for prosecution. ***Although charges were presented to the District Attorney they were declined.***

Incident #2

(a) the race or national origin of the alleged victim; ***White***

(b) the sexual orientation of the alleged victim; ***Unknown***

(c) a brief synopsis of the facts; ***Victim awoke to find suspect 'grinding' on her leg.***

(d) the outcome of the investigation; ***Suspect was sent to special housing as disciplinary sanction.***

(e) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Ashley Oliver and Suspect: Angie Bab.***

(f) information on whether the matter was referred to the appropriate authority for prosecution. ***The suspect was disciplined while at the facility but no charges were filed.***

Incident #3

- (a) the race or national origin of the alleged victim; **Black**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; ***A group of inmate gang members were gambling in a cell, during which a fight broke out with all inmates attempting to rape the owner of the cell. The assaulted inmate escaped serious physical harm.***
- (d) the outcome of the investigation; ***The investigation revealed enough information to present charges to the District Attorney.***
- (e) the identities of the alleged victim and alleged perpetrator(s); ***Victim: Melvin Akins and Suspect(s): Isaac Lontonio, Quandrae Harding, Vincent Berry, Garrick Thompson, and Ontario Darnell.***
- (f) information on whether the matter was referred to the appropriate authority for prosecution. ***Although charges were presented to the District Attorney they were declined.***

2010 Inmate on Inmate

Incident #1

- (a) the race or national origin of the alleged victim; **White**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; ***The victim was exercising in the recreation area and fell. The suspect grabbed her 'private parts' when helping her up.***
- (d) the outcome of the investigation; ***Although the incident was investigated there were no witnesses or evidence recovered.***
- (e) the identities of the alleged victim and alleged perpetrator(s); ***victim: Bonnie Mathia and Suspect: Dominique Lee***
- (f) information on whether the matter was referred to the appropriate authority for prosecution. ***The Criminal Investigations Unit investigated and cleared the case by exception, no charges were filed.***

Incident #2

- (a) the race or national origin of the alleged victim; **Black**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; **Suspect had been sexually harassing victim who did not report actions. The suspect grabbed the victims breast and buttocks.**
- (d) the outcome of the investigation; **Although there was an investigation, there was no evidence recovered and the victim did not want to file charges.**
- (e) the identities of the alleged victim and alleged perpetrator(s); **Victim: Heather Bullock and Suspect: Fatima Frazier.**
- (f) information on whether the matter was referred to the appropriate authority for prosecution. **Due to the lack of cooperation from the victim, charges were never filed.**

Incident #3

- (a) the race or national origin of the alleged victim; **White**
- (b) the sexual orientation of the alleged victim; **Unknown**
- (c) a brief synopsis of the facts; **There was a disturbance noted in the dress-in area of booking when the victim was heard to yell "Stop touching me, now!" The victim stated that the suspect had touched her buttocks.**
- (d) the outcome of the investigation; **The victim signed a decline to file sheet, declining to press charges. The suspect was placed in segregation for disciplinary sanction.**
- (e) the identities of the alleged victim and alleged perpetrator(s); **Victim: Erica Gordon and Suspect: Timothy Bradford.**
- (f) information on whether the matter was referred to the appropriate authority for prosecution. **Due to the uncooperativeness of the victim, charges were never filed.**

37. For any litigation, whether pending or closed, against the DLMCJC involving sexual abuse alleged to have occurred in calendar years 2008, 2009, and 2010, please provide:

- (a) the complaint;
- (b) the venue where the complaint was filed;
- (c) the date on which the complaint was filed;

(d) the case docket number;

(e) the status of the complaint, including any settlement agreements.

As of the date of this report there has been no civil complaint(s) filed involving sexual abuse while at David L. Moss Criminal Justice Center.

38. For calendar years 2008, 2009, and 2010, please provide logs or other records prepared during the shift during which sexual abuse allegedly occurred.

The records requested has been included with this document, placed behind the corresponding tab.

39. (a) To the extent permissible under the Health Insurance Portability and Accountability Act (HIPAA) of 1996 (see 45 C.F.R. sect. 164.51(a) and (b)(2)(ii)), please provide de-identified health records for each inmate who was an alleged victim of sexual abuse that occurred in calendar years 2008, 2009, and 2010 at the DLMCJC.

The medical records for the nine victims listed in question #36 have been included in this document, placed behind the corresponding tab.

(b) Please describe any policies or protocols that relate to how the DLMCJC responds to victims who allege sexual abuse, by either another inmate or by a staff member.

Policy 12-01, Investigation of Criminal Offenses, Policy 20-12, Inmate Sexual Assault Prevention and Response, Policy 17-01, Channels of Communication, all address the response to victims of sexual assault having occurred while in custody at the David L. Moss Criminal Justice Center. Copies of above mentioned policies are included with the document, placed behind the corresponding tab.

40. Please describe the protocols or policies that the DLMCJC has (and provide written copies, if available) related to responding to victims who allege sexual abuse by either another inmate or by staff member.

Policy 12-01, Investigation of Criminal Offenses, Policy 20-12, Inmate Sexual Assault Prevention and Response, Policy 17-01, Channels of Communication, all address the response to victims of sexual assault having occurred while in custody at the David L. Moss Criminal Justice Center. Copies of above mentioned policies are included with the document, placed behind the corresponding tab.

41. Please describe any capacity that the DLMCJC has for referring inmate victims to sexual assault victim services in the community (i.e., rape crisis centers, sexual assault coalitions, SANE professionals, or other health or social service agencies).

Victims of sexual assault are transported to the appropriate SANE facility for an exam, if applicable. Upon return to the facility the victim is seen by the mental health professional from the medial provider. Upon release the mental health provider will refer the victim to an appropriate counseling group or another mental health professional for follow-up care.

42. (a) Please identify the community-based victim service providers that provide onsite victim assistance or mental health services to inmates at the DLMCJC.

The medical contractor works in collaboration with its own mental health professional and the local Domestic Violence group, DVIS Awareness Program, both equipped for dealing with victims of sexual assault and violence.

(b) For each victim service provider, please describe the services it offers to inmates who have experienced sexual victimization.

Should the victim request counseling for sexual assault, in addition to the medical providers mental health counseling, the DVIS counselor will set up one-on-one counseling sessions within the facility, ensuring that should it be necessary the counseling is continued upon release.

43. Please provide copies of the curriculum, as well as all instructional materials (e.g., handouts, CDs, pamphlets, manuals, brochures, slides) for training programs in calendar years 2008, 2009, and 2010 for the staff (sworn and unsworn, security and civilian) at the DLMCJC in regard to the following:

(a) pre-service instruction to new staff, including academy courses for newly recruited correctional officers, in identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facilities;

Beginning in 2005, and continuing through 2010, all employees that attended the Basic Jail Academy have received a four hour block of instruction titles "Harassment, Sexual Awareness, Prison Rape." A Power Point presentation serves as a lesson plan/presenters guide for this presentation. Instructors for this class include: Sgt. R. Peirce, Sgt. Bob Darby, and Sgt. Mark Stevens.

In 2008 the Training division developed a Power Point presentation from information and resources provided by the National Institute of Corrections (NIC) regarding PREA. This Power Point has been used since that time (2008, 2009 and 2010) as a lesson plan/presenters guide to assist the instructors with a four hour presentation of a class entitled "PREA" to all Basic Jail Academy classes. Instructors for this class have been: Captain Rick Weigel and Sgt. Mark Stevens.

Copies, as well as the CD, have been included with this document, placed behind the corresponding tab.

(b) in-service training for staff on identifying sexual abuse, reporting sexual abuse to the appropriate authorities, and understanding the applicable legal and ethical standards for responding to allegations of sexual abuse in a correctional facility;

Beginning in 2007 and continuing through calendar year 2010, the Training Division has conducted most of the required annual in-service training through a "Training Module" program. This program is unique to Correctional Training as it allows all employees that are working in the security areas of the jail to receive 80 to 100 hours of in-service training annually by attending a daily thirty minute squad meeting. During this mandatory squad meeting, the Detention Division Staff (Cpl.'s, Sgt.'s, and/or Capt.'s) present 25 to 30 minutes of interactive, multi-media training that has been prepared by the Training division to meet the Standards of the Oklahoma Department of Health, Jail Standards Division and that meet or exceed the American Correctional Association (ACA) standards. A total of fifty-four Training Modules have been prepared. Four Training Modules are presented each month on a rotational basis so that even when an employee is on regular days off, or even gone for week or two due to vacation or illness, they will still receive at least 3 ½ hour segments of instruction on each subject. Training Module #14 is titled Sexual Harassment and contains the following materials:

- Cross Gender Supervision*
- Sexual Harassment: An Innovative Perspective*
- Men, Women and Respect*
- Correctional Workplace Issues, Sexual harassment in Corrections*
- Various pages from the student workbook and trainers pages, each with questions to answer concerning what was just viewed.*

Printouts and CD's of above mentioned materials have been included with this document, placed behind the corresponding tab.

(c) specialized training for those responsible for investigating allegations of sexual abuse;

All training is provided by CLEET, the state recognized accrediting body for law enforcement training. In 2011 Oklahoma placed into law 'sexual assault' training which requires a minimum of eight hours of training. Additional training is provided on a yearly basis and as necessary with any legal updates. Detectives from the Sheriff's Office Investigations Unit are called to investigate sexual misconduct issues and each has been trained accordingly, to include the Reid Technique of Interviewing and Interrogation School.

(d) refresher courses for seasoned investigators on conducting investigations involving allegations of sexual abuse;

Detectives from the Sheriff's Office Investigations Unit receive the proper training, as prescribed for detectives to maintain the investigative skills. As of the date of this report all investigators are current with annual training and updates.

(e) specialize training for medial professionals, including mental health counselors, in responding to allegations of sexual abuse;

The medical vendor ensures all medial professionals are up to date on their required state certifications, with all re-certifications being conducted on an annual basis.

(f) refresher courses for seasoned medical professionals, including mental health counselors, in responding to allegations of sexual abuse;

As stated above, this takes place on an annual basis.

(g) specialized training to staff, mental health professionals, and medical professionals on the impact that sexual assault and rape have on victim in the immediate, short and long term.

Medical health professionals will schedule appointments with outside counselors to reduce the short and long term impact of sexual assault.

44. For each of the courses identified in response to Question #43, please provide the following information for each course instructor:

Instructor #1

(a) name; ***Captain Rick Weigel***

(b) title; ***Administrative Captain to Detention Chief***

(c) address; ***300 N. Denver, Tulsa, OK 74103***

(d) credentials that qualify the instructor for teaching the course. ***Capt. Weigel is a CLEET Certified Law Enforcement Instructor with 39 years of experience.***

Instructor #2

(a) name; ***Sergeant Mark Stevens***

(b) title; ***Sergeant, Training Division***

(c) address; ***300 N. Denver, Tulsa, OK 74103***

(d) credentials that qualify the instructor for teaching the course. ***Sgt. Stevens is a CLEET Certified Law Enforcement Instructor with 32 years of experience.***

Instructor #3

(a) name; ***Sergeant Bob Darby***

(b) title; ***Administrative Sergeant to Detention Chief***

(c) address; ***300 N. Denver, Tulsa, OK 74103***

(d) credentials that qualify the instructor for teaching the course. ***Sgt. Darby is a CLEET Certified Law Enforcement Instructor with 28 years of experience.***

Instructor #4

(a) name; ***Sergeant Randy Pierce***

(b) title; ***Sgt. Pierce is currently assigned to the Human Resources Unit***

(c) address; ***300 N. Denver, Tulsa, OK 74103***

(d) credentials that qualify the instructor for teaching the course. ***Sgt. Pierce is a CLEET Certified Law Enforcement Instructor with 32 years of experience.***

45. (a) Please describe how the DLMCJC informed inmates in calendar years 2008, 2009, and 2010 about the potential danger of sexual abuse while incarcerated, the procedures for reporting threats of sexual abuse, and the procedures for reporting allegations of sexual abuse.

Each inmate, during the classification process, is given an Inmate Handbook, a hepatitis screening brochure and a pamphlet produced the Sheriff's Office regarding

sexual abuse and sexual abuse reporting. If the inmate cannot read, the booklet and pamphlets are read to that inmate. Each inmate must sign a form indicating that they received the handbook or that the classification officer read the book and pamphlet to them. All of the aforementioned documentation is reviewed at least annually and revised as necessary. All material presented is available in both English and Spanish and copies are included with this document, placed behind the corresponding tab.

(b) Please provide copies of all instructional materials that the DLMCJC used in calendar years 2008, 2009, 2010 to inform inmates about how they could prevent or report sexual abuse, including orientation CDs or videos, pamphlets, brochures, manuals, posters, lecture notes, and talking points.

Inmates are presented with the Inmate Handbook, a Hepatitis Screening brochure and a "Sex in Prisons, Jails and Detention Facilities is Prohibited" pamphlet. Copies of all material mentioned have been included with this document, placed behind the corresponding tab.

46. Please identify the factors that contributed to the DLMCJC's low incidence of sexual victimization.

It is my belief that the employees of this facility are proactive with sexual assault due to their professionalism, the training that is given on a continual basis that addresses such issues, the thoroughness of the investigations into every complaint or allegation and that the management style is such that inmates are treated as people.

47. Based on the DLMCJC's low incidence of sexual victimization as noted in the BJS Report, what are recommendations for other correctional facilities to achieve similar results?

Ensure that training is updated and accurate, train staff on arts of communication and investigate each allegation as though the victim were not in jail at the time, which often tends to slant some opinions.