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# **SEXUAL MISCONDUCT IN PRISONS: LAW, AGENCY RESPONSE, AND PREVENTION**

**Special Issues in Corrections**

**November 1996**

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**LIS, Inc.**

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## Introduction

This report provides an overview of a serious, if seldom acknowledged, problem that exists in many prisons: sexual misconduct by correctional staff, defined in this study as sexual interactions between staff and inmates. The document reports the results of a survey on this topic conducted by the NIC Information Center in the summer of 1996.

The survey instrument was mailed to state and federal agencies responsible for the administration of adult prisons, most often a department of corrections (DOC). Information was received from 53 DOCs, including 47 states, the District of Columbia, the Federal Bureau of Prisons, the Correctional Service of Canada, Puerto Rico, the Northern Mariana Islands, and Guam. This material was supplemented with information on state laws compiled by the National Women's Law Center and with DOC policies from the NIC Information Center library.

**Findings.** Several conclusions emerged from the study. Its results make clear that sexual misconduct is a matter of heightened concern for many corrections agencies. The research identified two main sources of external pressure:

- **Legislative bodies**--More than half of the state legislatures have passed laws either defining sexual

misconduct as a criminal offense or increasing the penalties for the offense. Much of this activity has taken place within the past five years.

- **The courts**--While the deterrence and eradication of sexual misconduct is primarily an issue of staff and inmate management, it has the potential to lead to litigation if not addressed. In the past 5 years, at least 23 DOCs have faced class action or individual damage suits related to sexual misconduct.

Elements of a comprehensive approach to preventing sexual misconduct include:

- **Appropriate policies specifically prohibiting sexual misconduct.** Agencies should ensure that they maintain a clear stance toward staff sexual misconduct. However, many DOCs have addressed sexual misconduct only indirectly or in very general terms. Others assume that their policies prohibiting sexual harassment of staff and/or inmates adequately cover the issue of sexual misconduct. Policies should clearly define, prohibit, and delineate penalties for sexual misconduct involving staff and inmates.
- **Staff training on sexual misconduct.** As part of its staff training program, each DOC should present clear information on applicable laws, agency policy

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on sexual misconduct, and penalties for violating both the policy and applicable state laws.

- **Inmate education on sexual misconduct.** DOCs should provide inmates basic information about sexual misconduct and ensure they are aware of relevant DOC policies and state law prohibiting such conduct. Inmates should understand the penalties for sexual misconduct as well as the penalties for false allegations regarding such incidents.

Findings indicate that relatively few DOCs have looked closely at whether and to what extent their policies and practices offer clear direction to staff and inmates on the issue of sexual misconduct. It is NIC's hope that this overview of the issue will encourage more agencies to do so.

### **Legislation on Sexual Misconduct**

The issue of sexual misconduct of public employees, including correctional personnel, has been viewed as sufficiently serious that at least 36 legislatures have proposed bills defining such acts as a criminal offense. Table 1, page 3, summarizes actions taken by legislative bodies that are relevant to sexual misconduct.

**Enacted legislation.** Laws criminalizing sexual misconduct by public employees generally or correctional staff in particular have been passed by 32 state legislatures, the U.S. Congress, and the legislature in Canada. In many jurisdictions, it is defined as a form of sexual assault, though it is also termed sexual abuse, rape, or unlawful sexual conduct. The laws often apply to staff of all public institutions, including hospitals, prisons, and mental institutions; many laws criminalize the activity specifically when the staff member has supervisory or disciplinary authority over the victim. Consent of the inmate/victim is often specifically excluded as a defense to charges of misconduct. For example, language in New York's recently passed law defines an inmate in a correctional facility as legally incapable of consenting to a sexual act with a correctional employee.

Though most of these jurisdictions have defined any sexual activity involving staff and inmates as a criminal offense, there are exceptions:

- Some states' laws distinguish between degrees of sexual misconduct in determining whether an act is criminal. In Connecticut, serious sexual misconduct (defined as intercourse or fellatio) is a criminal offense, while other forms of sexual misconduct are handled within the DOC.
- Colorado, Texas, Wyoming, and federal law appear to require an element of explicit coercion before sexual misconduct involving correctional officers becomes a criminal offense. Colorado and Wyoming are similar in prohibiting sexual activity in which the actor is in a position of authority over the victim and uses that authority to cause the victim to submit. Texas law says that sexual assault by a public servant is a second degree felony if the other person is coerced into submitting or participating. The U.S. Code prohibits anyone in a federal prison from causing another person to engage in a sexual act by force, threats, rendering the other unconscious, or administering drugs.

Sexual misconduct is most often a felony offense:

- Twenty-one states and the District of Columbia have defined sexual misconduct as a felony.
- Five states have defined sexual misconduct as a misdemeanor.
- In three states and the federal prison system, sexual misconduct can be prosecuted as either a felony or a misdemeanor, depending on the specifics of the case. In New York, the nature of the act--e.g., whether intercourse or the milder "contact" between correctional staff and inmate determines whether an offense is a felony or misdemeanor.

**Failed legislation.** Legislatures in at least four states have considered, but failed to pass, bills on sexual misconduct. Bills have sometimes failed in one legislative session and succeeded when reintroduced in a later session.

**No legislative activity.** In 13 states, no legislative activity related to sexual misconduct of correctional staff was identified.

Table 1. Legislation Prohibiting Sexual Contact Involving Correctional Staff and Inmates '

	No Law Passed		Legislation Has Passed		Effect of Passed Legislation <sup>2</sup>
	Legislation has not been introduced	Legislation was unsuccessful	Previous legislative session(s)	1996 legislative session	
Alabama	✓				—
Alaska			✓		Felony
Arizona				✓	Misdemeanor
Arkansas			✓		Misdemeanor
California			✓		Felony or misdemeanor
Colorado			✓		Felony (if coercive)
Connecticut			✓		Felony or misdemeanor
Delaware			✓		Felony
D.C.			✓		Felony
Florida				✓	Felony
Georgia			✓		Felony
Hawaii			✓		Felony
Idaho			✓		Felony
Illinois	✓				—
Indiana			✓		Felony
Iowa			✓		Aggravated misdemeanor
Kansas			✓		Felony
Kentucky	✓				—
Louisiana			✓		Felony
Maine			✓		Felony
Maryland		✓			—
Massachusetts	✓				—
Michigan			✓		Misdemeanor
Minnesota	✓				—
Mississippi		✓			—
Missouri			✓		Felony
Montana	✓				—
Nebraska	✓				—
Nevada			✓		(Not available)
New Hampshire	✓				—
New Jersey			✓		(Not available)
New Mexico			✓		Felony
New York				✓	Felony or misdemeanor
North Carolina			✓		Felony
North Dakota			✓		Misdemeanor
Ohio			✓		Felony
Oklahoma			✓		Felony
Oregon	✓				—
Pennsylvania				(pending)	(Felony)
Rhode Island			✓		Felony
South Carolina	✓				—
South Dakota				✓	Felony
Tennessee	✓				—
Texas			✓		Felony (if coercive)
Utah	✓				—
Vermont	✓				—
Virginia		✓			—
Washington		✓			—
West Virginia	✓				—
Wisconsin				✓	Felony
Wyoming			✓		Felony (if coercive)
Federal BOP			✓		Felony or misdemeanor (criminal if coercive)

Notes

1. This table was completed using NIC survey data and legislative research prepared by the National Women's Law Center. (See *Fifty-State Survey on State Criminal Laws Prohibiting the Sexual Abuse of Female Prisoners*, National Women's Law Center, November 1996.)
2. Information in this column in some cases represents a "best guess" based on NIC survey data and data provided by the National Women's Law Center, which in several instances differed.

## **Litigation**

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Roughly half of the DOCs have been involved in litigation arising from sexual misconduct claims:

- Among the 53 responding DOCs, 24 have been involved in litigation in the past 5 years as a result of sexual misconduct allegations,
- Litigation related to sexual misconduct was in process in mid-1996 in 19 reporting jurisdictions- Alaska, *Arizona*, Arkansas, Connecticut, the District of Columbia, Hawaii, *Idaho*, Illinois, Kentucky, Maryland, *Michigan*, *New York*, *Ohio*, Oklahoma, *Pennsylvania*, *Puerto Rico*, *South Dakota*, Washington, and West Virginia. Five of these agencies (noted in italics) have been involved in additional such litigation within the last 5 years.
- Five DOCs not responding to inmate suits in mid-1996 had been sued on sexual misconduct charges within the previous 5 years. They include Colorado, Louisiana, North Carolina, North Dakota, and Texas.

In nearly all instances, the cases brought against the DOC on the grounds of staff sexual misconduct were individual damage suits rather than class action suits. However, Alaska was defending a class action suit in 1996, as was the District of Columbia. Michigan received two new lawsuits in 1996 alleging sexual misconduct for which class certification was requested; the court had not yet ruled on that request at the time of the survey. The New York DOC had been involved in a class action case as well as five individual damage suits.

## **DOC Policies on Sexual Misconduct**

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Written policy is an important tool through which DOCs define their stance toward sexual misconduct. Survey results indicate that all DOCs address sexual misconduct of correctional staff in some section of the department's administrative policies. About half the responding DOCs provided copies of related policies.

## **Where sexual misconduct policy is addressed.**

Three DOCs-in the District of Columbia, Delaware, and Georgia-have developed separate policies specifically addressing sexual misconduct. However, most agencies address sexual misconduct within policies related to officer conduct or ethics.

A review of policies provided by DOCs found that most references to sexual misconduct are included in the DOC's code of conduct for correctional staff. Some DOCs include prohibitions against sexual misconduct within policy sections specific to staff/inmate relationships. References also appear in sections on ethics, inmate grievance, employee discipline, and, more rarely, sexual harassment.

**Specificity of language.** Agencies' policies vary widely in terms of the specificity of the language used to refer to sexual misconduct. Some states are quite explicit in defining, prohibiting, and delineating the penalties for sexual contact with inmates, while others address the topic only in general terms or through non-specific language.

An agency's reliance on indirect terms and phrasing in its policies could potentially allow for arguments that the intent of the policy is unclear. In a review of written policies from 25 DOCs, several were found to refer to sexual misconduct only in indirect language. These agencies' policies prohibit personal or special relationships, intimate involvement, avoidable contact, fraternization, undue familiarity, romantic attachment, and/or sexual abuse or harassment.

The following excerpts from DOC policies provide examples of indirect language prohibiting sexual misconduct:

- One agency addresses the topic under the heading, Relationships and Transactions with Inmates, stating: "Personnel shall not trade, barter, transmit messages, or become unduly familiar in any manner with inmates, parolees, and probationers."
- Another DOC states that "Social relationships are prohibited, including but not limited to emotional or romantic attachments with inmates in an institution, or on parole or probation."

- In another, “Members shall not fraternize with nor develop personal relationships with offenders,” and “Any act or conduct which establishes, maintains, or promotes a member’s relationship with an offender or an offender’s immediate family which is outside the color of employment for personal benefit or gain which compromises a member’s professional role is prohibited.”
- “An employee may not become socially, personally, or intimately involved in relationships with inmates or clients of the Department. This includes communication through written correspondence, telecommunications, and social interaction,” says another.
- Policy in another DOC states that “Staff shall not supervise, counsel, or otherwise be in the presence of a single inmate in any location which is out of the view of other staff.”
- One DOC cited a policy in the context of abuse, which states, “No person shall be mistreated or abused in any way.”

Policies in other jurisdictions are clear in prohibiting staff from participating in, for example, “sexual contacts or associations” with inmates. Direct and specific language about sexual misconduct occurs in the policies of at least 15 DOCs:

- A separate policy developed by one agency defines sexual misconduct as sexual behavior directed toward inmates, including sexual abuse, sexual assault, sexual harassment, physical conduct of a sexual nature, sexual obscenity, invasion of privacy, and conversations or correspondence of a romantic or intimate nature.
- “Any behavior of a sexual nature, between an employee and a client, is unacceptable if the employee has supervisory or disciplinary authority over the other person,” states another DOC.
- Policy in other DOCs notes that “sexual contact of any nature with prisoner or Corrections client” is a criminal offense, or, similarly, that “sexual inter-

course with an offender under the legal custody of the department is defined by statute as rape.”

- Another policy states, “Staff may not knowingly maintain social, emotional, sexual, business, or financial associations with current offenders, offenders discharged in the past two years, or the family or friends of offenders.”
- One agency’s Guidelines for Employee Disciplinary Action prohibit “cohabitation with an inmate/client or family member of an inmate/client; . . . sexual encounters. . . and physical conduct (e.g., hugging, kissing, fondling).”
- One DOC has a blanket prohibition against sexual relations, in a rule applicable to department employees, volunteers, persons or organizations conducting business with the department, and all offenders and detentioners under the supervision or custody of the department.

### **Agency Response to Sexual Misconduct**

**Reporting.** There is no standardized format in most agencies for reporting incidents of sexual misconduct. The information routinely collected by DOCs most often includes:

- The facility;
- The date, time, and place of alleged incident;
- The name of the complainant;
- The name of the respondent(s);
- The post assignment of the staff member allegedly involved;
- Names of witnesses; and
- Statements by all parties.

The completed investigative case is forwarded for review to the appropriate parties.

**Investigative approach.** Correctional agencies for the most part respond to allegations of sexual misconduct as they would to other allegations of misconduct on the part of staff. Allegations of sexual misconduct are commonly investigated by the agency’s internal

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affairs or internal investigative unit. Based on information obtained through the investigation, the agency takes whatever action it deems appropriate.

Several agencies reported using a two-stage investigative process. In these agencies, allegations are first investigated through an initial fact-finding process before a full investigation occurs or an internal investigation is made. If warranted, the case is then turned over to another agency (usually the state police) for a criminal investigation.

Special measures are taken by some agencies to ensure that the staff and inmate in question do not have contact with each other while the investigation is taking place. Such measures may include changes in job assignment, administrative leave with or without pay, and transfer of the inmate to another part of the facility or to another facility.

**Procedures for investigating allegations.** Most DOCs use standard investigatory procedures when responding to alleged sexual misconduct by correctional officers. Seven DOCs (the District of Columbia, Florida, Kansas, Minnesota, South Dakota, Tennessee, and Texas) reported the use of procedures unique to sexual misconduct cases. The unique procedures cited by these agencies include the following:

- Using covert investigative techniques such as listening devices, body pack recordings, and surveillance cameras;
- Monitoring mail and/or phone calls;
- Conducting DNA tests;
- Searching work areas;
- Giving special consideration to EEOC guidelines and appropriate court decisions; and
- Conducting polygraph exams.

Pursuant to court order, the District of Columbia Department of Corrections is required to forward all investigations related to female prisoners to a Special Officer of the U.S. District Court. Cases involving male inmates are investigated by a panel assigned by the Deputy Director.

**Role of other agencies.** DOCs are likely to call on other agencies as part of the investigative process

when criminal conduct is involved or to assure impartiality. The stage in the investigation at which an outside agency becomes involved varies. In some DOCs, an outside agency may assist with an investigation if there is reason to believe that a crime has been committed. Other DOCs call on outside agencies only when an internal investigation has confirmed that criminal conduct is involved. The other agency involved in investigating sexual misconduct cases is usually the state police, but in some states the attorney general is called upon.

- The Illinois DOC is required to notify the Division of Internal Investigation of the State Police when an investigation is initiated; that agency then decides on the level of its involvement in the case.
- In Maryland, the Investigative Unit includes both state police and DOC investigators.

Outside agencies may be involved in an investigation of a sexual misconduct allegation under specific circumstances to:

- Analyze evidence;
- Handle the case if it involves drugs;
- Conduct polygraphs;
- Collect medical evidence;
- Provide medical treatment;
- Investigate inmates' complaints to the Human Rights Commission; or
- Handle the case because of its sensitivity.

**Evidence needed to substantiate an allegation of sexual misconduct.** Correctional agencies tend to evaluate evidence of sexual misconduct on a case-by-case basis; no specific piece of evidence is required, and each case is judged on its own merits. However, agencies usually rely on the following types of evidence to substantiate sexual misconduct:

- An admission of guilt from the staff member,
- Corroboration by credible witnesses; and
- Physical evidence.



Five DOCs cited the use of polygraph results, which are used in administrative investigations only. A few agencies also look for such evidence as intimate letters, photographs of a sexual nature, or taped phone conversations. One DOC noted the importance of “accurate personnel records, performance evaluations, behavior ratings, and related documentation to strengthen the allegation and provide corroboration.”

The threshold for substantiating allegations of sexual misconduct may differ depending on whether the charges are being decided in administrative proceedings or through a criminal case. For administrative proceedings, the requirement is most often “a preponderance of evidence.” In a criminal case, evidence must meet the standards set by law, i.e., “probable cause” and guilt “beyond a reasonable doubt.”

**Administrative responsibility.** The agency commissioner is charged with the final review of investigative findings stemming from charges of sexual misconduct in nearly half the DOCs. In 15

agencies, that responsibility lies with a deputy commissioner, a regional or division director, or the central office generally; other DOCs assign this responsibility to a warden, the human resources division, a hearing officer or internal affairs division, or a flexible combination of offices. Agency counsel or the Inspector General’s office often participate in the review. Outside agencies such as the Bureau of Labor Relations are sometimes involved.

Review responsibilities may shift if a case is being prosecuted or if internal findings and disciplinary actions are being appealed.

**Actions taken toward staff and inmates.** Correctional agencies’ actions toward staff and inmates allegedly involved in sexual misconduct are based on whether the allegations are substantiated, are found to be false, or cannot be substantiated. Table 2, below, summarizes DOCs’ actions in each case.

**Table 2. Actions Taken Toward Staff and Inmates Involved in Alleged Sexual Misconduct**

	<b>Substantiated Allegations</b>	<b>False Allegations</b>	<b>Unsubstantiated Allegations</b>
<b>Staff</b>	The majority of agencies indicated that they dismiss staff involved in sexual misconduct incidents. However, agencies indicated a range of possible actions, including oral reprimands and staff resignation as an alternative to termination. A significant number of agencies responded that they would “take appropriate disciplinary action.”	Agencies generally take no action toward staff when allegations of misconduct have been found false. If on leave, staff are returned to work; records are generally purged.	Most agencies take no action toward staff involved in unsubstantiated incidents, although about one-quarter indicated that they have a policy of reassigning the staff member. At least three agencies sometimes provide counseling or retraining on behavior or perceptions. A few agencies maintain files of such cases for a period of time.
<b>Inmates</b>	Nearly all agencies would discipline inmates involved in sexual misconduct. A few indicated that the inmate would be transferred.	Although about one-quarter of respondents indicated that no action is taken toward inmates involved in false allegations of sexual misconduct, most DOCs discipline inmates who have made a false report of sexual misconduct.	No action is generally taken toward inmates involved in unsubstantiated incidents. Ten agencies indicated the possibility of reassignment or transfer of inmates involved.

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## Prevention

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**Staff training.** The provision of training to staff on the topic of sexual misconduct is described in Table 3, page 9. Most DOCs provide training to all or some staff in this area.

The amount of training time devoted to sexual misconduct ranges from 1 to 20 hours, with the majority of agencies providing 1 to 4 hours on the topic. Several DOCs cover the topic during a 4-hour block that addresses broader subjects such as standards of conduct. Other agencies reported that the amount of time devoted to sexual misconduct varies.

**Training topics.** While training about sexual misconduct issues is reported to be prevalent among the DOCs, training programs vary widely in content and in their definitions of sexual misconduct:

- About half the DOCs that provide training on sexual misconduct cover agency and/or statutory definitions of sexual misconduct, inappropriate relationships, ethical issues, and legal issues.
- Almost all DOCs reported providing training on sexual harassment, which can take the form of sexual abuse or assault of inmates.
- Most DOCs provide training that focuses on attempts by inmates to initiate inappropriate relationships.
- Nearly half the DOCs provide specialized training for staff who will investigate allegations of sexual misconduct.
- Several DOCs train staff and supervisors to monitor the workplace for sexual misconduct.
- Several agencies provide training on employee assistance programs for staff who become sexually or intimately involved with an inmate.

**Inmate awareness of agency policies on sexual misconduct.** Table 4, page 10, describes agencies' approaches to informing inmates about laws, policies, and penalties related to sexual relations between staff and inmates.

- Twenty-seven DOCs reported that they inform inmates directly, either through specific training presentations or as part of a standard inmate orientation. In seven of these agencies, sexual misconduct is also discussed in the inmate handbook.
- At least 14 DOCs do not directly inform inmates of the agency's policy on sexual misconduct but make the information available to them. Six of these agencies provide a written copy of the policy in the library, five address the topic in the inmate handbook, and three do both.
- Four DOCs reported that inmates are not provided access to information on sexual misconduct policies.

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## Conclusion

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Survey findings indicated significant activity among the DOCs related to sexual misconduct involving correctional employees and inmates. Agencies' interest stems from factors including recent legislative actions, litigation, and ongoing concern for improving agency policy and practice. DOCs that evaluate their policies and practices are likely to offer clearer direction to staff and increase the agency's effectiveness in addressing such conduct.

It is also important for agencies to increase their attention to monitoring the incidence of sexual misconduct and preventing it through direct training and discussions with staff and inmates. A proactive stance toward sexual misconduct is warranted, given the sensitivity of the issue and its potential to weaken both staff and inmate management and morale. ■

Table 3. Staff Training about Sexual Misconduct

	All Staff Receive Training	Some Staff Receive Training					Amount of Training Provided	
		All with Inmate contact	Correction officers	Volunteers	Contract staff	Service staff	Pre-service hours	Annual in-service hours
Alabama	✓						8	2
Alaska		✓					Varies	
Arizona		✓					—	2-3
Arkansas			✓				—	2
California	N/A							
Colorado	✓						4-8	1-2
Connecticut		✓		✓			2-3	
Delaware	N/A							
D.C.	✓						—	4
Florida			✓				Varies	
Georgia	N/A							
Hawaii <sup>1</sup>	✓						—	6-8
Idaho		✓					—	2
Illinois <sup>2</sup>	(Not identified)						—	(N/A)
Indiana	N/A							
Iowa			✓				—	3-5
Kansas	✓						—	Varies
Kentucky		✓					—	(N/A)
Louisiana <sup>2</sup>	(Not identified)						—	(N/A)
Maine	N/A							
Maryland		✓					—	2
Massachusetts		✓					—	(N/A)
Michigan		✓					—	10.5
Minnesota	✓						—	1.5
Mississippi	✓						—	5
Missouri	✓						—	1.5-2
Montana	✓						—	2.5
Nebraska	✓						—	(N/A)
Nevada	✓						—	4
New Hampshire	✓						—	6
New Jersey	✓						(N/A)	
New Mexico	✓						4	2-4
New York			✓				3	—
North Carolina		✓					—	6
North Dakota	✓						—	1
Ohio <sup>2</sup>	✓						—	3
Oklahoma <sup>2</sup>	✓						8	6
Oregon		✓		✓	✓		1-2	1
Pennsylvania	✓						(N/A)	
Rhode Island	✓						1	—
South Carolina	✓						—	8
South Dakota	✓						—	2
Tennessee	✓						3	—
Texas	✓						—	8
Utah		✓		✓			—	—
Vermont			✓				—	"Many"
Virginia	N/A							
Washington	✓						—	15-20
West Virginia		✓					—	4
Wisconsin	N/A							
Wyoming	✓						—	4
Federal BOP	N/A							

Notes

1. The Hawaii DOC provides training about sexual misconduct only to those staff who work with female offenders.
2. The Illinois, Louisiana, Ohio, and Oklahoma DOCs indicated that training about sexual misconduct is provided within a block of training on employee conduct.

Table 4. How Inmates Are Informed of Agency Policy on Sexual Misconduct

	Policies Covered in Specific Training Presentation	Policies Covered in Standard Inmate Orientation	Policies Covered in Inmate Handbook	Policies Available to Inmates in Library	Policy Information Not Made Available
Alabama		✓	✓	✓	
Alaska					✓
Arizona	✓	✓	✓	✓	
Arkansas				✓	
California	N/A				
Colorado		✓			
Connecticut				✓	
Delaware			✓		
D.C.	✓	✓	✓	✓	
Florida	N/A				
Georgia	N/A				
Hawaii			✓	✓	
Idaho					✓
Illinois		✓			
Indiana	N/A				
Iowa		✓			
Kansas				✓	
Kentucky		✓	✓		
Louisiana			✓		
Maine	N/A				
Maryland		✓	✓	✓	
Massachusetts	N/A				
Michigan		✓	✓	✓	
Minnesota		✓			
Mississippi			✓	✓	
Missouri				✓	
Montana		✓			
Nebraska		✓	✓		
Nevada			✓		
New Hampshire	✓	✓	✓	✓	
New Jersey		✓	✓		
New Mexico				✓	
New York			✓	✓	
North Carolina		✓	✓		
North Dakota			✓		
Ohio		✓	✓		
Oklahoma	✓	✓	✓	✓	
Oregon		✓	✓		
Pennsylvania				✓	
Rhode Island		✓	✓	✓	
South Carolina	✓	✓	✓		
South Dakota		✓		✓	
Tennessee	✓	✓		✓	
Texas		✓		✓	
Utah		✓	✓		
Vermont					✓
Virginia	N/A				
Washington	✓	✓	✓	✓	
West Virginia	✓	✓	✓		
Wisconsin	N/A				
Wyoming					✓
Federal BOP		✓	✓	✓	