

Department of Public Safety & Correctional Services Prison Rape Elimination Act Annual Report

2015



Governor Larry Hogan

Lt. Governor Boyd Rutherford

Secretary Stephen T. Moyer

PREA Background

Beginning in 2003, when President Bush signed the Prison Rape Elimination Act (PREA) into law, the United States Department of Justice (DOJ) worked to develop national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards is to provide comprehensive guidelines for preventing, detecting, and responding to incidents of sexual abuse involving inmates in a confinement facility. After a lengthy process that included public review and comment, the DOJ published minimum PREA standards that significantly impact administrative and operational procedures of federal, state, and local adult prisons and jails, lockups, community confinement facilities and juvenile facilities. The national PREA standards became effective on August 20, 2012.

On September 1, 2012 the Department issued directive DPSCS.020.0026 establishing a “Zero Tolerance” policy for sexual abuse and sexual harassment of inmates. The directive designated one of the Assistant Secretaries as the PREA Coordinator, established a network of PREA Compliance Managers (PCM), formalized the PREA Committee (first formed in 2005), and assigned specific responsibilities to the PREA Coordinator and PREA Committee for oversight of all activities designed to integrate the national PREA standards into the Department’s administrative and operational activities. This directive confirms that the Department of Public Safety and Correctional Services:

- Does not tolerate sexual abuse or sexual harassment of an inmate;
- Shall continue an aggressive approach to preventing, detecting, and responding to acts of sexual abuse and sexual harassment involving an inmate; and
- Shall ensure that existing efforts and new strategies to prevent, detect, and respond to acts of sexual abuse and sexual harassment involving an inmate comply with applicable national PREA standards.

In 2014 and 2015, the Department hired PREA Auditors of America, LLC and G4S, Inc. to perform independent audits required by §115.401 of the Prison Rape Elimination Act. Six facilities were selected for audit during this first year of a three year cycle and another seven were selected in the second year. In November of 2014 these contracted auditors certified by the United States Department of Justice conducted onsite audits at six facilities. All six facilities audited were found to be in compliance with all PREA standards. In 2015 the auditors visited seven more facilities returning successful audits at those facilities. The final reports associated with these audits are available to the public upon request. Those facilities are listed as follows:

2014

Chesapeake Detention Facility

Maryland Correctional Institution for Women

North Branch Correction Institution

Western correctional Institution

Roxbury Correctional Institution

Eastern Correctional Institution, including

- Eastern Correctional Institution - Annex
- Poplar Hill Pre-Release Unit

2015

Maryland Correctional Institution in Hagerstown

Maryland Correctional Institution in Jessup

Jessup Correctional Institution

Baltimore City Correctional Center

Brockbridge Correctional Facility

Metropolitan Transition Center

Threshold

Required Reporting

In §115.88, the Prison Rape Elimination Act requires that each agency publish a report that includes a summary and analysis of reported incidents, a comparison of prior year's data, problem identification, and corrective actions. This report contains incident data for each facility covering calendar years 2014 and 2015, along with a problem and corrective action summary for 2015. This report is being made available on the Department's website to comply with the public reporting requirements of the Act.

Problem & Corrective Action Summary

After the final PREA standards for adult prisons and jails were published in 2012, the Department quickly established a formal internal structure to implement PREA at every facility within the agency and make the necessary changes required for full compliance. In 2013, the Department continued its PREA implementation by focusing on agency-wide policy that would later provide guidance to its individual facilities as they developed procedures that complemented their operational and staffing capabilities. During 2013, problem identification and corrective action tended to center on policy development and large scale problems that affected most, if not all of the Department's many facilities. In 2014 efforts shifted from policy development to implementation of new procedures and creating an agency-wide awareness of the serious problem of sexual abuse in confinement settings. The following list summarizes the Department's efforts in the past year to reduce sexual violence and misconduct within Maryland's correctional and detention facilities, and fully comply with the recently published PREA standards:

- Pre-service and in-service training programs emphasized PREA standards and the Department's commitment to meeting those requirements.
- An intake screening process for risk of sexual victimization or abusiveness was developed and implemented during 2014. This included a screening form that was used in all agency facilities. A larger committee, representing disciplines throughout the Department convened in December of 2014 to critique the effectiveness of the screening process and implement changes based on what had been learned during the initial implementation phase. The committee recommendations were implemented during February of 2015.

- To help respond to the complexities of PREA compliance, the Department selected three additional staff members to attend PREA training and become certified auditors. This makes six trained auditors currently employed by the Department.
- In May of 2015, the Governor committed Maryland to meeting PREA standards and spending 5% of designated grant funding to implementation of PREA standards.
- In 2014, the Department of Public Safety and Correctional Services joined with the Department of Juvenile Services to apply for grant funding to be used primarily for training of staff when supervising youthful inmates.
- By the end of 2015, independent audits of fourteen facilities have been successfully completed. The remaining facilities are expected to complete the auditing process in 2016.
- Based on auditor's suggestions, all agency-wide policies and procedures have been revised to comply with PREA standards.
- The Office of the Inspector General continued internal "practice" audits using trained auditors to determine the Department's readiness for actual inspections by independent auditors.
- Renovation of a correctional facility for youthful offenders continues. The new facility is scheduled for completion in 2017.

To comply with §115.11 of the Act, a PREA Compliance Manager was assigned to each facility during 2012. Under the direction of these compliance managers, the facilities began to develop new procedures and evaluate their institutions for compliance with all PREA standards. The result has been a network of managers that share solutions and information across the agency. The PREA Coordinator's office hosts periodic seminars conducted by its trained PREA auditors for the facility managers and any other interested staff members.

Reporting Data

To meet the reporting requirement of PREA standard §115.88, the Department assigned its Intelligence & Investigative Division to maintain detailed records regarding all reported incidents. Summary data for each facility for the calendar years 2014 and 2015 are included in this report. During 2015, the Department continued to encourage reporting directly to staff and through a telephone hotline. It was fully expected that the number of reported incidents would continue to rise from 2014 to 2015. The number incidents reported events increased by 72% from 134 in 2014 to 231 in 2015. Increased reporting helps facility managers better understand the existing patterns of abuse so that corrective action can be taken.

Each reported incident is referred to the Department's Intelligence & Investigative Division (IID). This unit is an independent police agency as defined by Annotated Code of Maryland; and, is responsible for conducting administrative and criminal investigations in facilities under the control of the Department of Public Safety and Correctional Services. Investigators assigned to IID are sworn law enforcement officers certified by the Maryland Police Training Commission. All reported incidents are investigated and receive one of three dispositions. Those dispositions are:

- *Unfounded* meaning that the incident was investigated and determined not to have occurred.
- *Unsubstantiated* meaning that the incident was investigated and the investigation could not determine whether or not the event actually occurred.
- *Substantiated* meaning the incident was investigated and found to have occurred.

In some cases, the investigations have not yet been completed and those reports have been indicated accordingly. Reported incidents and dispositions for each facility are provided. In 2014, one report was found to be substantiated, while in 2015, three cases have been substantiated with forty-three cases to be completed. Additional information has been provided relating to the relationship between the inmate victim and the alleged suspect or suspects. An average daily population figure has been provided along with a calculation of the number of reported incidents per one hundred inmates to provide an accurate comparison between facilities of varying populations.

PREA INCIDENT REPORTS - 2014

Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Case	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	2	1	0	0	1	2	0	875	0.23
Baltimore City Correctional Center	2	1	1	0	0	0	2	493	0.41
Baltimore City Detention Center	11	3	7	0	1	8	3	2526	0.44
Baltimore Pre-Release Unit	0	0	0	0	0	0	0	186	0.00
Brockbridge Correctional Facility	3	0	2	0	1	3	0	447	0.67
Central Maryland Correctional Facility	1	0	1	0	0	0	1	454	0.22
Chesapeake Detention Facility	1	0	1	0	0	1	0	429	0.23
Dorsey Run Correctional Facility	0	0	0	0	0	0	0	464	0.00
Eastern Correctional Institution	19	8	11	0	0	7	12	2663	0.71
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	593	0.00
Eastern Pre-Release Unit	0	0	0	0	0	0	0	172	0.00
Jessup Correctional Institution	4	0	3	0	1	1	3	1745	0.23
Maryland Correctional Institution - Hagerstown	10	5	5	0	0	7	3	1853	0.54
Maryland Correctional Institution - Jessup	3	1	2	0	0	1	2	1032	0.29
Maryland Correctional Institution for Women	6	4	2	0	0	1	5	802	0.75
Maryland Correctional Training Center	7	4	3	0	0	3	4	2479	0.28
Maryland Reception, Diagnostic and Classification Center	3	0	1	1	1	2	1	710	0.42
Metropolitan Transition Center	3	0	1	0	2	3	0	581	0.52
North Branch Correctional Institution	15	3	11	0	1	8	7	1386	1.08
Patuxent Institution	16	6	10	0	0	12	4	899	1.78
Poplar Hill Pre-Release Unit	0	0	0	0	0	0	0	163	0.00
Roxbury Correctional Institution	8	1	7	0	0	5	3	1686	0.47
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	169	0.00
Threshold	0	0	0	0	0	0	0	30	0.00
Western Correctional Institution	20	5	15	0	0	12	8	1602	1.25
TOTALS	134	42	83	1	8	76	58	24439	0.55

PREA INCIDENT REPORTS - 2015

Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Case	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	7	2	1	0	4	7	0	794	0.88
Baltimore City Correctional Center	2	1	1	0	0	2	0	496	0.40
Baltimore City Detention Center	9	4	2	0	3	9	0	2299	0.39
Baltimore Pre-Release Unit (closed)	na	na	na	na	na	na	na	na	na
Brockbridge Correctional Facility	2	1	1	0	0	1	1	420	0.48
Central Maryland Correctional Facility	2	2	0	0	0	0	2	446	0.45
Chesapeake Detention Facility	0	0	0	0	0	0	0	389	0.00
Dorsey Run Correctional Facility	3	1	0	0	2	2	1	538	0.56
Eastern Correctional Institution	44	20	21	1	2	13	31	2675	1.64
Eastern Correctional Institution Annex	2	1	1	0	0	0	2	595	0.34
Eastern Pre-Release Unit	1	0	1	0	0	1	0	170	0.59
Jessup Correctional Institution	20	6	6	0	8	6	14	1767	1.13
Maryland Correctional Institution - Hagerstown	19	6	12	0	1	11	8	1661	1.14
Maryland Correctional Institution - Jessup	9	2	1	0	6	4	5	1044	0.86
Maryland Correctional Institution for Women	12	2	3	1	6	3	9	812	1.48
Maryland Correctional Training Center	15	6	9	0	0	5	10	2470	0.61
Maryland Correctional Transportation Unit	2	2	0	0	0	0	2	na	na
Maryland Reception, Diagnostic and Classification Center	12	4	5	0	3	7	5	710	1.69
Metropolitan Transition Center	1	1	0	0	0	0	1	581	0.17
North Branch Correctional Institution	22	10	11	0	1	11	11	1339	1.64
Patuxent Institution	15	3	8	0	4	7	8	874	1.72
Poplar Hill Pre-Release Unit	0	0	0	0	0	0	0	130	0.00
Roxbury Correctional Institution	13	4	6	1	2	9	4	1720	0.76
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	165	0.00
Threshold	0	0	0	0	0	0	0	30	0.00
Western Correctional Institution	19	12	6	0	1	9	10	1593	1.19
TOTALS	231	90	95	3	43	107	124	23718	0.97

The Future

It is the Department's intent to have each of its facilities meet or exceed all PREA standards. Since the standards were finalized in 2012, significant strides have been made in that direction and the following goals have been established for 2016 and beyond.

- Complete contracts and agreements with outside victim advocacy organizations to provide services for inmate victims.
- Successfully complete audits of nine more facilities and certify the agency as PREA compliant.
- Complete a training program for staff working with youthful offenders.
- Open a new facility specifically designed to meet the needs of youthful offenders.

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date

Approved by:

Stephen T. Moyer

Secretary

date