

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

2018



This report is submitted pursuant to the
National Standards to Prevent, Detect, and
Respond to Prison Rape Under the Prison Rape
Elimination Act (PREA)
28 C.F.R. Part 115
§115.88 and §115.89

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 a 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 the years 2014 through 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. In 2016, seven more facilities were successfully audited with one facility requiring a corrective action period. In 2017 one facility was audited by a contracted auditor and seven others were audited by auditors from the State of Michigan pursuant to an interstate auditing agreement. Many of the facilities audited in 2017 were undergoing their second PREA audit. The final reports associated with these audits are available on the Department’s website (dpscs.maryland.gov/prea/index.shtml). A breakdown of the facilities audited each year is included below:

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

2016

Baltimore Central Booking and Intake Center
Baltimore Pre-Trial Complex*
Central Maryland Correctional Facility
Dorsey Run Correctional Facility
Eastern Pre-Release Unit
Southern Maryland Pre-Release Unit
Patuxent Institution
Maryland Reception, Diagnostic, and Classification Center

2017

Chesapeake Detention Facility*
Eastern Correctional Institution, including Annex*
Maryland Correctional Institution for Women*
Maryland Correctional Training Center
North Branch Correctional Institution*
Poplar Hill Pre-Release Unit*
Roxbury Correctional Institution
Western Correctional Institution*

2018

Baltimore City Correctional Center*
Brockbridge Correctional Facility*
Central Maryland Correctional Facility*
Jessup Correctional Institution, including the pre-trial facility*
Maryland Correctional Institution – Hagerstown*
Maryland Correctional Institution – Jessup
Maryland Correctional Institution for Women*
Threshold

*Corrective action plan required

Interstate Auditing Agreement

In September of 2016 Maryland, Pennsylvania, Michigan and Wisconsin joined together to perform PREA audits for one another. In November of that same year four auditors from Maryland traveled to Pennsylvania to begin the first of the agreed upon audits. The agreement was designed so that a State receiving an audit is then obligated to perform an audit for another state within the group. The State performing the audit pays the costs of travel for its own staff members. In future years Maryland expects that it will be conducting eight audits each year, receiving in kind service from the other states within the agreement. To protect the integrity of the audits PREA regulations prohibit reciprocating audits, meaning that two states may not audit one another. Such auditing agreements require the participation of three or more states.

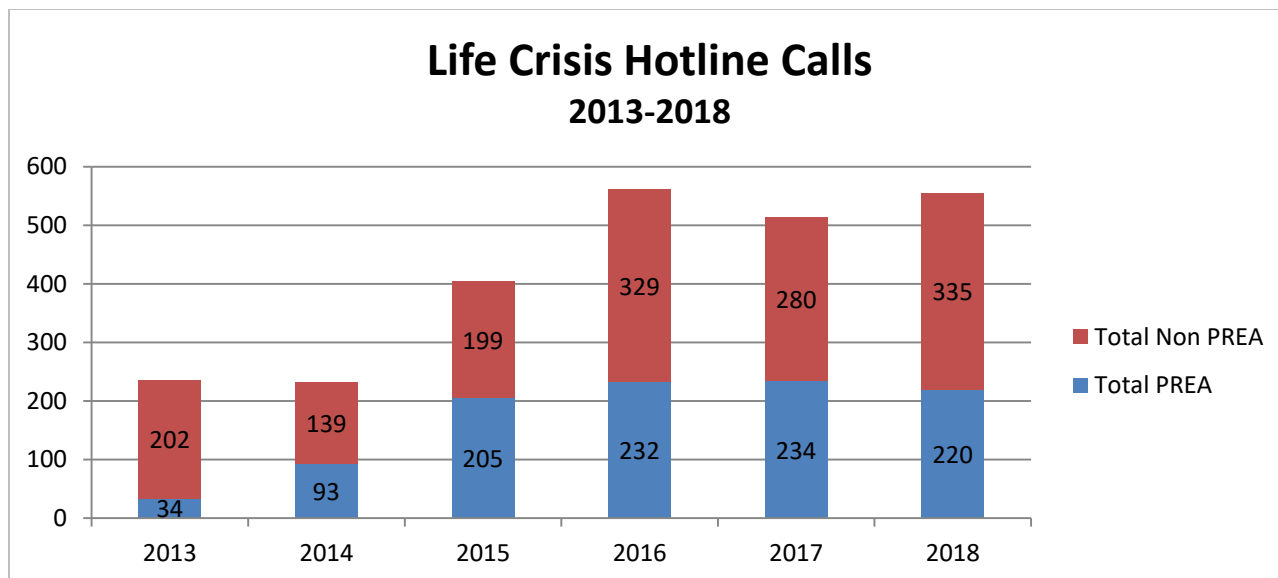
Auditing consortiums, such as the one described, provide several benefits to the members of the group. Such arrangements save the states involved money when trained staff members conduct the audits. The audit process promotes an exchange of ideas and knowledge that normally would not occur. The auditing agreement also provides incentive for a state's auditors to perform actual audits and maintain their PREA auditing certification.

During 2018, auditors from Maryland traveled to Wisconsin performing audits at six facilities. Michigan auditors performed seven audits in Maryland during the 2018 and are scheduled to return 2019 performing another six audits.

Inmate Reporting

PREA standard §115.51 requires that inmates be given a method to report incidents to an entity outside of the agency operating the facility. To provide this service the Department maintains a relationship with the Life Crisis Center. The Center screens recorded calls from inmates by determining if the calls are related to sexual misconduct or if the call pertains to an unrelated matter. Any calls not related to PREA are usually referred back to the originating facility for disposition. Any complaints of sexual misconduct are forwarded to the Intelligence & Investigative Division (IID) for investigation. Many of the calls coming from the Life Crisis Center have already been reported by other means and do not require a separate investigation.

With the exception of 2015 the hotline consistently has received more calls that are unrelated to a PREA complaint than calls that are related. Unrelated calls range from the occasional prank or unidentifiable call to possible tips on criminal activity occurring inside or outside of the correctional facility. Calls that are forwarded to IID are further evaluated to determine if the incident is a repeat notification or if there is any actionable information. In 2018 the hotline calls generated 57 of the 199 (28.6%) PREA complaints reported to IID. The following graphic indicates the number of calls screened by the Life Crisis Center since the inception of the hotline in 2013.



Required Reporting

In §115.88 and §115.89, 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 2017 and 2018, along with a problem and corrective action summary for 2018. This report is being made available on the Department's website (dpscs.maryland.gov/prea/index.shtml) to comply with the public reporting requirements of the Act.

Problem & Corrective Action Summary

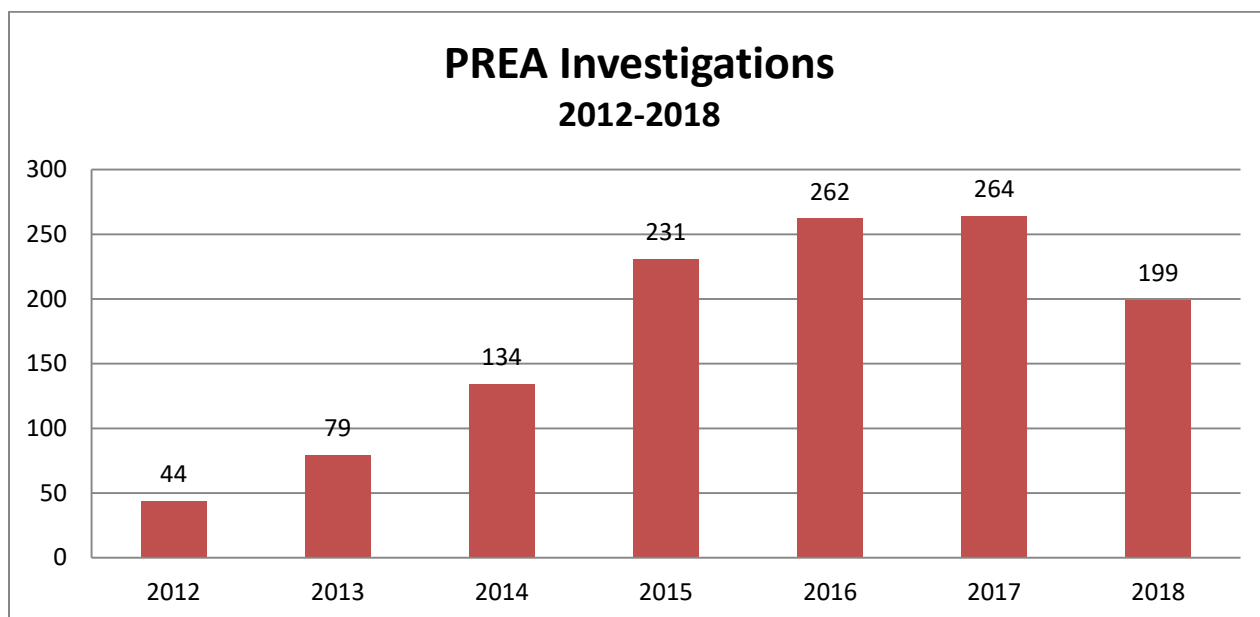
After the final PREA standards for adult prisons and jails were published in 2012 the Department quickly established a formal internal structure to implement PREA at every facility within the agency and make the necessary changes required for full compliance. In 2013, the Department continued its PREA 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. During 2015 through 2018 the department continued to refine its procedures and responses moving toward elimination of sexual violence in its correctional facilities. 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 PREA standards:

- Pre-service and in-service training programs continued to emphasize PREA standards and the Department's commitment to meeting those requirements.
- Two training seminars were conducted to train PREA Compliance Managers and other staff members directly involved in the implementation of PREA within their respective facilities.
- In 2018 the Governor committed Maryland to meeting PREA standards and spending 5% of designated grant funding to implementation of PREA standards.
- By the end of 2017 independent audits of all active Maryland facilities were successfully completed. A second round of audits began during the spring of 2018.
- In August of 2018 the PREA Compliance Office released a comprehensive manual that compiled a single reference containing all directives, regulations, manuals and forms relating to PREA. The manual was designed to be viewed on a computer with links between individual standards and supporting documentation.
- In September of 2018 the Department worked with Maryland Public Television to produce an inmate training video. Filming was completed at three institutions and the finished product will be distributed in 2019.
- The Department maintained its working relationship with the Maryland Coalition Against Sexual Assault sharing grant money with MCASA so it can employ a part time PREA coordinator to help with inmate victim services.

In 2012 to comply with §115.11 of the Act PREA Compliance Managers were assigned to each facility. 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 of sexual misconduct. Summary data for each facility for the calendar years 2017 and 2018 are included in this report. During 2018 the Department continued to encourage reporting by inmates directly to staff and through the telephone hotline. Since 2012, the year PREA standards were published, the Department experienced a continuously increasing number of reported incidents. With increases in reporting of 79%, 70%, and 72% during the years 2013 through 2015 the modest 13% increase in 2016 offered hope that the huge increases in cases to be investigated was beginning to abate. In 2017 number of incidents reported increased by less than 1% with only two additional cases over the previous year. The number of reported incidents fell for the first time during 2018, the most recent reporting year. The overall number of PREA investigations fell for the first time in the six years that data regarding PREA investigations has been collected under the final standards released in 2012. The number of investigations fell by 65 cases from 264 to 199 indicating a 24.6% drop from 2017 to 2018. The following graphic indicates the total number of PREA cases reported during each of the years since the final PREA standards were published in 2012.



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 2017, no reports were found to be substantiated, while in 2018, four cases were substantiated with twenty-one 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 - 2017									
Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Cases	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	19	7	6	0	6	13	6	840	2.26
Baltimore City Correctional Center	1	0	0	0	1	0	1	483	0.21
Baltimore Pre-trial Complex*	1	0	1	0	0	1	0	544	0.18
Brockbridge Correctional Facility	9	6	1	0	2	4	5	608	1.48
Central Maryland Correctional Facility	4	2	1	0	1	1	3	484	0.83
Chesapeake Detention Facility	4	2	1	0	1	2	2	444	0.90
Dorsey Run Correctional Facility	5	4	1	0	0	2	3	802	0.62
Eastern Correctional Institution	65	48	16	0	1	21	44	2763	2.35
Eastern Correctional Institution Annex	1	0	1	0	0	1	0	572	0.17
Eastern Pre-Release Unit	0	0	0	0	0	0	0	173	0.00
Jessup Correctional Institution	15	8	2	0	5	4	11	1473	1.02
Maryland Correctional Institution - Hagerstown	7	0	5	0	2	6	1	899	0.78
Maryland Correctional Institution - Jessup	10	6	1	0	3	4	6	1041	0.96
Maryland Correctional Institution for Women	9	8	0	0	1	1	8	786	1.15
Maryland Correctional Training Center	25	13	11	0	1	12	13	2830	0.88
Maryland Correctional Transportation Unit	1	0	1	0	0	1	0	na	na
Maryland Reception, Diagnostic and Classification Center	6	1	2	0	3	2	4	638	0.94
Metropolitan Transition Center	6	0	4	0	2	4	2	470	1.28
North Branch Correctional Institution	15	6	8	0	1	4	11	1218	1.23
Patuxent Institution	17	14	3	0	0	7	10	800	2.13
Poplar Hill Pre-Release Unit*	1	1	0	0	0	0	1	112	0.89
Roxbury Correctional Institution	18	6	8	0	4	14	4	1756	1.03
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	140	0.00
Threshold	1	1	0	0	0	0	1	30	3.33
Western Correctional Institution	24	13	10	0	1	9	15	1636	1.47
TOTAL	264	146	83	0	35	113	151	21542	1.23
*Facility is now closed									
PREA INCIDENT REPORTS - 2018									
Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Cases	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	7	1	4	0	2	5	2	888	0.79
Baltimore City Correctional Center	4	3	1	0	0	0	4	430	0.93
Brockbridge Correctional Facility	8	6	1	0	1	1	7	497	1.61
Central Maryland Correctional Facility	7	2	4	0	1	3	4	491	1.43
Chesapeake Detention Facility	3	2	1	0	0	1	2	426	0.70
Dorsey Run Correctional Facility	13	11	1	0	1	3	10	814	1.60
Eastern Correctional Institution	31	25	3	3	0	14	17	2657	1.17
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	586	0.00
Eastern Pre-Release Unit	1	1	0	0	0	0	1	167	0.60
Jessup Correctional Institution	22	19	2	0	1	7	15	1839	1.20
Maryland Correctional Institution - Hagerstown	8	4	2	0	2	2	6	628	1.27
Maryland Correctional Institution - Jessup	3	1	2	0	0	3	0	671	0.45
Maryland Correctional Institution for Women	5	4	1	0	0	3	2	759	0.66
Maryland Correctional Training Center	20	9	9	0	2	9	11	2830	0.71
Maryland Correctional Transportation Unit	1	1	0	0	0	0	1	na	na
Maryland Reception, Diagnostic and Classification Center	4	3	1	0	0	3	1	552	0.72
Metropolitan Transition Center	3	2	1	0	0	3	0	703	0.43
North Branch Correctional Institution	17	3	8	0	6	3	14	1214	1.40
Patuxent Institution	14	10	3	1	0	1	13	1059	1.32
Roxbury Correctional Institution	6	3	2	0	1	1	5	1740	0.34
Southern Maryland Pre-Release Unit	1	0	1	0	0	0	1	152	0.66
Threshold	0	0	0	0	0	0	0	30	0.00
Western Correctional Institution	21	11	7	0	3	10	11	1624	1.29
Youth Detention Center	0	0	0	0	0	0	0	33	0.00
TOTAL	199	120	55	4	20	72	127	20790	0.96

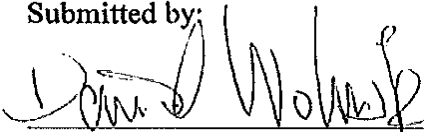
Despite the fact that the inmate population has also fallen, the number of PREA investigations has declined below one investigation per every 100 inmates. Fourteen facilities reported a decline in their reporting rate with three facilities (Eastern Correctional Institution-Annex, Threshold and YDC) reporting zero investigations. In 2017 four facilities had a reporting rate above two incidents per one hundred inmates. In 2018 there were no facilities that exceeded two incidents per one hundred inmates. PREA complaints against fellow inmates and staff members have fallen by 36.3% and 15.9%, respectively.

The Future

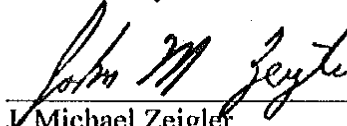
It is the Department's intent to have each of its facilities meet or exceed all PREA standards while, more importantly, reducing incidents of sexual misconduct. Since the standards were finalized in 2012, significant strides have been made in that direction and the following goals have been established for 2018 and beyond:

- Complete contracts and agreements with outside victim advocacy organizations to provide services for inmate victims.
- Continue participation in an interstate auditing agreement or procure auditing services to complete audits in sync with the PREA audit cycle that begins on August 20th of each year.
- Produce distribute an inmate education video with information that is unique to Maryland correctional facilities.
- Encourage and support additional staff members to become certified PREA auditors to provide additional internal resources.

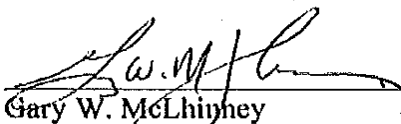
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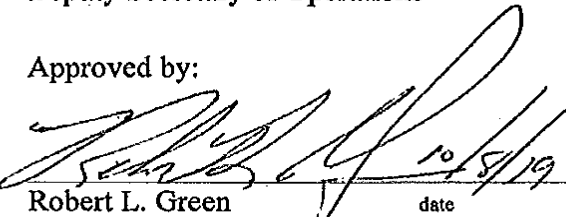
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