



Department of Public Safety and Correctional Services

Office of the Secretary

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June 24, 2014

The Honorable Gregg L. Hershberger
Department of Public Safety &
Correctional Services
300 E. Joppa Road, Suite 1000
Towson, Maryland 21286

Re: PREA Report

Dear Secretary Hershberger:

Attached you will find the annual report required under §115.88 of the Prison Rape Elimination Act of 2003. The Act requires that the report include facility data relating to reported incidents of sexual abuse, the identification of problem areas, and the agency's response to those problems. With your approval, the agency must make the report readily available to the public on the agency's website.

Please contact me if you have any questions or concerns. Once you have indicated your approval and returned this letter to me, the report will be posted on the Department's PREA webpage. Your attention to this matter is greatly appreciated.

Respectfully submitted,

Rhea Harris
Chief of Staff/
PREA Coordinator

Approved:

Gregg L. Hershberger
Secretary

6/25/14
Date

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

2013



PREA Background

Since 2003, when President Bush signed PREA into law, the United States Department of Justice (DOJ) has been working 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 the Department’s Chief of Staff 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.

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 2012 and 2013, along with a problem and corrective action summary for 2013. 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 the 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. 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:

- Agency-wide policy committing the Department to a zero-tolerance approach to sexual violence and misconduct was found to be in need of significant revision. Two new policies were developed regarding inmate and staff sexual misconduct. These two new policies have become the cornerstone of the Department's approach to eliminating sexual violence. These policies address such issues as staff responsibility, complaint processing, investigation, and sanctions.
- Training curriculum was reviewed and revised to meet the requirements set forth in §115.31 of the PREA regulations.
- Intake screening for risk of sexual victimization or abusiveness was not in place in 2013. A team was formed to develop the screening tool and the associated procedures for its use.
- Mechanisms for inmate reporting of sexual assault and misconduct were found to be lacking. The Department implemented a recorded hotline available to every inmate with printed instructions at every telephone bank in each facility. A contract was executed with a local victim advocacy organization to provide call screening services.
- The Department's directive regarding the investigation of sex-related incidents was revised to meet all related PREA standards.
- To help respond to the complexities of PREA compliance the Department selected three staff members to attend PREA training and become certified auditors.
- The Department had no comprehensive policy for the collection and analysis of PREA related data. New policy was drafted and approved to meet the PREA standards.

A PREA Compliance Manager was assigned to each facility during 2012. Under the direction of the individual compliance managers the facilities began to develop new procedures and evaluate their institutions for compliance with the new PREA standards. In addition to preparing their facilities to comply with PREA standards Compliance Managers reported the following actions specific to their individual facilities:

- Patuxent Institution repaired or replaced forty-eight surveillance cameras in 2013.
- The Maryland Correctional Institution – Hagerstown screened its current inmate population for risk of sexual victimization and offered counseling services to those inmates.

Reporting Data

To meet the reporting requirement of PREA standard §115.88, the Department assigned its Internal Investigations Unit to maintain detailed records regarding all reported incidents. Summary data for each facility for the calendar years 2012 and 2013 are included in this report. During 2013 the Department took several steps to encourage reporting directly to staff and through a telephone hotline. It was fully expected that the number of reported incidents would rise from 2012 to 2013. The number incidents reported events increased by 75% from 44 in 2012 to 79 in 2013.

Each reported incident is referred to the Department's Internal Investigations Unit (IIU). 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 IIU 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 a few 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 2012, six reports were found to be substantiated, while in 2013, only one case has been substantiated. It should be noted that there are nine reports in 2013 that are still awaiting disposition. 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 - 2012

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	1	0	1	0	0	1	0	923	0.11
Baltimore City Correctional Center	0	0	0	0	0	0	0	494	0.00
Baltimore City Detention Center	4	1	0	2	1	2	2	2397	0.17
Baltimore Pre-Release Unit	2	0	0	2	0	0	2	190	1.05
Brockbridge Correctional Facility	0	0	0	0	0	0	0	635	0.00
Central Maryland Correctional Facility	0	0	0	0	0	0	0	492	0.00
Chesapeake Detention Facility	1	0	0	1	0	0	1	451	0.22
Eastern Correctional Institution	4	1	3	0	0	3	1	2695	0.15
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	595	0.00
Eastern Pre-Release Unit	0	0	0	0	0	0	0	170	0.00
Jessup Correctional Institution	3	2	0	0	1	2	1	1715	0.17
Maryland Correctional Institution - Hagerstown	4	1	3	0	0	4	0	2050	0.20
Maryland Correctional Institution - Jessup	1	1	0	0	0	1	0	1042	0.10
Maryland Correctional Institution for Women	1	1	0	0	0	0	1	828	0.12
Maryland Correctional Training Center	1	0	1	0	0	0	1	698	0.14
Maryland Reception, Diagnostic and Classification Center	0	0	0	0	0	0	0	2730	0.00
Metropolitan Transition Center	2	0	2	0	0	1	1	698	0.29
North Branch Correctional Institution	4	3	1	0	0	2	2	1461	0.27
Patuxent Institution	3	3	0	0	0	0	3	953	0.31
Poplar Hill Pre-Release Unit	0	0	0	0	0	0	0	174	0.00
Roxbury Correctional Institution	7	2	4	1	0	6	1	1701	0.41
Southern Maryland Pre-Release Unit	1	0	1	0	0	1	0	169	0.59
Threshold	0	0	0	0	0	0	0	31	0.00
Western Correctional Institution	5	0	5	0	0	4	1	1678	0.30
TOTALS	44	15	21	6	2	27	17	24970	0.18

PREA INCIDENT REPORTS - 2013

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	4	1	1	1	1	4	0	925	0.43
Baltimore City Correctional Center	1	1	0	0	0	1	0	491	0.20
Baltimore City Detention Center	12	7	3	0	2	7	5	2580	0.47
Baltimore Pre-Release Unit	0	0	0	0	0	0	0	156	0.00
Brockbridge Correctional Facility	0	0	0	0	0	0	0	392	0.00
Central Maryland Correctional Facility	2	1	0	0	1	1	1	460	0.43
Chesapeake Detention Facility	1	1	0	0	0	1	0	413	0.24
Eastern Correctional Institution	13	2	10	0	1	11	2	2667	0.49
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	585	0.00
Eastern Pre-Release Unit	0	0	0	0	0	0	0	160	0.00
Jessup Correctional Institution	4	2	2	0	0	1	3	1736	0.23
Maryland Correctional Institution - Hagerstown	1	0	1	0	0	0	1	1982	0.05
Maryland Correctional Institution - Jessup	4	2	1	0	1	1	3	1044	0.38
Maryland Correctional Institution for Women	5	2	2	0	1	1	4	757	0.66
Maryland Correctional Training Center	3	1	2	0	0	2	1	2497	0.12
Maryland Reception, Diagnostic and Classification Center	2	1	1	0	0	2	0	722	0.28
Metropolitan Transition Center	3	2	1	0	0	2	1	607	0.49
North Branch Correctional Institution	3	2	1	0	0	3	0	1424	0.21
Patuxent Institution	5	3	1	0	1	1	4	949	0.53
Poplar Hill Pre-Release Unit	1	0	1	0	0	1	0	133	0.75
Roxbury Correctional Institution	3	0	3	0	0	2	1	1677	0.18
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	166	0.00
Threshold	0	0	0	0	0	0	0	29	0.00
Western Correctional Institution	12	1	10	0	1	11	1	1653	0.73
TOTALS	79	29	40	1	9	52	27	24205	0.33

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 2014.

- All policies and procedures will be revised to comply with PREA standards.
- All facilities will begin screening new inmates for risk of sex abuse and their risk for sexual abusiveness.
- Contracts and agreements will be completed with outside victim advocacy organizations to provide services for inmate victims.
- The Office of the Inspector General will oversee internal "practice" audits using trained auditors to determine the Department's readiness for actual inspections by independent auditors.
- Renovations of a correctional facility for youthful offenders will begin.
- As required by PREA, one-third of the Department's facilities will undergo formal audits with the results being reported to the United States Department of Justice.