

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

2021



**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**

Introduction

Section 115.88 and §115.89 of 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 2020 and 2021, along with a problem and corrective action summary for 2021. This report will be available on the Department's website (dpscs.maryland.gov/prea/index.shtml) to comply with the public reporting requirements of the Act.

PREA Background

Beginning in 2003, President Bush signed the Prison Rape Elimination Act (PREA) into law, and 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 impacted 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 of Public Safety and Correctional Services 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 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.

Audits

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 the first year of a three-year cycle and another seven were

selected in the second year. In November 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. In 2018 and 2019, audits were conducted by auditors from Michigan and Pennsylvania continuing the interstate auditing agreement. In 2020 and 2021 the Department hired 3-D PREA Auditing & Consulting, LCC to conduct eight audits and another five audits, respectively. 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
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* (closed in 2018)
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 (closed in 2020)

2019

Baltimore Central Booking and Intake Center*
Dorsey Run Correctional Facility*
Eastern Pre-Release Unit* (closed in 2020)
Southern Maryland Pre-Release Unit* (closed in 2020)
Maryland Reception, Diagnostic, and Classification Center*
Patuxent Institution*
Metropolitan Transition Center*
Youth Detention Center*

2020

Chesapeake Detention Facility
Baltimore Central Booking and Intake Center
Eastern Correctional Institution, including Annex
Maryland Correctional Training Center*
Maryland Correctional Institution for Women
North Branch Correctional Institution
Roxbury Correctional Institution*
Western Correctional Institution*

2021

Baltimore City Correctional Center*
Central Maryland Correctional Center*
Jessup Correctional Institution*
Maryland Correctional Institution – Hagerstown
Maryland Correctional Institution – Jessup

*Corrective action plan required – The corrective action plan is an opportunity for a facility to correct any deficiencies noted by PREA auditors. Facilities may take up to 180 days to correct these problems. At the conclusion of the corrective action period, the facility will receive a fully compliant audit report if the facility meets all requirements of the corrective action plan. The PREA Auditor’s Handbook states:

While corrective action may be perceived as failure by confinement facilities and agencies seeking PREA compliance, DOJ views corrective action as an opportunity to enhance safety and promote a zero tolerance culture for sexual abuse and sexual harassment. In fact, the PREA audit was built on the assumption that full compliance with every discrete provision would, in most cases, require corrective action.

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 was then obligated to perform an audit for another state within the group. The State performing the audit paid the costs of travel for its own staff members. 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.

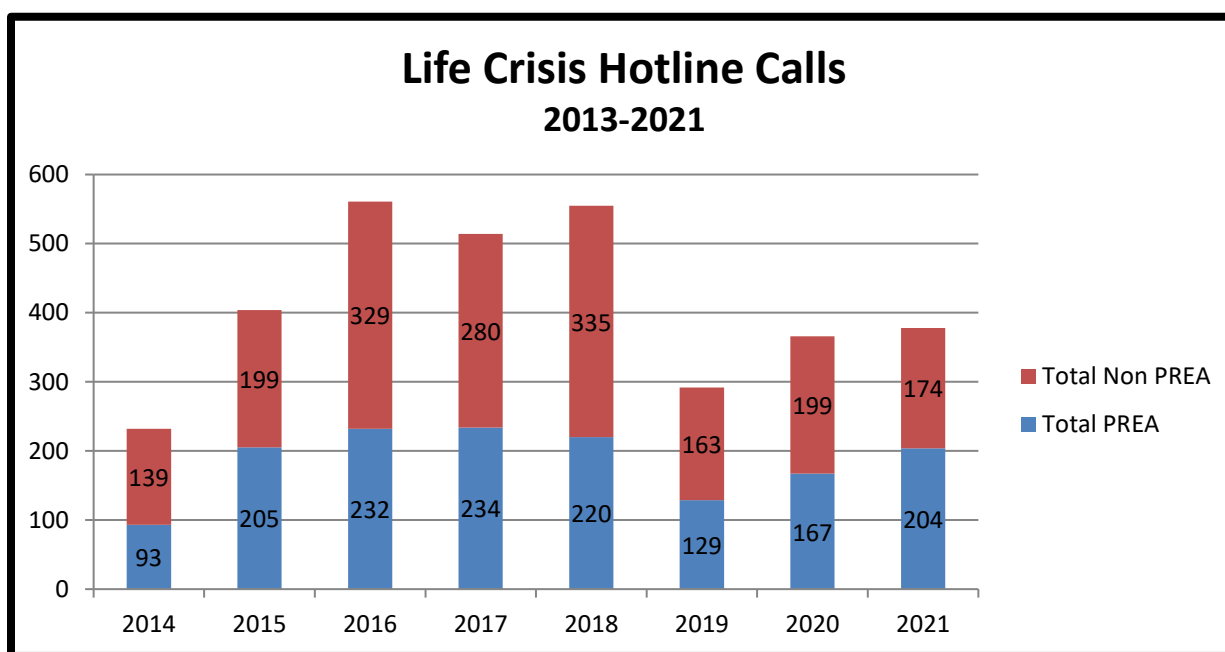
During 2018, auditors from Maryland traveled to Wisconsin to perform audits at six facilities. Michigan auditors performed seven audits in Maryland during 2018 and performed another six audits in 2019. Maryland auditors completed its auditing obligations in spring 2019. At the conclusion of the three-year auditing agreement, one member elected to withdraw from the consortium making it impossible for the remaining members to devise a workable schedule. The consortium dissolved in June 2019.

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 to determine if the calls are related to sexual misconduct or if the call pertains to an unrelated matter. Any calls not related to PREA are typically referred back to the originating facility for disposition. Any complaints of sexual misconduct are forwarded to the Department’s Intelligence &

Investigative Division (IID) for investigation. 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.

With the exception of 2015 and 2021 the hotline has consistently 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 2021, the hotline calls generated 22 of the 135 (16.3%) 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. Many of the calls coming from the Life Crisis Center have been reported by other means and did not require a separate investigation.



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. Throughout 2015 to 2021 the department has 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:

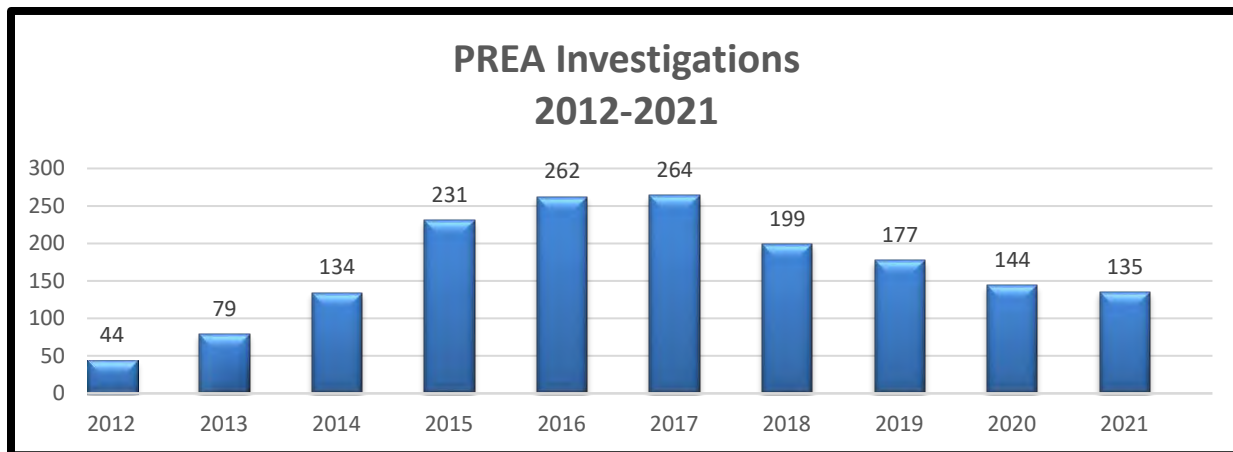
- Pre-service and in-service training programs continued to emphasize PREA standards and the Department's commitment to meeting those requirements.
- By the end of 2021 independent audits of all active Maryland facilities were successfully completed with many facilities completing their third PREA audit.
- 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.
- The Department's PREA Office distributed additional security mirrors to three facilities at the request of PREA auditors.
- Audiovisual equipment was purchased for one facility to improve inmate education efforts.
- Two facilities received computers and/or related technical equipment to help manage PREA information.
- Every facility received additional posters and written materials developed for both inmate and staff education.
- Five facilities received various products that enhance inmate privacy without sacrificing security requirements.

In 2012, 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 and experienced staff for the facility managers and any other interested employees.

Reporting Data

To meet the reporting requirement of PREA standard §115.88, the Department assigned IID to maintain detailed records regarding all reported incidents of sexual misconduct. Summary data for each facility for calendar years 2020 and 2021 are included in this report. During 2021, the Department continued to encourage reporting by inmates directly to staff and through the telephone hotline. Between 2012, the year PREA standards were published, and 2017 the Department experienced an 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 and continued to fall in 2019 through 2021. The overall number of PREA investigations fell for the fourth year

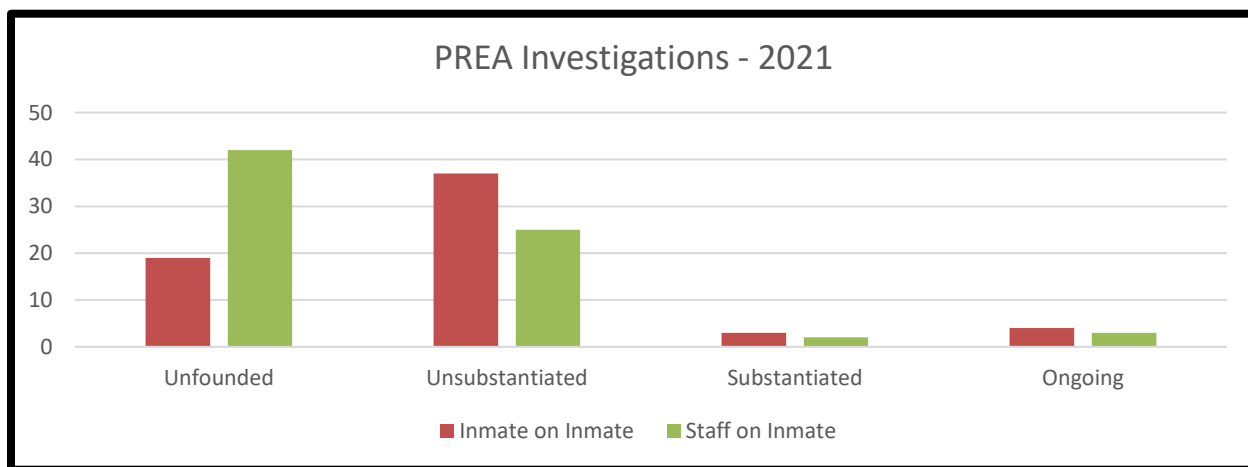
in a row to its lowest level since 2014. The number of investigations dropped by 129 cases from 264 to 135 indicating a 49% decrease between 2017 and 2021. The following graphic indicates the total number of PREA cases reported and investigated during each of the years since the final PREA standards were published in 2012.



All reported incidents are investigated and receive one of three dispositions. Those dispositions are:

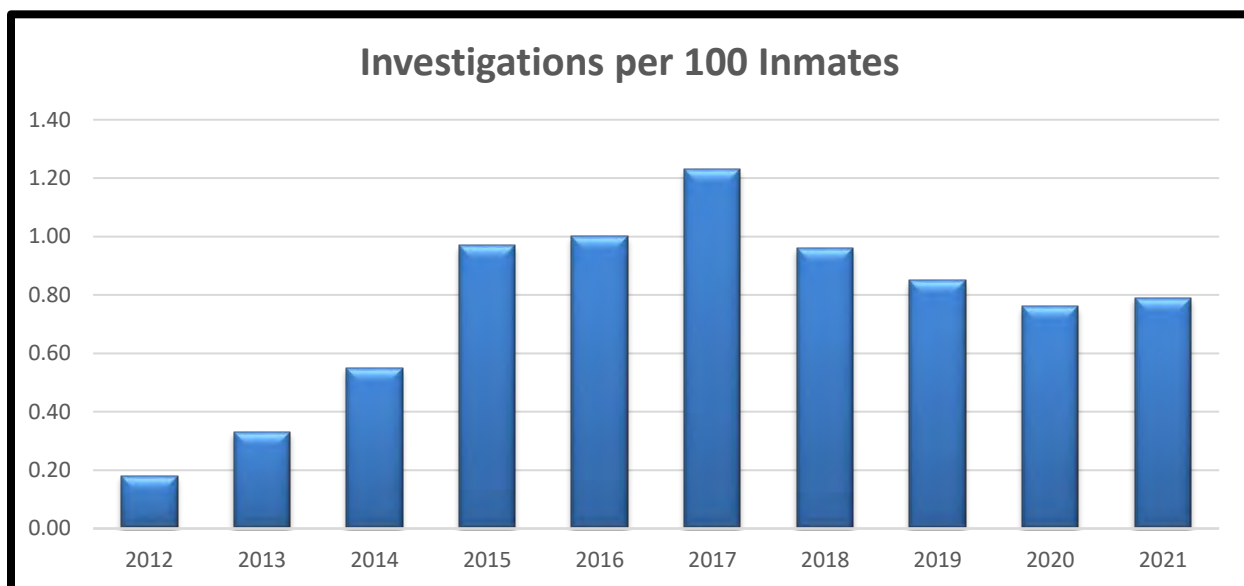
- *Unfounded* meaning that the incident was investigated and determined not to have occurred.
- *Unsubstantiated* meaning that the incident was investigated and the investigation could not determine whether or not the event actually occurred.
- *Substantiated* meaning the incident was investigated and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

In some cases, the investigations have not yet been completed and those reports have been indicated accordingly. The following chart summarizes the disposition of investigations reported in 2021:



The Department of Public Safety & Correctional Services collects data associated with each of its facilities and summarizes that information for this annual report. In 2020, five cases were substantiated with eight investigations to be completed. In 2021, five cases were also substantiated with seven cases still under investigation at the time of this report. 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.

The number of PREA investigations per 100 inmates was 0.79 investigations per 100 inmates. Eight facilities reported a decline in their reporting rate with one facility reporting zero investigations. In 2020, five facilities had a reporting rate above one investigation per one hundred inmates. In 2021, that number remained the same. PREA complaints against fellow inmates fell by eighteen allegations in 2021, but allegations against staff members rose by nine cases.



Governor's Certification

The United States Department of Justice strictly monitors the progress of each State towards full compliance with the Prison Rape Elimination Act. Failure to report full compliance with the Act results in a 5% penalty against certain grant funding that normally would have been awarded to the State. If the Governor of a State signs a letter assuring that the State is working towards full compliance the 5% penalty can be diverted into those efforts. In 2021, Governor Larry Hogan signed a Governor's Certification indicating that facilities under the operational control of the State's executive branch were fully compliant with all PREA standards. This accomplishment enabled Maryland to avoid the penalty on its grant funding.

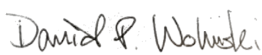
CY 2021 PREA Allegation Breakdowns	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Cases	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	12	5	5	0	2	8	4	961	1.25
Baltimore City Correctional Center	2	1	1	0	0	2	0	330	0.61
Chesapeake Detention Facility	1	0	1	0	0	0	1	380	0.26
Central Maryland Correctional Facility	1	1	0	0	0	0	1	230	0.43
Dorsey Run Correctional Facility	3	2	0	0	1	1	2	717	0.42
Eastern Correctional Institution	12	6	6	0	0	3	9	2224	0.54
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	496	0.00
Jessup Correctional Institution	17	10	6	0	1	5	12	1652	1.03
Maryland Correctional Institution - Hagerstown	9	3	3	3	0	5	4	964	0.93
Maryland Correctional Institution - Jessup	6	1	4	0	1	2	4	686	0.87
Maryland Correctional Institution for Women	10	2	6	2	0	4	6	479	2.09
Maryland Correctional Training Center	15	4	9	0	2	9	6	1991	0.75
Maryland Reception, Diagnostic and Classification Center	5	4	1	0	0	4	1	594	0.84
Metropolitan Transition Center	2	1	1	0	0	2	0	619	0.32
North Branch Correctional Institution	12	6	6	0	0	2	10	1070	1.12
Patuxent Institution	6	4	2	0	0	1	5	617	0.97
Roxbury Correctional Institution	9	3	6	0	0	6	3	1475	0.61
Western Correctional Institution	11	7	4	0	0	7	4	1534	0.72
Youth Detention Center	2	1	1	0	0	2	0	55	3.64
TOTAL	135	61	62	5	7	63	72	17074	0.79
CY 2020 PREA Allegation Breakdowns	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	10	3	6	0	1	8	2	765	1.31
Baltimore City Correctional Center	1	1	0	0	0	0	1	340	0.29
Brockbridge Correctional Facility	0	0	0	0	0	0	0	0	na
Baltimore Pretrial Facility - Jessup	5	4	0	0	1	2	3	368	1.36
Chesapeake Detention Facility	1	0	1	0	0	1	0	365	0.27
Central Maryland Correctional Facility	3	2	1	0	0	1	2	380	0.79
Dorsey Run Correctional Facility	0	0	0	0	0	0	0	778	0.00
Eastern Correctional Institution	17	5	10	2	0	8	9	2572	0.66
Eastern Correctional Institution Annex	1	0	1	0	0	1	0	484	0.21
Eastern Pre-Release Unit	0	0	0	0	0	0	0	161	0.00
Jessup Correctional Institution	8	4	4	0	0	2	6	1613	0.50
Maryland Correctional Institution - Hagerstown	2	1	1	0	0	0	2	724	0.28
Maryland Correctional Institution - Jessup	5	2	2	1	0	2	3	729	0.69
Maryland Correctional Institution for Women	8	2	6	0	0	4	4	596	1.34
Maryland Correctional Training Center	21	3	16	0	2	15	6	2536	0.83
Maryland Correctional Transportation Unit	0	0	0	0	0	0	0	0	na
Maryland Reception, Diagnostic and Classification Center	4	3	1	0	0	2	2	422	0.95
Metropolitan Transition Center	1	1	0	0	0	0	1	720	0.14
North Branch Correctional Institution	21	11	6	2	2	10	11	1228	1.71
Patuxent Institution	7	6	1	0	0	3	4	772	0.91
Roxbury Correctional Institution	14	2	10	0	2	12	2	1673	0.84
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	113	0.00
Threshold	0	0	0	0	0	0	0	0	na
Western Correctional Institution	13	3	10	0	0	9	4	1557	0.83
Youth Detention Center	2	1	1	0	0	1	1	47	4.26
TOTAL	144	54	77	5	8	81	63	18943	0.76

The Future

The Department is committed to having each of its facilities meet or exceed all PREA standards while reducing incidents of sexual misconduct. Since the finalization of the standards in 2012, significant strides have been made in that direction and the following goals have been established for 2022 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.
- Encourage and support additional staff members to become certified PREA auditors to provide additional internal resources.
- Develop targeted training for staff members, supervisors and managers related to PREA responsibilities.
- Maintain full PREA compliance allowing the Governor to certify statewide compliance.

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