



## Montgomery County Department of Correction and Rehabilitation Detention Services Division 2016 PREA Annual Report §115.88

### **PREA Background:**

The Prison Rape Elimination Act (PREA) was established in 2003 to address sexual abuse and sexual harassment of persons in the custody of U.S. correctional institutions. On August 20, 2012, the PREA standards for jails and prisons final rule became effective. Included in these provisions of PREA are the development of standards for the detection, prevention, reduction and punishment of sexual abuse and sexual harassment in confinement settings.

The Montgomery County Department of Correction and Rehabilitation (MCDOCR) has long embraced the principles associated with PREA. Since 2005 the MCDOCR has actively taken steps to educate and train staff, contractors and volunteers on prohibited contact and inappropriate relationships with persons under our custody. By complying with the PREA standards for jails and prisons, the MCDOCR demonstrates a continuing commitment to **Zero Tolerance** of sexual abuse in confinement settings.

The Prison Rape Elimination Act mandates that each facility collect and review data to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policy, practices, and training.

This review's intention is to:

- Identify problem areas and corrective action taken by the Department on an ongoing basis for each facility and agency;
- Compare the current year's data and corrective actions with those from prior years
- Assess the agency's progress in addressing sexual abuse. (Standard 115.88 a and b.)

This information in this report is reflective for calendar year 2016

### **PREA COMPLIANCE ACTIVITIES:**

The MCDOCR continues to maintain compliance with the standards over the past year in addressing sexual abuse by conducting self-evaluations and the effectiveness of monitoring technology such as upgrading the camera system at both facilities and

staffing patterns in all areas. Department and Division policies and protocols have been reviewed and approved so that we can continue to better educate and guide our staff and offenders on how to deal with and handle any sexual assault or abuse allegations. Offenders continue to be notified during the admissions process of our Departments zero tolerance policy of sexual abuse and the different ways available to them to report such abuse through posters, brochures and interviews with admission staff. This includes Custody and Security Staff along with mental health and medical staff. With the full cooperation and the support services of the Montgomery County Police and the Montgomery County Department of Health and Human Services Victim Assistance and Sexual Assault Program (VASAP), staff has been able to further their education regarding the detection and prevention of sexual abuse as well as preserving evidence and conducting investigations.

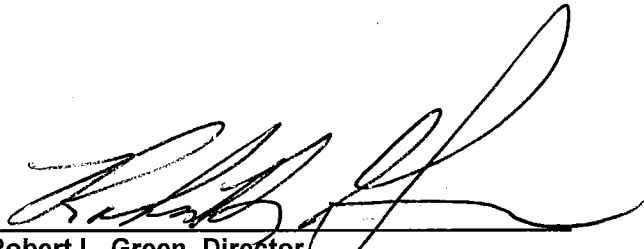
### **ANALYSIS:**

- Our Department continues to hire and utilize staff, support staff, contractors and volunteers, and we ensure that a comprehensive criminal background investigative tool is used to ensure compliance with the PREA standards and hiring practices.
- A secure PREA allegation data base has been refined and is used by investigators that is accessible only to the PREA Coordinator and the PREA Managers.
- The County's Department of Risk Management in conjunction with the Department of Correction and Rehabilitation's Fiscal Services and Budget section are in the planning stages to map out the MCCF camera locations, evaluate their areas of coverage, and are looking to identify any potential blind spots where security would be enhanced if a camera was installed to cover these areas. An MCDCC camera review will be conducted at a future date.
- Due to an increasing number of allegations received of staff on inmate sexual abuse when it comes to pat/frisk searches, the Custody and Security team have put in place a case-by-case review process. This is an effort to better detect and deter possible sexual abuse on an inmate by a staff member as well as to separate the PREA allegations from the good correctional practice of maintaining security in a confinement setting.
- The Department has created a Captains position as the Department's Internal investigator. This position was frozen in the past due to budget restrictions, with the anticipation of this position being filled by the end of the year, it will help to further our Department's efforts to better detect and deter sexual assaults and/or abuse in our facilities.
- The Warden and MCCF Accreditation Manager attended a Sexual Assault Response Team meeting in September and are now active members of that team. The team includes representatives from many community resources and advocate groups as well as Law Enforcement personnel. They include:
  - MCPD Sex Assault Unit, Child Abuse Unit, and Pedophile Unit, DNA Lab, MCPD Forensic Services Section
  - Montgomery County Sheriff's Office
  - Montgomery County Family Justice Center

- Montgomery County State's Attorney's Office: Special Victim's Division
  - Sexual Assault Legal Institute
  - Montgomery County Tree House
  - Montgomery County Criminal Justice Coordinating Commission
  - Montgomery County Health and Human Services: Adult Protective Services, Victim's Assistance and Sexual Assault Program, Child Welfare Services
  - Montgomery County Park Police
  - Metro Transit Police
  - Shady Grove Hospital Sexual Assault Forensic Examination Program
  - Montgomery County Department of Correction and Rehabilitation
  - Takoma Park Police Department
  - Maryland State Department of Parole and Probation
  - Montgomery County Pre-Trial Services
  - Montgomery College Title IX Coordinator
  - US Military Victim's Assistance Program
- Through this group, the Department will work with other agencies to not only bring outside services and programs to the victims in our facilities but also explore the potential of bringing services and programs to the alleged perpetrators as well. Even if the sexual assault did not occur while in custody in any confinement facility, we believe that we should reach out to this population and offer treatment to them that would then continue to occur in the community when they are released. This is just one way to address this issue.

**TRAINING:**

- Required PREA training modules have been in place and continue annually to be provided to all MCDOCR employees, contractors and volunteers to include Custody and Security, Medical and Mental Health and support staff. This is an annual requirement for our Department.
- Several staff members from the training section, accreditation office, Inmate Services section and the Human Resources office attended a one day State training class by the Moss Group on the LGBTI population. The information from this class will be incorporated into future PREA training classes for all staff, contractors and volunteers. It will address concerns that both the offender may have as well as concerns that staff may have when interacting with this population.

  
 Robert L. Green, Director  
 Montgomery County DOGB

January 31, 2017  
 Date





## PREA SURVEY OF SEXUAL VIOLENCE

Other:													
Reported – Victim refused to cooperate													
Perpetrator Unknown If an inmate or staff			1 – Abuse	1 – Abuse						1 – Abuse			3
Number Reported													
Substantiated													
Unsubstantiated													
Unfounded			1	1									2
Under investigation										1			1

### COMMENTS:

\*\* Assume fields where no data is entered that no reports have been received.

### INMATE ON INMATE SEXUAL VIOLENCE

The categories of inmate on inmate SEXUAL VIOLENCE are:

**Nonconsensual Sexual Acts:** Contact of any person without his or her consent, or of a person who is unable to consent or refuse

**AND**

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;
- OR**
- Contact between the mouth and the penis, vagina, or anus;
- OR**
- Penetration of the anal or genital opening of another person however slight by a hand, finger, other instrument or object.

**Abusive Sexual Contacts: (less severe)** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person
- Exclude incidents in which the contact was incidental to a physical altercation.

**Sexual Harassment by Another Inmate:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another

### OTHER DEFINITIONS:

- **Substantiated** – The event was investigated and determined to have occurred
- **Unsubstantiated** – Evidence was insufficient to make a final determination that the event occurred.
- **Unfounded** – The event was determined NOT to have occurred.

**Investigation Ongoing** – A final determination has not yet been made



## **STAFF SEXUAL MISCONDUCT AND HARASSMENT**

**Staff Sexual Misconduct:** Any behavior or act of a sexual nature directed towards an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
- OR
- Completed, attempted, threatened, or requested sexual acts;
- OR
- Occurrences of incident exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or sexual gratification

**Staff Sexual Harassment:** Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends, or other visitors). Include:

- Demeaning references to gender or sexually suggestive derogatory comments about body or clothing;
- OR
- Repeated profane or obscene language or gestures

### **Gender Categories:**

**Transgender** – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth

**Intersex** – A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female