



Montgomery County Department of Correction and Rehabilitation Detention Services Division **2020 PREA Annual Report** §115.88



PREA Background:

Since the passage of the Prison Rape Elimination Act in 2003, and through the adoption of PREA National Standards in August 2012, the Montgomery County Department of Correction and Rehabilitation has maintained a strong commitment to a Zero Tolerance policy for sexual abuse and sexual harassment. Included in the provisions of PREA are the development of standards for the detection, prevention, reduction and punishment of sexual abuse and sexual harassment in confinement settings.

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 and supervision.

This is the MCDOCR's 6th annual report of data collected and aggregated pursuant to Prison Rape Elimination Act (PREA) Standard 115.88. The purpose of this report is to assess and improve the effectiveness of the agency's sexual abuse prevention, detection, and response policies, practices, and training. The facilities included in this report are the Montgomery County Detention Center and the Montgomery County Correctional Facility.

TRAINING:

All authorized personnel who have access to inmates within the facility are provided training, education and information on inmate-on-inmate sexual abuse and harassment and staff-on-inmate sexual abuse and harassment. Training and education serve as critical components of the Montgomery County Department of Correction and Rehabilitation efforts to prevent sexual violence. Staff assigned to all our facilities have participated in the comprehensive PREA training that has been a key element in the Departments mission to provide the best possible environment for detainees/inmates, and staff. The MCDOCR also continues to exceed the PREA standards by providing each employee, contractor and volunteer with refresher training annually and as needed to ensure that they all know and understand the MCDOCR's current sexual abuse and sexual harassment policies and procedures. Everyone who works within our agency receives training on the signs and symptoms of inmate sexual abuse and how to report allegations of abuse.

At MCDOCR, all Lieutenants and Captains, as part of their responsibilities, are trained as PREA investigators. As in years past there have been several retirements and promotions through these ranks. As a result, newly appointed Lieutenants have been

provided with the PREA investigator information offered from the National Institutes of Corrections web site on the training specific to PREA investigators.

INMATE PREVENTION, INTERVENTION AND REPORTING METHODS:

The MCDOCR takes the safety of its inmates, residents and staff very seriously. Everyone who works within our Department receives training on how to report allegations of abuse and/or harassment. Inmates have numerous methods to report sexual assault/abuse, harassment and retaliation. They include:

- Telling any staff member (Nurse, Therapist, Case Manager, Correctional Officer or any Supervisor, Volunteer, or Contractor)
- Inmate request slip or note
- Inmate Grievance Form
- Letter or note to the Captain
- Letter or note to the facility PREA Compliance Manager
- Letter or note to the Department PREA Coordinator
- Letter or note to the Chaplain
- Calling the internal Department PREA Hotline from any inmate telephone
- Calling the external PREA Hotline from any inmate telephone
- Staff and the public may call the external PREA Hotline

To address the prevention and intervention of possible sexual assault and/or harassment within MCDOCR, an initial inmate assessment is conducted during the intake and admission process. This is to help determine if the newly arrested inmate is a current or potential victim of sexual assault or battery or if they show tendencies of acting out with sexually aggressive behavior. During the objective jail classification assessment, specific criteria is used to help identify an inmate who may have a history of sexual assault or abusive behavior and/or of being sexually victimized. All inmates/residents also receive education on the Departments' Zero-Tolerance policy during intake and admission. Additionally, PREA information is available in the inmate handbook.

After assignment to a housing pod, education for inmates continues through signage throughout the facility and through a pre-recorded message on the inmate phone system. An orientation video is shown daily in the pre-placement pods. It is also during this time or when the inmate meets with their Case Manager for orientation that the inmates are provided with the inmate guidebook. Procedures for reporting attempts of sexual abuse or harassment and incidents of sexual assault or battery are outlined, and information on how to access available support services as well as self-protection and prevention techniques are included. Details on a toll-free Hotline phone number are part

of the video and materials. That information is also posted prominently throughout the facility. Inmates can contact the hotline from any inmate phone.

MCDOCR has partnered with the County's Victim Assistance and Sexual Assault Program (VASAP) which has secured grant funding for a part time therapist who provides victim services exclusively to the inmate population at MCCF. If an inmate requires or requests these services while at MCDCC, they will be transferred to the MCCF. This certified and licensed position also provides staff trainings and inmate group support services related to PREA related topics.

PREA Disposition Types:

It should be noted that consensual sexual activity between inmates does not qualify as a PREA incident although it is against MCDOCR policy and may lead to disciplinary action. The Department PREA protocols would be followed until a determination of consent has been made. The PREA Standards provide definitions that guide the MCDOCR in determining the outcome of allegations investigated.

Those disposition types and their definitions are listed below after the Survey of Sexual Violence.

MCDOCR STATISTICS:

The findings from all investigations of reports received on inmate-on-inmate sexual abuse or harassment or all reports received on authorized personnel sexual abuse or harassment towards inmates are compiled monthly. These statistics help us to determine if MCDOCR can better detect, prevent and deter sexual violence within our facilities. This information also is reported to the U.S. Department of Justice on an annual basis.

INCIDENT REVIEWS:

The vast majority of allegations were a result of two scenarios:

1. Inmate allegations made against a fellow inmate perceived from incompatibility together and seeking housing assignment changes.
2. Lack of inmate understanding of staff responsibilities and processes contributed to conflicts and allegations against staff.

Overall, the Department noted less PREA incidents and allegations during this 2020 year in comparison to prior years. Coupled with greater staff supervision and

management of smaller groups of inmates out at a time, this is attributed to the sense of security and health pre-cautions with most inmates finding stability with existing cellmates and being hesitant to move with an unknown cellmate. Despite this, a significant portion of PREA allegations between cellmates were perceived as manipulation for housing assignment changes and related to increased time within housing cells together due to COVID restrictions and modified operations. Staff continued responsive adjustments to support appropriate housing assignments and changes as possible. Additional education for staff and inmates on effective communication could prove beneficial and improve cohesive interactions and less conflicts related to misunderstandings.

ANALYSIS:

1. Facility circumstances changed significantly under modified operations related to COVID healthy safety measures to safely separate and manage the custodial facility population. Housing assignments and changes were regimented based on cohorts with dates of admittance. Inmate movement within the facility and outside of housing pods was reduced to what was minimally necessary and not possible within the housing pod. Recreation schedules within the housing pods were adjusted to ensure small groups of inmates were out of cell together as well as other periodic operational measures to ensure healthy safety separation. Social distancing expectations assisted with inmate separation and proximity from each other to include suspension of inmate program classes and a reduced scope of facility workers to meet minimal needs. While these modified operations were restrictive and focused on health safety measures, there was a direct benefit found as staff could monitor inmates and interactions more closely than ever before with less facility movement and limited interactions in only, socially distant small groups at a time. Staff had greater control over inmate activity and interactions. Despite these modified operations, there was not diminished access for inmates to connect with staff nor their access to report concerns.
2. Modified COVID operations included micromanagement of facility housing processes and inmate populations through daily reviews, planning, and coordinated responses to inmate needs and facility housing. Special management status related specialized housing was maintained to continue established safety and security needs for inmates with medical, mental health, disciplinary, protective custody or administrative segregation classifications. Inmates newly admitted or with identified health safety risks were assigned to specific housing areas for an initial monitoring period and/or medical restriction from others. Housing populations were designated in cohorts coordinated based on their date of admission or recent community contact. This significantly reduced inmate interactions and blending within population groups provided both a health safety benefit but also maintained stability for inmates housed together which in turn is attributed to reducing potential PREA risks.

3. The juvenile inmate population was maintained with sight and sound separation from the adult inmate population. A housing location change for this population was necessary from MCCF to MCDC to support new housing needs at MCCF for the adult inmate population and maintain required separation for the juvenile inmate population. Case Management staffing and modified education and program engagement was similarly adjusted to ensure equitable staff presence and support for the juvenile population at MCDC as well as greater numbers of new admissions held at this facility.
4. COVID impacted uniform and non-uniform staffing with absences and increased facility coverage needs. Facility posts and consistent staff presence was maintained despite staffing challenges and absences. Consistent facility staffing was essential to maintain a safe and orderly environment.
5. Additional presence of non-uniformed staff assisted to further engage and support the inmate population despite restrictions and modified operations. New patterns of engagement were supported through Case Managers and Therapists for additional inmate welfare checks and providing enrichment materials and activities to balance increased time within housing cells. A significant number of additional Case Management staff were temporarily redeployed from the Department's Community Corrections Division to work onsite within MCCF and MCDC. Their additional presence has provided a consistent case management presence on each of the housing pods which has provided greater support and services whereas prior to COVID modified operations often one Case Manager was responsible for two housing pods at a time.
6. After reviewing any substantiated and unsubstantiated findings from the sexual abuse and/or harassment allegations received in 2020, it has been determined that there was no need to change policy or practice. Monitoring technology was found to be adequate throughout the facilities. Staffing patterns are reviewed and evaluated annually as part of another Department process and if there were any changes made, it was to ensure appropriate coverage on each shift at each facility. MCDOCR continues to implement best practices and the requirements of the PREA standards in order to address allegations of sexual abuse and sexual harassment of inmates while sustaining a safe and orderly facility environment.

This report is approved by:



**Angela Talley, Director
Montgomery County DOCR**

October 29, 2021

Date

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. Intersex medical conditions are sometimes referred to as disorders of sex development.

2020 PREA SURVEY OF SEXUAL VIOLENCE

2020 NEW ADMISSIONS: Detention Services

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
518	441	349	138	186	187	233	223	248	295	249	239	3306

2020 AVERAGE MONTHLY POPULATION:

Avg.

MCCF	557	536	545	491	461	488	493	498	504	522	530	514	512
MCDC	58	55	46	45	54	63	55	59	60	70	65	47	56

Inmate on Inmate Nonconsensual Sexual Acts/Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	3		2	2	1	2							10
Substantiated				1									1
Un-Substantiated	1		2	1	1	2							7
Un-Founded	2												2
Under Investigation													

Allegations of Inmate-on-inmate Abusive sexual contacts:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported		1				1	1			2			5
Substantiated													
Un-Substantiated										1			1
Un-Founded		1				1				1			3
Under Investigation							1						1

Allegations of Staff Sexual Misconduct/Abuse:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported		1	1				2				1		5
Substantiated													
Un-Substantiated							1				1		2
Un-Founded		1	1				1						3
Under Investigation													

Allegations of Staff Sexual Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	1		1	1	1	2			1	1	1		9
Substantiated													
Un-Substantiated				1		1			1		1		4
Un-Founded	1		1		1	1				1			5
Under Investigation													

Other:

Reported – offender refused to cooperate														
Number Reported														
Substantiated														
Unsubstantiated														
Unfounded														
Under investigation														

COMMENTS:

* Total Allegations Received – 29

Total Substantiated – 1

Total Unsubstantiated – 14

Total Unfounded –13

Total Under Investigation – 1

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