

# PREA AUDIT: AUDITOR'S FINAL REPORT

## ADULT PRISONS & JAILS



**[Following information to be populated automatically from pre-audit questionnaire]**

<b>Name of facility:</b> (1) Montgomery Co. Correctional Facility (2) Montgomery Co. Detention Center			
<b>Physical address:</b> (1) 22880 Whelan Lane, Boyd, Maryland 20841 (2) 1307 Seven Locks Rd., Rockville, MD			
<b>Date report submitted:</b> March 9, 2015			
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<b>Date of facility visit:</b> August 5 – 8, 2014			
<b>Facility Information:</b> (1) Montgomery Co. Correctional Facility (2) Montgomery Co. Detention Center			
<b>Facility mailing address:</b> <i>(if different from above)</i>			
<b>Telephone number:</b> (240) 773-9804			
<b>The facility is:</b>	<input type="checkbox"/> Military	<input checked="" type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input checked="" type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
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<b>Agency Information</b>			
<b>Name of agency:</b> Montgomery County Department of Correction and Rehabilitation			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i>			
<b>Physical address:</b> ) 22880 Whelan Lane, Boyd, Maryland 20841			
<b>Mailing address:</b> <i>(if different from above)</i>			
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# AUDIT FINDINGS

## NARRATIVE:

### Montgomery County Detention Center

Originally, the audit was scheduled to take place August 5 - 8, 2014, but upon further consideration of the schedule and the distance between the two facilities, the auditor suggested that the tour of the Montgomery County Detention Center be held on Monday, August 4, 2014 since he would be arriving at the site that afternoon. The Montgomery County Department of Corrections officials agreed.

The audit began with a brief entrance meeting at the Montgomery County Detention Center (MCDC) on August 4, 2014 at 1:45 p.m. Eight administrative staff from the Department attended the meeting. Warden Robert Green welcomed the auditor and said that the Montgomery County Department of Corrections and Rehabilitation (DOCR) "lives within the spirit of PREA." He described how Montgomery is a county that embraces collaboration between county agencies, state agencies, and non-profit and for-profit organizations, in the best interest of the community and the offenders.

The auditor thanked Warden Green for his welcome. The auditor introduced Thomas Talbot who is the Senior Policy Analyst at the PREA Management Office in the U. S. Department of Justice (DOJ), Bureau of Justice Assistance. The auditor said Mr. Talbot would be observing the audit over the next four days. The auditor also said David Haasenritter, the other Certified PREA Auditor, would be joining the audit team on Thursday. The auditor then reviewed the schedule for the audit and said by having the tour of the MCDC on that day would ensure the audit would stay on schedule.

Following the entrance meeting DOCR administrators gave the auditor a tour of the MCDC. The MCDC, located at 1307 Seven Locks Road, Rockville, Maryland, was constructed in 1960. The MCDC is accredited by the American Correctional Association, the Maryland Commission on Correctional Standards, and the National Commission on Correctional Health Care. This facility has a design capacity of 200 offenders. At the start of the tour, the facility's count was 72 offenders. Approximately 33% of the offenders booked at this facility are female. Youthful offenders, ages 15 to 17, are also held in this facility. In the past 12 months, 23 youthful offenders have been held in the two DOCR facilities. When a youthful offender is booked into the MCDC he/she is moved almost immediately to the MCCF. Prior to being moved, the youthful offender is held in a cell that is separated from the adult offenders.

This facility serves as the initial point-of-contact with offenders in Montgomery County. More than 1,200 offenders are processed each month in this facility. Over 70% of the offenders booked into the facility are released within 72 hours. An offender's first exposure to PREA is in the Central Processing Area where there are posters, in English and Spanish that inform offenders about the agency's Zero Tolerance policy and how offenders can report abuse or harassment. At the booking stations, offenders are asked about their sexual orientation and how they feel about their vulnerability. All of the cells and halls have monitoring equipment for offender protection.

In the State of Maryland, District Court Commissioners are on-duty 24 hours per day, seven days a week, 365 days a year. In Montgomery County, the District Court Commissioner is located in the Detention Center. The Commissioner can release offenders, set bond, or commit offenders to the DOCR while awaiting trial.

Health services are provided on-site by both DOCR and contract staff. Nursing services are provided by DOCR nursing staff 24 hours a day, 7 days a week. The Physician is a contract physician who provides 40 hours of services per week to the DOCR spread over the three primary sites (MCDC, MCCF, and the Pre-Release and Reentry Services (PRRS)). The majority of his time is spent at MCCF. Dental services are provided by a contract dentist.

Mental health services are provided by mental health therapists. The Clinical Assessment and Transitional Services (CATS) is a team of qualified mental health professionals employed by the Montgomery County Health and Human Services agency (HHS) who work inside the MCDC and the MCCF. This team provides mental health assessments seven days per week. Mental health services are also provided by qualified mental health therapists at MCCF. These services are provided Monday thru Friday. Psychiatric services are provided by a contract psychiatrist. The psychiatrist is at the MCCF three-days per week. The psychiatrist also provides evaluation and treatment for PRRS residents two and a half hours a week. Evaluation and treatment are provided at the MCDC on an as needed basis.

Risk assessments are also completed during this time. Any "yes" response from an offender will trigger an immediate review by a shift commander and a mental health screening. The auditor was told there are several checks to see if an offender is suicidal or in any other way in danger of being harmed.

The auditor was shown the log that documented all unannounced rounds. The auditor was also shown an intake file. The auditor was told a corrections specialist sees offenders with 48 to 72 hours. Offenders with signs of serious mental illness may be transferred to a mental health facility.

PREA orientations are given during the initial intake and booking. Male and females offenders view videos that are available in English and Spanish.

Youthful offenders are always under direct supervision. Normally, youthful offenders and special needs offenders are moved to the MCCF the same day they are committed.

In the MCDC there are 9 housing units. With the exception of a segregation cells, all cells are multiple occupancy. There are no open bay dorms. Housing units have phones that permit an offender to make a PREA related call. Showers are single stall units. The auditor toured all the housing units at the MCDC.

All the housing units will be rehabilitated in the next two years. The Department's plan is to make all housing units in the MCDC direct supervision as funding becomes available. The auditor was told that PREA standards and allegations have been carefully considered during discussions on the rehabilitation of the housing units.

### **Montgomery County Correctional Facility**

An entrance meeting was held at the MCCF on Tuesday, August 5, 2014 at 8:30 a.m. in the large conference room. Warden Greene welcomed the auditor to the MCCF. Twenty-two top administrative staff were in attendance and introduced themselves. The auditor introduced Thomas Talbot who is the Senior Policy Analyst at the PREA Management Office in the DOJ, Bureau of Justice Assistance. The auditor said Mr. Talbot would be observing the audit over the next four days. The auditor also said David Haasenritter, the other Certified PREA Auditor, would be joining the audit team on Thursday. The auditor praised the MCDRCR for its commitment to PREA and said he and the audit team were looking forward to a good audit. The auditor then reviewed the schedule for the audit. He explained that by having the tour of the

MCDC on Monday, the audit team would be able to stay on schedule and complete the required interviews and reviews of documents.

The tour of the MCCF began at 9:00 a.m., immediately following the entrance meeting. The MCCF, located at 22880 Whelan Lane, Boyds, Maryland, was constructed in 2003 and comprises approximately 305,000 square feet. The MCCF is accredited by the American Correctional Association, the Maryland Commission on Correctional Standards, and the National Commission on Correctional Health Care and the Correctional Education Association. The facility has a design capacity of 1028 inmates. At the start of the tour, the count was 581 inmates. The MCCF is approximately 15 miles northwest of the MCDC in Rockville, MD.

In the Intake Processing area, the offenders who have been transferred from the MCDC are introduced to the facility, given the necessary clothing and personal supplies and assigned a living unit. Youthful offenders are transported by the Montgomery County Sheriff's Department in separate vehicles from adults. Females are also transported alone. Offenders who are showing signs of a mental illness are seen by an intake therapist.

As previously described in the earlier section on the MCDC, Montgomery County provides a robust and comprehensive health and mental health system within the DOCR. Forensic exams are done at Shady Grove Hospital and the Montgomery County Police Department can make referrals for victim support.

There are a total of 17 housing units in the facility, including the medical beds and Crisis Intervention Unit (CIU). When separate sections are counted in the housing units, there are a total of 25 sections. Three housing areas are not in use because the count does not justify keeping them open. Currently, 837 beds are available. Each housing unit has camera coverage.

The West side area has 12 housing units and is where the general population and program dorms are located.

The North side area has four housing units. The CIU is located on North 1-2. For operational purposes, the CIU is considered to be separated into four different sections. In North 1-1, Disciplinary Housing is in the A & B Pods. At the time of the audit, C Pod was used for protective custody. Most of the offenders in protective custody are there because of their court case or because they have requested it. The Corrective Action Plan required for Standard 115.14, which will be described later in this report, moved protective custody inmates into the Pod D with those on administrative segregation. Male juvenile inmates were moved to the C Pod.

Female inmates who require disciplinary housing, protective custody, or the crisis intervention unit are in North 2-1 D. Female juveniles are housed on North 2-1 C Pod.

Weekly reviews, referred to as Special Classification reviews, are conducted on all inmates in special management housing areas in North housing. Monthly reviews are conducted on all inmates in disciplinary status.

The medical area has a male and a female section. There are single cells and small multiple bed rooms in the medical area.

Correctional officers make rounds at approximately 30 minute, staggered, intervals. At the time of the audit, the several inmates said that announcements were not consistently made when staff of the opposite gender come into a unit. Middle managers make unannounced rounds at different times throughout the day. Counselors have offices on the units which makes them very accessible to the inmates.

Shower areas ensure privacy and there are virtually no blind spots in the housing units. There is ample natural lighting throughout the building.

The notice of the posting declaring this PREA audit was clearly visible, as were the posters calling attention to PREA.

The Education Program at the facility is very innovative and reflects the collaborative philosophy of the DOCR. The Education Program is a partnership with Montgomery County Schools and the Correctional Education Association that operates and manages the education program under a contract with the DOCR. The Montgomery County provides a full-service library for the facility. All inmates have access to the library's books.

Inmates can have up to four visitors 2 times per week. The visiting area is a very open and pleasant space.

The MCCF has its own "One Stop" jobs program site where inmates can learn new job skills, life skills, and job preparation.

The auditor also visited the barber shop and the print shop. It was noted that there was no camera in the barber shop but a correctional officer is always there when the shop is open. The laundry does have a camera, but a blind spot was noted behind the dryers. Inmates work in the laundry between 8:45 and 10:45 a.m. and 12:30 and 3:00 p.m.

The kitchen and food prep areas can employ up to 26 inmates per shift. The kitchen detail includes two correctional officers. Cameras and mirrors enhance the security in the food prep area. It must be noted, however, that there is no camera in the food storage area.

The auditor visited the housing unit where juvenile offenders were housed. There was no sight or sound separation between the adult offenders and the youthful offenders. On the day of the audit there were six male juveniles in the facility. All were reported to be 17 years of age. The pod is normally supervised by one officer and staff. The Captain, the Lieutenants, and Sergeants make frequent rounds in this pod. The adult inmates in this pod are ages 21 and younger and are considered lower risk offenders. The program in this specific housing unit is called Choices for Change. As will be described later in this report, the MCCF has now separated the juvenile inmates from the adult inmates in housing areas.

While the auditor was in this housing unit he tested the phone to find out if the system worked. The person who answered the phone did not appear completely familiar with PREA but did understand that this phone was used to make referrals. The name of the service is Alternative Answers.

Inmates receive their in-depth PREA orientation on the Intake Unit. The orientation video is available in English and Spanish. The auditor saw the sign in sheet that documents that inmates have seen the PREA video. The sheet is also signed by the staff member and dated.

The Jail Addiction Services (JAS) program is operated by the Department of Health and Human Services, Behavioral Health and Crisis Services. This is a therapeutic housing unit that is separate from the general housing inmates. Treatment involves an eight week phase program with on-going aftercare. Therapeutic activities include community meetings, education and therapy groups, peer counseling, self-help meetings, and cognitive behavior skill-building. The auditor talked with one offender on this unit who spoke very highly of the facility's immediate response to any PREA allegation. The inmate said this facility has a "no tolerance policy" and

said the new reporting system of calling #77 or #88 is evidence of the facility's response to PREA.

It should be noted that not all the housing units were being used. Some are undergoing renovation and improvements and others were closed because the facility's occupancy rate was low.

The auditor ended the tour by viewing the video monitors in the Control Room. The monitors in the control present clear and detailed pictures.

The tour ended at 1:15 p.m.

Following the tour, the auditor began the interviews and reviews of investigative files and other documents.

Twenty-two offenders were interviewed from the two facilities. Those interviewed were randomly selected, by the auditor, from a list of all the offenders in both facilities. In addition, 10 offenders who were identified as being in a designated group (i.e., disabled, limited English speaking ability, gay, or who had reported a sexual abuse, etc.) were also interviewed.

Twenty-four randomly selected correctional officers were interviewed. Twenty-nine staff who were identified as "specialized staff" were interviewed, including the DOCR Director, the Warden, PREA Manager, Investigators, first responders, health care providers, and mental health professionals, volunteers and contractor. In all, the auditors conducted 85 interviews.

The audit team was impressed by how knowledgeable the correctional officers and other staff were about PREA, offender rights regarding PREA, first response, and evidence collection. The practice of having "refresher" modules during roll call is excellent way of keeping the PREA standards in the front of the Correctional Officers' minds.

The auditors were also impressed with the training program and the overall management of training records. The same could be said of the personnel files and the manner in which background checks are conducted.

What makes Montgomery County a model for the nation is its total commitment to unconditional collaboration between public agencies and between public agencies and the private sector. Every day the auditors witnessed examples of agencies working together to help offenders leave the institutions better than when they arrived. Agencies with very little knowledge of corrections knew about PREA and why it was important and why their agency needed to be involved. The audit was more efficient because this collaboration helped the auditors. It was obvious to the auditors that the Montgomery County Department of Corrections and Rehabilitation is a highly respected agency not just in the County, but throughout the State of Maryland and the country. Montgomery County, Maryland is what Good Government is all about!

On the afternoon of August 8, 2014, the audit team conducted an exit meeting at the conclusion of the on-site work. Twenty-three of the administrative staff from the Department were in attendance. While the audit team could not give the Department a final finding, as there were some issues needing further documentation and clarification, the audit team did give an overview of the audit and thanked the MCDOCR staff for their hard work and commitment to the Prison Rape Elimination Act.

Because one PREA Compliance Manager was out-of-town during the audit, the designated auditor conducted a telephone interview on August 25, 2014.

The Interim Report identified 6 standards these two facilities did not meet during the audit. Following the submittal of the Interim Report, and upon further review with the PREA Manager, it was determined that the facility did meet 2 standards of the 6 standards and therefore did not meet 4 standards." The PREA Manager created a corrective action plan for those standards the agency did not meet. The plan was shared verbally with the auditor. All corrective actions were completed and sent to the auditor on or before February 19, 2015. The auditor reviewed and approved the final corrective action on February 19, 2015. The Montgomery County Detention Center and the Montgomery County Correctional Facility are now in complete compliance with the PREA Prisons and Jail Standards.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The Montgomery County (Maryland) Correctional Facility (MCCF) is responsible for the custody and care of male and female offenders who are either in a pre-trial status or serving sentences of up to 18 months. The facility's current capacity is 1,028 inmates. The facility was built to alleviate overcrowding at the older facility (the Montgomery County Detention Center) and was designed under the principles of direct supervision. Direct supervision represents a style of design intended to facilitate direct contact between staff and inmates. The direct supervision concept encourages direct interaction between staff and inmates to prevent negative inmate behavior, and it groups inmates into living units that can be efficiently managed by one officer. This concept combines principles of human behavior and facility design to create detention environments that facilitate the officer's effectiveness.

The Montgomery County Detention Center (MCDC) is responsible for the intake and processing of male and female offenders and has a capacity of up to 200 inmates. The facility provides for the care, custody and security of inmates prior to transfer to the Montgomery County Correctional Facility. The central processing unit, located at the facility, provides law enforcement processing of all arrested persons in Montgomery County. The facility further provides District Court Commissioner's Office accessibility to offenders and the public. Bond hearings are conducted here via closed circuit television between the Detention Center and the District Court. An office of the public defender which determines eligibility of offenders for legal representation is located here.

The Intake Unit, to assess inmates' needs and the classification/case management system to determine risk and custody level is located at the MCDC, as well as, the mental health and substance abuse screening and assessment unit, which also screens for suicide risk, problem identification, diversion, treatment and reentry planning.

### **Mission and Facility Functional Areas:**

The mission of the Montgomery County Department of Correction and Rehabilitation (DCR) is to protect and serve the citizens of Montgomery County and the general public by providing progressive and comprehensive correctional and rehabilitative services. These functions are achieved through the employment of well managed and effective correctional programs, including: the use of pretrial supervision; secure incarceration; community treatment; reintegration programs; highly accountable security methods and procedures in each operating unit and program; and effective and progressive administration and management oversight.

Both facilities are organized into three major functional areas: security, operations, and inmate services. The Custody and Security program maintains security, internal order, and discipline by supervising inmates and by conducting security and perimeter patrols and inspections. Operations include staff support for records, maintenance, food service, and the quartermaster. Inmate services includes all inmate programming, medical and mental health services,

volunteers, classification, school, and library services. The MCCF has in place a comprehensive approach to inmate programming covering substance abuse, life skills, work force preparation, and many others.

Many programs were relocated to MCCF with the following satellite operations retained at MCDC: medical, maintenance, classification and intake, records, and food services. Also located at MCDC are the central processing unit (CPU), to perform the intake and arrest processing function, and records. All records for the entire DOCR are maintained at MCDC.

Both facilities operate a significant custody and security programs. Citizens and neighborhood advisory committees are in place for MCCF and MCDC. These committees meet regularly.

### **Inmate Programs and Services**

The Correctional Education Association, under contract with DCR, operates a model learning center to provide educational programming. The center offers basic education, preparation for the graduate equivalency diploma (GED), English for speakers of other languages (ESOL), and services for inmates under the age of 21 with special education needs as required by Federal Law no. 94-142. Inmates participating in educational programs earn sentence diminution credits, thereby reducing bed space. The following classes are offered:

Adult Basic Education (ABE)	General Education Development (GED)
Salesmanship	English for Speakers of Other Languages
Keyboarding	Life Skills Class
Microsoft Word	CFC- based Life Skills
Parent Education	Remedial Reading
Small Business	

The Montgomery County Department of Public Libraries operates a library at MCCF which provides book circulation services and legal reference resources to inmates as mandated by state law, the American Correctional Association (ACA) Standards for Adult Correctional Institutions, and by the Maryland Commission on Correctional Standards.

The Medical Services Units provide legally-mandated medical and dental care to inmates, including: emergency, acute, and chronic care; detoxification; prenatal care; preventative education; and care of the terminally ill. If patient care and treatment are required, hospital services are provided under contractual agreement between the DOCR and Shady Grove Hospital. The Montgomery County Department of Health and Human Services works directly with the Medical Services Units to provide services in the control and treatment of communicable diseases and other community health issues. Medical and dental care is provided primarily at MCCF with a small satellite unit at MCDC. Both Medical Services Units are overseen by the MCCF Health Services Administrator. Initial medical screening is performed for all inmates processed through MCDC.

### **Recreation**

General population, intake population, and program participants & inmate workers are afforded a variety of recreational opportunities.

In pod recreation includes television viewing, table top games, board games, headset radios, and socializing in the dayroom area.

Inmates may participate in these activities safely, while the Pod Officer (correctional officer) observes the recreation time.

Each pod has its own outdoor recreational area. The recreational area is 540 square feet and allows space for basketball, running, walking, jogging, and calisthenics. All activities in the recreational area are monitored by the Pod Officer (correctional officer), as well as being video recorded.

Therapeutic recreational programs occur in each pod, as well.

As an additional leisure time activity, inmates are encouraged and permitted to work on supervised arts and craft projects.

Inmates in Special Management and Segregation Units are permitted exercise activities out of their cells seven days a week, a minimum of one hour a day, in the day area of their housing unit. There are no group activities. Depending on the status of the individual inmate, the inmate may be afforded the opportunity to use the outdoor recreational area, television viewing, radio headphone sets, and board games.

## **Religious**

All inmates committed to the DOCR Detention Services Division are provided the opportunity to consult with a Correctional Chaplain. The Chaplain is employed by Good News Ministry. When the inmate is transferred to the Correctional Facility, access to numerous religious programs is available, on a voluntary basis. No preference is given to any activity of one religious denomination or faith over another.

The inmate population is served by a full-time Protestant Chaplain and a Catholic Chaplain. An Imam and a Jewish Rabbi are also available on a regular basis. A representative from other faiths may be contacted for inmates by the Chaplain, if requested.

## **Treatment**

Every inmate is encouraged and afforded the opportunity to pursue personal rehabilitation through realistic, goal-oriented, and attainable treatment objectives, compatible to individual treatment needs.

The following treatment/therapy and educational programs are available:

Therapeutic Groups	Jail Addiction Services (JAS)
Alcoholics Anonymous	Youth Offender Unit (YOU)
Counseling/Case Management	Choices For Change (CFC)
Narcotics Anonymous	Mental Health Services
Various school programs	Re-Entry Services

## **Reentry**

The Re-Entry Unit facilitates many collaborative activities to provide offender opportunities for successful transition from incarceration to the community. The Unit firmly believes that successful re-entry is a part of effective crime control. The foundation for successful re-entry begins during incarceration and includes a heavy emphasis on employment development. The Re-Entry Employment Development Endeavor (REDE) teaches essential soft skills and work habits to offenders in the Job Shop. This activity enhances rapid employment, in addition to

employment sustainability. The Offender Employment Specialist at the MCCF/Montgomery Works One Stop Employment Center provides pre and post release job search and employment skills development; and secures employment placements for offenders.

The Unit offers supportive social services to sentenced inmates who are within 90 – 120 days of release. Those services may include referrals to halfway houses, completing applications for State and Federal benefits, and referrals to community medical, substance abuse and mental health treatment providers, to name a few.

During the bi-weekly Re-Entry Collaborative Case Management meetings, counselors, treatment staff and social workers, along with a multitude of service providers from other County and State agencies, local non-profits, faith-based organizations, and local civic leaders, assist in addressing offender needs upon release. The Re-Entry Social Worker then coordinates linkage to these critical support services. A Re-Entry Benefits Specialist is available to assist both the offender and his/her family in connecting or reconnecting with entitlements.

The Community Re-Entry Photo Identification Card is a Montgomery County Government approved temporary (60 day) ID card. The card is issued to qualified offenders upon release from the Department of Correction and Rehabilitation. The ID card assists the ex-offender in obtaining a Montgomery County Library card, employment (meeting the federal i9 guidelines), and serves as a free Montgomery County Ride On bus pass for sixty days; which enables access to needed services (medical, housing, etc.) throughout the County.

The Re-Entry for All Program is committed to assisting inmates in their transition from incarceration back into the community. One of the most important transitions made is reintegration back into the family. Incarceration can be a very difficult time for the family members of the inmate. The Unit provides a quarterly Family Outreach Nite in an attempt to reach out to the family members. Family members are encouraged to attend to learn more about support services available in the community such as legal services, educational and employment services, social services, mental health and substance abuse treatment, and medical care. Also, family members are encouraged to seek support for themselves through the National Alliance on Mental Illness (NAMI) and Al-Anon.

The Re-Entry Unit also works with faith-based organizations, before and after release, to provide employment readiness classes, life skills, and assistance with family and societal reintegration. All of these combined activities contribute to building a stable foundation for successful offender re-entry.

## **Work**

The Correctional Facility and Detention Center provide meaningful work opportunities based upon the inmate's risk assessment level, as well as facility needs. The work opportunities are as follows:

**Institutional Job Assignments:** There are a variety of job assignments at MCDC and MCCF from general custodial duties to food service. Most jobs require seven days per week of actual "On Call" work duty. Sentenced inmates are given priority for job assignments. Inmates assigned to paid work details are paid at a rate prescribed by law.

Not all institutional job assignments are paid. However, Industrial Time Credits are earned by all sentenced inmate workers, and may also be applied to un-sentenced inmates once they are sentenced, if they receive credit for time served. This reduces time served on any sentence received by an inmate worker.

Special Program Time Credits are awarded to inmates assigned to the Kitchen, and those who have received hazardous clean-up/spills training, provided they attend Life Skills Training.

## **Workforce Program**

This program utilizes both sentenced and pre-trial inmates and engages in work projects that benefit both the public agencies and non-profit agencies. In addition, it provides some paid work opportunities for private employer work projects. Work projects vary and include a variety of production and light assembly projects. The offender's work skills and experience are also evaluated during this time. The Workforce Program is similar to a "real world" work setting in regard to assignments, production needs, and work performance. The program provides inmate workers with work ethic skills and job training. Inmates receive a monthly written evaluation. Some job assignments require seven days per week actual or "On Call" work duty.

## **Staff**

The staff of the DOCR is carefully screened before they are hired to work in the Department. Once hired, all staff undergo a robust training regime at the State and local level. All training must be approved by the Maryland Correctional Training Commission. Mid-level supervisors maintain oversight of staff to reinforce only the highest professional practice and conduct on and off the job.

The goals of DOCR employees are to:

- Maintain a safe and secure correctional environment for all staff, inmates, interfacing agencies, and the general public.
- Operate in compliance with all federal, state, and county laws, while strictly adhering to the highest of professional standards and ethical behaviors.
- Practice the principle of true collaboration through the involvement of staff in the formulation and implementation of policies, procedures and facility operating guidelines.
- Adhere to the principles of direct supervision in the operation of the facility.
- Provide inmates the opportunity for self-improvement by offering a large range of therapeutic and rehabilitative programs, and to aid in facilitating successful community reintegration.
- Achieve excellence, efficiency, and effective management by utilizing the best training, technology, and innovations available.
- Work in partnership with the community to develop additional strategies to reduce recidivism, expand current alternatives to incarceration, and continue to increase opportunities for all inmates and residents.
- Develop and maintain positive and mutually advantageous working relationships with all professional organizations and public safety agencies.

The DOCR recognizes the contributions of its employees at Department awards ceremonies, with quarterly awards, and by identifying specific staff as "Employees of the Month."

**SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded:	5
Number of standards met:	37
Number of standards not met:	0
Non-applicable:	1

### **§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

DOCR policy 3000 – 64, effective September 23, 2013, defines all the terms related to PREA and clearly states the DOCR procedures to prevent, detect, and respond to allegations of sexual harassment and sexual abuse. The DOCR's Zero Tolerance Policy toward all forms of sexual abuse and sexual harassment is widely visible on posters and publication.

The DOCR PREA Coordinator is Deputy Warden, Gale Starkey. The PREA Coordinator reports to the Director of the Department on all PREA related matters. There are two (2) PREA Managers. Deputy Warden Suzy Malagari is the PREA Manager for the MDCD. Sgt. Christopher Auen is the PREA Manager for the MDCF. The PREA Coordinator and PREA Managers reported that they have sufficient time and authority to develop, implement, and oversee the DOCR's efforts to comply with the PREA Standards

### **§115.12 - Contracting with other entities for the confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Non-applicable

The DOCR does not contract for the confinement of its inmates with private agencies or other entities, including other government agencies

### **§115.13 – Supervision and Monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Department publishes two comprehensive reports annually that cover all the requirements of the standard. The Department of Corrections and Rehabilitation Performance Review FY 2013 and the FY 2013 Performance and Accountability Report address critical areas related to the staffing requirements. A review of the year's performance considers all PREA allegations/incidents, the complement of mid-level managers, the Net Annual Work Hours, FMLA, Comp, and Administrative Leave, work related injuries, and succession planning. Staffing requirements by assignment/post and post orders are considered at the annual review of staffing patterns. Beginning in late 2014 the PREA Coordinator and Managers will participate in the annual review. There have been no findings of inadequacy related to staffing by any court, federal agency, or internal or external oversight body. At the

end of every shift, the Shift Commander will complete an "End of Shift Report" that will note any changes in staffing related to meeting minimum staffing requirements. The auditor reviewed samples of these reports.

The DOCR has policy and procedures for making unannounced rounds. Rounds are made daily on each shift and are documented on the daily log. The auditor reviewed several daily logs that confirmed the unannounced rounds are conducted.

### **§115.14 – Youthful Inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

At the time of the audit, the MCCF housed youthful inmates in a Youthful Offender Unit (YOU) where the inmates who were 15, 16, or 17 years of age had sight, sound, and physical contact with adult inmates, ages 18 through 21, through the use of a shared dayroom or other common day space, shower area and sleeping quarters. This unit was staffed with a correctional officer on the floor at all times (direct supervision). Counselors and other program staff were also present.

The auditor reviewed the Monthly Population Reports for the 12-month period from July, 2013 through June 2014. The MCDC averaged .3 youthful inmates per day compared to the MCCF which averaged 3.3 youthful inmates per day. Virtually all of the youthful offenders are 17 years of age.

The DOCR does not place youthful offenders in isolation to achieve compliance with this standard. The youthful offenders on this unit were given access to daily large-muscle exercise, legally required education services, including special education services, and other programs and opportunities.

The auditor interviewed two youthful offenders. One youthful offender was in the MCDC in a segregated cell area and reported that he could not have contact with adult offenders, but he could see and hear them. He reported that he had been physically attacked by another inmate while in segregation and the offender was moved. He said that he was being transferred to MCCF the next day. He also said he would be turning 18 in December.

The second juvenile was at the MCCF. He reported that there was no separation between the youthful offenders and the older inmates. He was in a two-person cell. He reported that he felt safe on that unit and that there was always a correctional officer present on the floor. This young man was sentenced to 18 months at the MCCF. He did state that he had access to education and other programs in the facility.

The auditors determined that the MCDC did meet the separation requirements of this standard, but the MCCF did not. The auditors had several discussions with the Director of the DOCR, the Warden of the MCDC and MCCF, the PREA Manager, and representatives from the Department of Justice and the PREA Resource Center regarding a feasible plan of action, given the budget constraints the Department was facing. On February 6, 2015, the Warden met with the auditors to discuss a possible corrective action plan. The auditors agreed the plan was feasible and would meet the requirements of the standard.

On February 18, 2015, the auditors visited the MCCF, inspected the areas where the juvenile would be housed and confirmed that the plan of action, to separate male and female juvenile inmates from the adult inmates in housing units, was feasible and that the agency would continue to provide direct staff supervision when juvenile inmates and adult inmates have sight, sound, and physical contact in program areas.

The designated auditor returned to the MCCF on February 19, 2015 and visited the two housing areas again since the juveniles were transferred the day before. Male juvenile inmates are now housed on North 1-1 C Pod and female juvenile inmates are now housed on North 2-1 C Pod. The auditor talked to the four male juvenile inmates in the unit and asked them if they were told why they were moved. They said they knew it was because PREA required it and the move was explained to them in advance. They said they were fine with the move and were aware of PREA. The auditor also interviewed the one female juvenile inmate in the facility. She also confirmed that she understood the reason for the move and that that she was also aware of PREA. All the juveniles said they felt safe in this facility and that they did appreciate that they could still participate in programming with the older youthful offenders.

The auditors wish to acknowledge the outstanding effort the DOCR put forth in finding a solution to this challenge. There was never any doubt the Department wanted to do the right thing, but given the fiscal challenges Montgomery County was facing, finding a “no additional cost” solution required a very special effort.

The MCCF now meets the requirements of this standard

### **§115.15 – Limits to Cross-Gender Viewing and Searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR has not conducted any cross gender pat down or strip searches during this audit cycle. If this had occurred, the incident would have been documented according to a PREA Manager

In the MCDC and the MCCF, there are always male and female correctional officers on duty and available to do same gender searches.

The auditor reviewed the lesson plan on cross gender searches and found that it meets the requirements of the standard.

The DOCR policy and procedures regarding cross gender viewing are consistent with the requirements of the standard. The interviews with inmates confirmed that staff of the opposite gender do not view inmates of the opposite gender while they shower, change clothes, perform bodily functions. There have been no reports of exigent circumstances in the past year that required deviance from cross gender viewing.

The policy and procedure regarding determining a transgender inmate’s genital status is consistent with the standard.

The auditors found that the agency did not meet the standard in section 115.15 (d). Of the 22 inmates who were randomly selected and interviewed by the auditors, more than half said staff of the opposite gender rarely announce their presence, or do not announce at all when entering

a living unit. This is an area where refresher training during Roll Call was needed. Some facilities have also had signs or decals placed on the housing unit doors to show which gender is in the unit and to remind opposite gender staff to announce their presence when entering.

As the corrective action, a memo was sent to all roll calls on August 14, 2014, at MCDC and MCCF reiterating the PREA standard and the requirement to announce when entering a housing unit of the opposite gender. Slides were also added to the annual PREA training PowerPoint for staff, volunteers, and contractors explaining the requirement to announce when entering an area that houses the opposite gender. When the auditors visited the facility on February 18 and 19, 2015, they observed that the announcements were being made.

The DOCR meets the requirements of the standard.

### **§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Informational and educational materials for inmates with disabilities are provided in ways that will enable the inmate to understand the DOCR zero tolerance policy and related material and be able to make a claim of sexual abuse or sexual harassment, if necessary. For inmates who are hearing impaired, Montgomery County has a contract for sign language interpreters. Provisions are also made for inmates who may be visually impaired. For inmates who may be mentally disabled, the DOCR can also address their needs with individualized learning by designated staff. It is the County's and the Department's policies to make reasonable modifications to policies and procedures to ensure people with disabilities have access to all programs, services and activities provided by the County and the Department.

The Montgomery County Department of Correction and Rehabilitation Inmate Guidebook 2013-2015 is published in English and Spanish, as is the PREA Guide on Sexual Abuse and Assault brochure. The PREA orientation video is also in English and Spanish. Montgomery County also contracts for over-the-phone interpretation services from Voiance. On-site interpreter services can also be provided by Certified Bilingual Employees. There is a "Certified Employee" data base that is available to the DOCR. Posters calling attention to the DOCR Zero Tolerance are also in English and Spanish.

The auditor interviewed two inmates who spoke no English or very little English. When the auditor asked for an interpreter, a member of the Identity Re-entry and Rehabilitation Support Program was there to assist the auditor in minutes. Identity is a program that focuses on helping Latino youth. This was another example of the collaboration that exists between the DOCR and non-profit agencies working inside the facilities.

### **§115.17 – Hiring and Promotion Decisions**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR conducts background checks on all candidates for employment. The background checks include FBI and Maryland criminal record checks. Persons who have applied for positions that involve regular contact with inmates also undergo a psychological screening. Background checks are also completed on contractors, volunteers, and interns as they would be for any staff member.

Criminal records checks are done on all employees on an annual basis.

An Assistant County Attorney, who serves as the counsel to the DOCR, has rendered an opinion that Maryland law prohibits the DOCR from providing any information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work without a signed release from the employee. Standard 115.17 (h) requires the agency to provide the information without a release "unless prohibited by law."

The auditor was also told, however, that substantiated allegations of sexual abuse or sexual harassment must be reported to the Maryland Commission on Correctional Standards and that the Commission could provide that information to any institutional employer for whom such employee has applied to work without a signed release.

### **§115.18 – Upgrades to Facilities and Technology**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The Director of DOCR has stated to the auditors, "The Montgomery County Department of Correction and Rehabilitation when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect inmates from sexual abuse."

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department considers how such technology may enhance the Department's ability to protect inmates from sexual abuse.

Since the Montgomery County Correctional Facility's opening in 2003, video monitoring systems have been added to an existing system prior to this standard going into effect. The Montgomery County Detention Center is currently going through a stabilization phase because of the age of the building. During this stabilization process, new video monitoring systems have been installed in the new Central Processing Unit and the current video monitoring system is being upgraded as well. Prior to this standard going into effect, meetings were held to determine camera placement to ensure staff as well as offender safety."

### **§115.21 – Evidence Protocol and Forensic Medical Examinations**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard

for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR will contact the Montgomery County Police Department if it is determined, by a Department internal investigation, that a criminal investigation is needed. The Police Department protocol will be followed during their investigation which is developmentally appropriate for youth. The Police Department currently uses the Child First interviewing protocols. Their sexual assault protocols were developed after 2011 and are comprehensive and authoritative. The Police Department ensures that the SANE service will be available at the Shady Grove Adventist Hospital as part of its criminal investigation. The MCPD investigators who would respond to an allegation of sexual assault at the MCDC or MCCF have received the PREA Investigator training.

At the time of the audit, two Memorandums of Understanding (MOU) were provided as documentation. While they are well written and describe the responsibilities of the various parties, none of the MOUs were dated or signed. These letters need to be signed by the responsible parties.

During the corrective action period, the auditor received the signed MOU between the DOCR and the MCPD. The MOU was signed on January 20, 2015 by the DOCR Director and the MCPD Chief. The MOU states that it "is initiated to facilitate an agreement between the parties for services related to goals and implementation of Federal Prison Rape Elimination Act (PREA) mandates."

### **§115.22 – Policies to Ensure Referrals of Allegations for Investigations**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

DOCR Policy 1300-11 states that if a crime is suspected in one of the facilities that it will be investigated and shall be reported to the Montgomery County Police Department.

Subsection 115.22 (b) also requires that the agency "publish such policy on its website or, if it does not have one, make the policy available through other means. " The Police Department's Web site was offered for the documentation, but this standard intends for this policy to be posted on the DOCR Web site or through some other means within the Department. The auditor was in error when he reported in the Interim Report that the agency did not meet this standard, the policy which states that criminal investigations of sexual assault will be investigate by the MCPD was posted in the lobbies of both facilities at the time of the audit.

### **§115.31 – Employee Training**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR policy states that PREA training is required of all staff and is incorporated in the agency's overall training strategy. Training is provided by the Maryland Police and Correctional Training Commissions for new correctional officers and includes a section on PREA. Annual in-service training is provided at the MDCDC and the MCCF. In addition, Shift Commanders provided refresher training regarding PREA standards and requirements during roll call. Employees are required to take a test after the annual in-service training. A passing grade of 70 demonstrates the employee understands the material presented.

The DOCR maintains detailed training records for all the training employees receive at the Public Safety Education and Training Center and locally.

The auditor reviewed lesson plans and a PowerPoint PREA presentations. Both were found to be very comprehensive. The auditor also interviewed the Director of Training.

### **§115.32– Volunteer and Contractor Training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The training consists of a comprehensive PowerPoint presentation that covers the Department's zero tolerance policy, the volunteer or contractor's responsibility under the Department's PREA policy and procedures, and how to report any allegation of sexual abuse or harassment. Training is documented.

### **§115.33 – Inmate Education**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR provides PREA Orientation to all new inmates at the MDCDC. The orientation is provided within the first 72 hours by DOCR staff during the Needs Assessment. Inmates are given the PREA Guide on Sexual Abuse and Assault and the Inmate Guide Book, 2013 -2015. If an inmate is transferred to the MCCF, a video is also shown to the inmates within their first 30 days in the facility. The inmate acknowledges in writing that he has received the orientation and written materials. All of the materials are Bilingual and interpreters can be provided for languages the Bilingual materials do not cover. Posters also remind inmates how they can report sexual assault or sexual harassment.

### **§115.34 – Specialized Training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The auditor interviewed two DOCR officers who have received the National Institute of

Corrections On-Line Training for PREA Investigators. On July 8 and July 10, the Montgomery County Police Department conducted a PREA Investigation Training for 31 staff from the DOCR. This session was 6 hours in length. On July 31, August 1, and August 3, the Montgomery County Police Department conducted another training session for DOCR staff on Investigating Sexual Abuse in a Confinement Setting/PREA. These sessions were three hours in length. The auditor reviewed the curriculum and training materials and found them to be very detailed.

### **§115.35 – Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The auditor reviewed the DOCR PREA training curriculum for medical and mental health staff and found all the elements were included in the lesson plans and PowerPoint presentation. Training records and test scores confirmed the participants received and understood the training. Medical and mental health care practitioners also receive the basic PREA training all the employees receive.

### **§115.41 – Screening for Risk of Victimization and Abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR conducts the initial screening at the intake process at the MCDC within twenty four (24) hours of admission into the facility.

When the inmate has been committed to the DOCR and transferred to the MCCF, the follow-up screening is conducted.

All the information required by the standard is captured on the Intake Data Entry Form, the Initial Placement Screening, and the Initial Placement Screening Summary Chart.

Interviews with the staff who conduct the initial screening and staff who conduct the classification assessment, as well as interviews with inmates, confirm that the two facilities follow the procedures.

Information was provided that documented the when an inmate reported he had been harassed; he was reclassified and moved to a different housing unit.

### **§115.42 – Use of Screening Information**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

DOCR policies 1200-1 Objective Jail Classification Procedures and 1200-27 Gender Identification, Classification, and Housing address all the requirements of this standard. One inmate who identified as being gay reported that he is treated very well, that his views were taken into consideration and that he takes showers when other offenders are at recreation. He stated that gay inmates are not housed together based on their identification or status.

### **§115.43 – Protective Custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

DOCR Policy 3000-64 Implementation of the Prison Rape Elimination Act (PREA) addresses all the requirements of this standard. The auditor was informed that in a few cases inmates have been moved to N1-1 for their protection pending reclassification. The auditor was told that some inmates have requested Protective Custody out of fear they may be assaulted.

### **§115.51 – Inmate Reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Inmates are informed of the multiple ways they can report allegations of sexual abuse or harassment on the PREA Guide on Sexual Abuse and Assault brochure. Inmates are informed that they can inform staff in person or in writing. Inmates can also call #77 for internal reporting or #88 to speak with an outside third party. Family members or friends can email the Department on behalf of the inmate, and phone numbers are also provided for the DOCR and the answering service. All callers may remain anonymous. The DOCR has a written agreement with an answering center that will take PREA allegation calls directly from inmates, their families or third parties. The DOCR also makes contact information available for inmates being held solely for civil immigration purposes so the inmate can make contact with a consular official or the Department of Homeland Security.

### **§115.52 – Exhaustion of Administrative Remedies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR Grievance procedure is consistent with this standard. There is no indication that that inmates have used the grievance procedure to report any allegation of sexual harassment or sexual abuse.

## §115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR Inmate Guide Book 2013 – 2015 and the DOCR brochure, PREA Guide on Sexual Abuse and Assault both state that the facility will provide access to victim advocates for emotional support. Phone numbers are printed on the brochure.

The Montgomery County Department of Health and Human Services, Victim Assistance and Sexual Assault Program (VASAP), is the agency DOCR will recommend to victims of sexual abuse or sexual harassment. As previously mentioned, a Memorandum of Understanding (MOU) has been drafted but has not yet been signed by the parties. Paragraph(c) of this standard states, " The agency shall maintain or attempt to enter into a memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements."

Inmates are informed the phone calls and communications will be monitored.

## §115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The PREA Guide on Sexual Abuse and Assault provides phone numbers where offenders or members of an inmate's family may call to report sexual abuse or harassment. An email address is also listed. On the back cover of the Visitor Handbook it makes reference to the DOCR Zero Tolerance Policy, but says nothing about how a third party could report a sexual abuse or sexual harassment. The auditor went to the DOCR Web site, but could not find any instructions for making third party reports. It would be helpful if the DOCR Web site could be amended to permit persons to make PREA referrals from the Web site. The auditor was informed that the Web site will be updated with additional PREA information in the coming months.

The agency meets this standard because the brochure contains all the necessary information and that brochure is available to visitors and members of the public. On July 29, 2014, the English and Spanish versions of the Handbook were amended to include the procedure for how a person could file a third-party report. There is also a poster in the lobby of the MDCD and the MCCF that clearly states Third Party reports can be filed and list a toll free number.

## §115.61 – Staff and Agency Reporting Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard

for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR policies and procedures require all staff, including medical and mental health staff, to immediately report any knowledge, suspicion or allegation of sexual abuse and harassment, whether or not the facility is part of the DOCR or not. Staff are trained that the information a staff member pass on to superiors is confidential information and should be shared only with staff who have a designated "need to know."

Interviews with random staff and command personnel confirm that staff are very knowledgeable of all reporting requirements. It is also well known that if the allegation involves a youthful offender (under 18 years of age) the person making the report must also report the allegation to the Montgomery County children's protective services agency.

DOCR policy is very specific about reporting all allegations of sexual abuse and harassment to the appropriate investigative body. If the allegation may be criminal in nature, it will be investigated by the Montgomery County Police Department. If the allegation is an administrative violation, it will be investigated by trained PREA investigators.

### **§115.62 – Agency Protection Duties**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

During the admissions process an objective risk assessment screening tool is used to determine an inmate's risk for several categories to include sexual abuse. If an answer of "Yes" is given by the inmate during the admission process on any of the risk assessment questions it would cause a mental health referral regardless of the level of risk. The Clinical Assessment and Transitional Services (CATS) counselors are then alerted and the inmate is screened by their staff well within a 24 hour time period. The CATS working hours are Monday – Friday from 7:30 AM to 9:00 PM, Saturday and Sunday from 7:30 AM to 3:30 PM. If an inmate is considered a high risk during the times CATS is not available then the inmate is placed on a high observation or a 15 minute watch until such time they can be evaluated by the Mental Health staff. In any case, any action taken is immediate.

During the random interviews with staff all the correctional officers and non-security staff knew that if they were told an inmate was in imminent danger of being sexually assaulted they would remove the inmate from the immediate danger and notify the Watch Commander.

### **§115.63 – Reporting to Other Confinement Facilities**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR policy meets the requirements of this standard. There have been no reports of an inmate being sexually abused at another facility during this audit cycle.

### **§115.64 – Staff First Responder Duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All the DOCR staff knew exactly how to respond upon learning of an allegation that an inmate was sexually abused. Even non-security staff first responders knew the correct protocols.

### **§115.65 – Coordinated Response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

DOCR Policy 3000 – 64. 4 Reporting Incidents/Allegations identifies all the steps staff and other service providers must take, in an organized and collaborative way, to address an allegation of sexual abuse. The policy provides considerable detail. Correctional officers and other staff reported they have been trained on their specific duties, but are also aware of the responsibilities of other parties.

### **§115.66 – Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Director of the DOCR reported that a new contract has been completed, titled Agreement Between Municipal & County Government Employees Organization, United Food and Commercial Workers, Local 1994, and Montgomery County Government, Montgomery County, Maryland Office, Professional, and Technical (OPT) and Service, Labor, and Trades (SLT) Bargaining Units, For the Years July 1, 2013 through June 30, 2016. The Director said that under the contract the DOCR can separate or transfer an employee accused of sexual misconduct until the matter is resolved. The auditor reviewed Article 28, Disciplinary Actions, in the contract and confirmed that if the matter is in criminal or civil court the suspension can continue until the disposition of the case. If the allegation is substantiated, termination could follow.

### **§115.67 – Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

DOCR Policy 3000-64, III SPECIFIC PROCEDURES, 4. Reporting Incidents/Allegations. T. U.V. states that inmates and staff have a right to be free from retaliation and identifies multiple ways the Department can protect the reporter and the victim. The policy says “For at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy an such retaliation. The auditor interviewed two (2) administrative staff who monitor for retaliation and both described their procedures for monitoring for retaliation.

The auditors reviewed 15 PREA investigations. Of these, nine (9) alleged an abuse and all were determined to be “unfounded” which ended the Department’s obligation to monitor for retaliation.

### **§115.68 – Post-Allegation Protective Custody**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Three examples were provided where inmates were moved to protective custody (N1-1) pending reclassification. The Department also meets the requirements of Standard 115.43.

### **§115.71 – Criminal and Administrative Agency Investigations**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

DOCR Policy 3000-64, Page 22-23, Sec. VII A. – K establishes the procedures for conducting PREA criminal and administrative investigations. This policy meets all the requirements of the standard.

When an allegation is made, a preliminary investigation is initiated in the facility by the Shift Commander and a DOCR investigator. If it is believed that allegation is of a criminal nature, the Montgomery County Police Department is immediately notified and initiates an investigation. If the allegation is not a criminal act, the matter becomes an administrative investigation and is conducted by a PREA trained investigator in the DOCR. Investigators in the Montgomery County Police Department have received PREA Investigator training.

The auditors reviewed 15 investigations that were conducted in 2014. Of these investigations, nine alleged abuse and six alleged harassment. All the investigations were promptly investigated, were thorough, and objective. None of the criminal investigations were referred to the prosecuting attorney as all 9 were determined to unfounded.

Two DOCR investigators were interviewed by the auditors. It was obvious from the reports and the interviews with various staff that the DOCR and the Montgomery County Police

Department have a positive working relationship and collaborate on PREA investigations, as needed.

All investigations are documented in written reports and are retained consistent with PREA requirements and Maryland law.

### **§115.72 – Evidentiary Standard for Administrative Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

DOCR Policy 3000-64, Page 20, Sec. F. 3 states, "The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated."

### **§115.73 – Reporting to Inmate**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR PREA Report Tracking Form – 2014 documents that of the 15 allegations of sexual abuse and harassment, in six of the cases the inmate victim was informed verbally of whether the allegation was substantiated, unsubstantiated, or unfounded. In six of the cases the inmate victim was given written notification and in one of the cases notification was not provided. Two of the cases were still in the investigative phase. The Department has a Prison Rape Elimination Act Inmate Notification Form that requires the inmate to acknowledge in writing that he or she has received this notification. If the allegation was substantiated victim is also informed of the disposition of the perpetrator.

### **§115.76 – Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR Policy 3000 – 64 Page 7 Sec. 2 C. states, "Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies."

The DOCR has a disciplinary process in place and is in agreement with that process with the Municipal and County Government Employees Organization (the Union).

A memo to the auditors states, "The Montgomery County Police would be notified of any terminations for violations of Department sexual abuse or sexual harassment policies, or resignations of staff that would have been terminated if not for their resignation, unless the

activity clearly was not criminal. No disciplinary sanctions or terminations for staff have been issued during this audit cycle.” However, this notification is not in the policy.

The DOCR Director approved the policy change on December 19, 2014, to add “All terminations for violations of Department sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the Montgomery County Police, unless the activity was clearly not criminal.”

Reference to notifying relevant licensing bodies is found in Policy 3000-64, 5.(e). page 15.

### **§115.77 – Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR Policy 3000 – 64 Page 7 Sec. 2 D. meets the requirements of the standard. Volunteers and contractors are also informed of these procedures during their training.

### **§115.78 – Disciplinary sanctions for inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In the Interim Report, the auditor reported that not all of the requirements of the standard were met. However, this was in error. All of the requirements of this standard are met in the DOC policy 3000-64, Section III, in sub-sections 5, “Guidelines for Staff Action Following Receipt of an Allegation of Sexual Crime, p. 16 and sub-section 13, Grievance/Discipline, p. 19-20.

### **§115.81 – Medical and mental health screenings; history of sexual abuse**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The screening process that the DOCR utilizes during the booking process screens for sexual abuse and includes questions to identify both perpetrators and victims. If an inmate answers “yes” to any question on the screening form, an incident report is submitted to the Shift Commander and in the case where a “yes” is given for the sexual abuse screening questions, a mental health referral is also submitted. Under normal circumstances, the inmate is seen by mental health staff within 24 to 48 hours of the referral being submitted.

After the screening is completed in the Receiving and Discharge area, the inmate is taken to medical to be screened by medical personnel. This process is generally completed within 24 hours of admission into the facility.

The auditor reviewed a referral for mental health services, a “Custody and Concerns” list, the DOCR Informed Consent Form, Maryland reporting requirements, and the DOCR policy. In addition, the auditor interviewed the facility Doctor, two Nurses and the Qualified Mental Health Professional.

### **§115.82 – Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The DOCR medical units at both the MCDC and the MCCF are staffed 24 hours a day and provide unimpeded access to emergency medical treatment. If the inmate’s condition cannot be treated at the facility, the inmate would be sent out to the Emergency Room at the local hospital (most likely Shady Grove Adventist Hospital). During normal working hours, a full medical team, including a doctor, a psychiatrist, nurses, and Qualified Mental Health Professionals are staffing the health care and mental health services at both facilities.

Qualified Mental Health Professionals are on call during non-business hours to address any mental health emergencies as identified by the Shift Commander.

These services are provided at no cost to a sexual assault victim.

The inmates the auditor interviewed spoke highly of the health care and mental health services at the facility.

### **§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The auditor interviewed four of the medical team and was apprised of the medical and mental health protocols that are followed in the event of a sexual assault on a male or female inmate. The health care providers and mental health staff confirmed that all the requirements of this standard are met. The health care and mental health providers also said that these protocols are addressed in their training. The general consensus among the health care team is that the health care and mental health services exceed the level of care in the community.

Interviews with inmates also confirmed that services are readily available and very helpful.

### **§115.86 – Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard

for the relevant review period)

Does Not Meet Standard (requires corrective action)

The Warden and his management team meet as often as three times per week. During these meetings, PREA investigations are reviewed and a discussion is held regarding the various requirements of the standard and their application to the specific investigation being reviewed. The DOCR has a PREA Incident Review Worksheet that covers each item in the standard. While the standard suggests that the PREA Incident Review Team should meet independently of the Warden, the standard does not preclude this approach.

### **§115.87 – Data Collection**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR meets the requirements of the standard. Data is collected from a variety of sources and is incorporated into the agency's evaluations, planning, training strategies, and budgeting. The data was helpful to the auditors during the audit.

### **§115.88 – Data Review for Corrective Action**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The DOCR publishes two reports, annually, that are very comprehensive in scope and include the agency's progress in meeting the PREA Standards. The Department of Corrections and Rehabilitation Performance Review FY 2013 and the FY 2013 Performance and Accountability Report compare the current year's data and corrective actions with those of previous years and evaluate the agency's progress in addressing sexual abuse and sexual assault. These reports are signed by the DOCR Director and are publically available

### **§§115.89 – Data Storage, Publication, and Destruction**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The Deputy Warden of Inmate Programs and Services is the designated PREA Coordinator for the Montgomery County Department of Correction and Rehabilitation, Detention Services Division and in that capacity he/she is responsible for all data collection and retention of sexual abuse allegations.

Hard copies of PREA investigations are maintained in the locked office of the Deputy Warden, which is on the secure side at each facility, and the files are further secured in a locked file

cabinet. Electronic data maintained by the Deputy Warden is secure by use of a name and password on the computer.

DOCR is participating in a retention schedule review with the County Department of General Services but it has not been authorized by the State at this time. The agency noted that Federal Law 45 CFR 164.530 requires a six year retention schedule.

As previously mentioned, The Department of Corrections and Rehabilitation Performance Review FY 2013 and the FY 2013 Performance and Accountability Report published annually and available to the public.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of his knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.



\_\_\_\_\_  
Auditor Signature

\_\_\_\_\_  
March 9, 2015

Date