

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

2016



PREA Background

Beginning in 2003, when President Bush signed the Prison Rape Elimination Act (PREA) into law, the United States Department of Justice (DOJ) worked to develop national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards is to provide comprehensive guidelines for preventing, detecting, and responding to incidents of sexual abuse involving inmates in a confinement facility. After a lengthy process that included public review and comment, the DOJ published minimum PREA standards that significantly impact administrative and operational procedures of federal, state, and local adult prisons and jails, lockups, community confinement facilities and juvenile facilities. The national PREA standards became effective on August 20, 2012.

On September 1, 2012 the Department issued directive DPSCS.020.0026 establishing a “Zero Tolerance” policy for sexual abuse and sexual harassment of inmates. The directive designated a PREA Coordinator, established a network of PREA Compliance Managers (PCM), formalized the PREA Committee (first formed in 2005), and assigned specific responsibilities to the PREA Coordinator and PREA Committee for oversight of all activities designed to integrate the national PREA standards into the Department’s administrative and operational activities. This directive confirms that the Department of Public Safety and Correctional Services:

- Does not tolerate sexual abuse or sexual harassment of an inmate;
- Shall continue an aggressive approach to preventing, detecting, and responding to acts of sexual abuse and sexual harassment involving an inmate; and
- Shall ensure that existing efforts and new strategies to prevent, detect, and respond to acts of sexual abuse and sexual harassment involving an inmate comply with applicable national PREA standards.

In the years 2014 through 2015 the Department hired PREA Auditors of America, LLC and G4S, Inc. to perform independent audits required by §115.401 of the Prison Rape Elimination Act. Six facilities were selected for audit during this first year of a three year cycle and another seven were selected in the second year. In November of 2014 these contracted auditors certified by the United States Department of Justice conducted onsite audits at six facilities. All six facilities audited were found to be in compliance with all PREA standards. In 2015 the auditors visited seven more facilities returning successful audits at those facilities. In 2016, seven more facilities were successfully audited with one facility requiring a corrective action period. The final reports associated with these audits are available on the Department’s website. Those facilities are listed as follows:

2014

Chesapeake Detention Facility
Maryland Correctional Institution for Women
North Branch Correction Institution
Western correctional Institution
Roxbury Correctional Institution
Eastern Correctional Institution, including

- Eastern Correctional Institution - Annex

• Poplar Hill Pre-Release Unit

2015

Maryland Correctional Institution in Hagerstown
Maryland Correctional Institution in Jessup
Jessup Correctional Institution
Baltimore City Correctional Center
Brockbridge Correctional Facility
Metropolitan Transition Center
Threshold

2016

Baltimore Booking and Intake Center
Baltimore Pre-Trial Complex*
Central Maryland Correctional Facility
Dorsey Run Correctional Facility
Eastern Pre-Release Unit
Southern Maryland Pre-Release Unit
Patuxent Institution
Maryland Reception, Diagnostic, and Classification Center

*Corrective action plan required

Interstate Auditing Agreement

In September of 2016 the States of Maryland, Pennsylvania, Michigan and Wisconsin joined together to perform PREA audits for one another. In November four auditors from Maryland traveled to Pennsylvania to begin the first of the agreed upon audits. The agreement was designed so that a State receiving an audit is then obligated to perform an audit for another state within the group. The State performing the audit pays the costs of travel for its own staff members. In future years Maryland expects that it will be conducting eight audits each year, receiving in kind service from the other states within the agreement. To protect the integrity of the audits PREA regulations prohibit reciprocating audits, meaning that two states may not audit one another. Such auditing agreements require the participation of three or more states.

Auditing consortiums, such as the one described, provide several benefits to the members of the group. Such arrangements save the states involved money when trained staff members conduct the audits. The audit process also promotes an exchange of ideas and knowledge that normally would not occur. The auditing agreement also provides incentive for a state's auditors to perform actual audits and maintain their PREA auditing certification.

Required Reporting

In §115.88, the Prison Rape Elimination Act requires that each agency publish a report that includes a summary and analysis of reported incidents, a comparison of prior year's data, problem identification, and corrective actions. This report contains incident data for each facility

covering calendar years 2015 and 2016, along with a problem and corrective action summary for 2016. This report is being made available on the Department's website to comply with the public reporting requirements of the Act.

Problem & Corrective Action Summary

After the final PREA standards for adult prisons and jails were published in 2012 the Department quickly established a formal internal structure to implement PREA at every facility within the agency and make the necessary changes required for full compliance. In 2013, the Department continued its PREA implementation by focusing on agency-wide policy that would later provide guidance to its individual facilities as they developed procedures that complemented their operational and staffing capabilities. During 2013, problem identification and corrective action tended to center on policy development and large scale problems that affected most, if not all of the Department's many facilities. In 2014 efforts shifted from policy development to implementation of new procedures and creating an agency-wide awareness of the serious problem of sexual abuse in confinement settings. In 2015 and 2016 the department continued to refine its procedures and responses moving toward elimination of sexual violence in its correctional facilities. The following list summarizes the Department's efforts in the past year to reduce sexual violence and misconduct within Maryland's correctional and detention facilities, and fully comply with the recently published PREA standards:

- Pre-service and in-service training programs emphasized PREA standards and the Department's commitment to meeting those requirements.
- In May of 2016 the Governor committed Maryland to meeting PREA standards and spending 5% of designated grant funding to implementation of PREA standards.
- In 2014 the Department of Public Safety and Correctional Services joined with the Department of Juvenile Services to apply for grant funding to be used primarily for training of staff when supervising youthful inmates. The grant is still in place.
- By the end of 2016 independent audits of twenty-one facilities have been successfully completed. The remaining facilities are expected to complete the auditing process in 2017.
- The Office of the Inspector General continued internal "practice" audits using trained auditors to determine the Department's readiness for actual inspections by independent auditors.
- A new facility for youthful offenders is under construction and scheduled to be opened in 2017.
- In January of 2016 the Department hosted a seminar to train PREA compliance managers.
- Cameras were upgraded at the Maryland Correctional Institution for Women
- A contract was negotiated with the Maryland Coalition Against Sexual Assault to coordinate the efforts of sexual assault centers across the state to provide services to inmate victims.

To comply with §115.11 of the Act a PREA Compliance Manager was assigned to each facility during 2012. Under the direction of these compliance managers the facilities began to develop new procedures and evaluate their institutions for compliance with all PREA standards. The

result has been a network of managers that share solutions and information across the agency. The PREA Coordinator's office hosts periodic seminars conducted by its trained PREA auditors for the facility managers and any other interested staff members.

Reporting Data

To meet the reporting requirement of PREA standard §115.88, the Department assigned its Intelligence & Investigative Division to maintain detailed records regarding all reported incidents of sexual misconduct. Summary data for each facility for the calendar years 2015 and 2016 are included in this report. During 2016 the Department continued to encourage reporting directly to staff and through a telephone hotline. It was fully expected that the number of reported incidents would continue to rise from 2015 to 2016. The number of incidents reported increased by 13.4% from 231 in 2015 to 262 in 2016. Increased reporting helps facility managers better understand the existing patterns of abuse so that corrective action can be taken.

Each reported incident is referred to the Department's Intelligence & Investigative Division (IID). This unit is an independent police agency as defined by Annotated Code of Maryland; and, is responsible for conducting administrative and criminal investigations in facilities under the control of the Department of Public Safety and Correctional Services. Investigators assigned to IID are sworn law enforcement officers certified by the Maryland Police Training Commission. All reported incidents are investigated and receive one of three dispositions. Those dispositions are:

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

In some cases, the investigations have not yet been completed and those reports have been indicated accordingly. Reported incidents and dispositions for each facility are provided. In 2015, three reports were found to be substantiated, while in 2016, one case has been substantiated with thirty-two cases to be completed. Additional information has been provided relating to the relationship between the inmate victim and the alleged suspect or suspects. An average daily population figure has been provided along with a calculation of the number of reported incidents per one hundred inmates to provide an accurate comparison between facilities of varying populations.

PREA INCIDENT REPORTS - 2015

Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Case	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	7	2	1	0	4	7	0	794	0.88
Baltimore City Correctional Center	2	1	1	0	0	2	0	496	0.40
Baltimore City Detention Center	9	4	2	0	3	9	0	2299	0.39
Baltimore Pre-Release Unit (closed)	na	na	na	na	na	na	na	na	na
Brockbridge Correctional Facility	2	1	1	0	0	1	1	420	0.48
Central Maryland Correctional Facility	2	2	0	0	0	0	2	446	0.45
Chesapeake Detention Facility	0	0	0	0	0	0	0	389	0.00
Dorsey Run Correctional Facility	3	1	0	0	2	2	1	538	0.56
Eastern Correctional Institution	44	20	21	1	2	13	31	2675	1.64
Eastern Correctional Institution Annex	2	1	1	0	0	0	2	595	0.34
Eastern Pre-Release Unit	1	0	1	0	0	1	0	170	0.59
Jessup Correctional Institution	20	6	6	0	8	6	14	1767	1.13
Maryland Correctional Institution - Hagerstown	19	6	12	0	1	11	8	1661	1.14
Maryland Correctional Institution - Jessup	9	2	1	0	6	4	5	1044	0.86
Maryland Correctional Institution for Women	12	2	3	1	6	3	9	812	1.48
Maryland Correctional Training Center	15	6	9	0	0	5	10	2470	0.61
Maryland Correctional Transportation Unit	2	2	0	0	0	0	2	na	na
Maryland Reception, Diagnostic and Classification Center	12	4	5	0	3	7	5	710	1.69
Metropolitan Transition Center	1	1	0	0	0	0	1	581	0.17
North Branch Correctional Institution	22	10	11	0	1	11	11	1339	1.64
Patuxent Institution	15	3	8	0	4	7	8	874	1.72
Poplar Hill Pre-Release Unit	0	0	0	0	0	0	0	130	0.00
Roxbury Correctional Institution	13	4	6	1	2	9	4	1720	0.76
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	165	0.00
Threshold	0	0	0	0	0	0	0	30	0.00
Western Correctional Institution	19	12	6	0	1	9	10	1593	1.19
TOTALS	231	90	95	3	43	107	124	23718	0.97

PREA INCIDENT REPORTS - 2016

Facility Name	Reported Incidents	Disposition Unfounded	Disposition Unsubstantiated	Disposition Substantiated	Open Case	Inmate on Inmate	Staff on Inmate	Average Daily Population	Reports per 100 Inmates
Baltimore Central Booking and Intake Center	14	3	7	1	3	9	5	677	2.07
Baltimore City Correctional Center	0	0	0	0	0	0	0	408	0.00
Baltimore Pretrial Complex*	3	0	2	0	1	1	2	499	0.60
Baltimore Pre-Release Unit (closed)**	1	1	0	0	0	0	1	na	na
Brockbridge Correctional Facility	6	0	3	0	3	2	4	629	0.95
Central Maryland Correctional Facility	3	2	1	0	0	1	2	509	0.59
Chesapeake Detention Facility	5	2	2	0	1	2	3	446	1.12
Dorsey Run Correctional Facility	7	4	3	0	0	1	6	734	0.95
Eastern Correctional Institution	48	21	27	0	0	11	37	2610	1.84
Eastern Correctional Institution Annex	0	0	0	0	0	0	0	596	0.00
Eastern Pre-Release Unit	0	0	0	0	0	0	0	169	0.00
Jessup Correctional Institution	22	4	12	0	6	9	13	1709	1.29
Maryland Correctional Institution - Hagerstown	15	6	8	0	1	9	6	1694	0.89
Maryland Correctional Institution - Jessup	6	2	3	0	1	0	6	985	0.61
Maryland Correctional Institution for Women	25	9	10	0	6	11	14	749	3.34
Maryland Correctional Training Center	29	11	17	0	1	11	18	2500	1.16
Maryland Correctional Transportation Unit	0	0	0	0	0	0	0	na	na
Maryland Reception, Diagnostic and Classification Center	6	2	3	0	1	3	3	582	1.03
Metropolitan Transition Center	4	1	1	0	2	1	3	420	0.95
North Branch Correctional Institution	15	12	3	0	0	5	10	1238	1.21
Patuxent Institution	15	6	6	0	3	7	8	870	1.72
Poplar Hill Pre-Release Unit	0	0	0	0	0	0	0	187	0.00
Roxbury Correctional Institution	18	9	7	0	2	10	8	1756	1.03
Southern Maryland Pre-Release Unit	0	0	0	0	0	0	0	154	0.00
Threshold	0	0	0	0	0	0	0	27	0.00
Western Correctional Institution	20	12	7	0	1	7	13	1625	1.23
TOTALS	262	107	122	1	32	100	162	21773	1.20

*The Metropolitan Transition Center has been reported separately

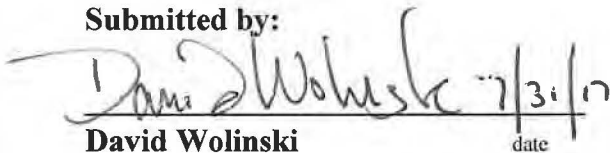
**Late reported incident

The Future

It is the Department's intent to have each of its facilities meet or exceed all PREA standards. Since the standards were finalized in 2012, significant strides have been made in that direction and the following goals have been established for 2017 and beyond:

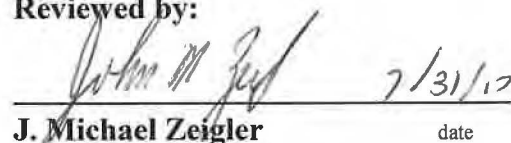
- Complete contracts and agreements with outside victim advocacy organizations to provide services for inmate victims.
- Successfully complete audits of two more facilities that have not been audited and certify the agency as PREA compliant.
- Continue participation in the interstate auditing agreement, completing audits in sync with the PREA audit cycle that begins on August 20th of each year.
- Complete a training program for staff working with youthful offenders.
- Open a new facility specifically designed to meet the needs of youthful offenders.
- Provide custom PREA handbooks to every staff member who has contact with inmates.
- Provide further training to the Department's investigator's to enhance the quality of investigations.
- Provide funding to the Intelligence & Investigative Division for additional equipment and supplies to improve investigative capabilities.
- Produce an inmate education video with information that is unique to Maryland correctional facilities.

Submitted by:

 7/31/17
date

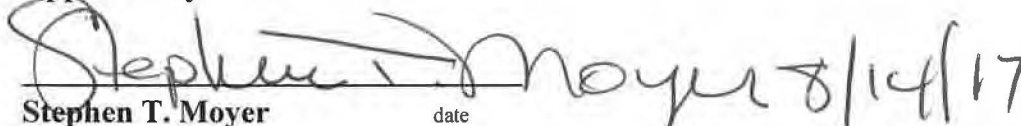
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