



Montgomery County Department of Correction and Rehabilitation Detention Services Division 2018 PREA Annual Report §115.88

PREA Background:

The Prison Rape Elimination Act (PREA) was established in 2003 to address sexual abuse and sexual harassment of persons in the custody of U.S. correctional institutions. On August 20, 2012, the PREA standards for jails and prisons final rule became effective. Included in these provisions of PREA are the development of standards for the detection, prevention, reduction and punishment of sexual abuse and sexual harassment in confinement settings. The Montgomery County Department of Correction and Rehabilitation (MCDOCR) has long embraced the principles associated with PREA. Since 2005 the MCDOCR has actively taken steps to educate and train staff, contractors and volunteers on prohibited contact and inappropriate relationships with persons under our custody. By complying with the PREA standards for jails and prisons, the MCDOCR demonstrates a continuing commitment to **Zero Tolerance** of sexual abuse in confinement settings.

This is the MCDOCR's 5th annual report of data collected and aggregated pursuant to Prison Rape Elimination Act (PREA) Standard 115.88. The purpose of this report is to assess and improve the effectiveness of the agency's sexual abuse prevention, detection, and response policies, practices, and training. The facilities included in this report are the Montgomery County Detention Center and the Montgomery County Correctional Facility.

TRAINING:

The MCDOCR continues to provide each employee with refresher training annually to ensure that all employees know the Department's current sexual abuse and sexual harassment policies and procedures. All employees are required to attend mandatory, annual in-service tested training which includes a PREA module. Everyone who works within our agency receives training on the signs and symptoms of inmate sexual abuse and how to report allegations of abuse.

All new employees are required to attend a Department orientation prior to being assigned a Field Training Officer which includes their initial PREA education. They also receive a Department in-service PREA training and a State academy PREA training with-in their first year of hire.

All Lieutenants and Captains are assigned as PREA investigators and this past year there have been several retirements through these ranks. As a result, newly appointed Lieutenants have been provided with the PREA investigator information offered from the National Institutes



of Corrections web site on the training specific to PREA investigators. There is a basic and an advanced course and all newly appointed Lieutenants have completed this training.

INMATE REPORTING METHODS:

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

- Telling any staff member (nurse, therapist, case manager, volunteer, contractor etc.) Correctional Officer or any supervisor
- Inmate request slip or note
- Inmate Grievance form
- Letter or note to the Captain
- Letter or note to the facility PREA Compliance Manager
- Letter or note to the Department PREA Coordinator
- Letter or note to the Chaplain
- Calling the internal Department PREA Hotline from any inmate telephone
- Calling the external PREA Hotline from any inmate telephone
- Staff and the public may call the external PREA Hotline

PREA Disposition Types:

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

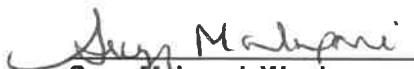
Those disposition types and their definitions are listed below after the Survey of Sexual Violence.

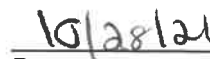
ANALYSIS:

- A new system with multiple cameras was added and other cameras were upgraded throughout MCCF. This project also provided for a new server that allows for a longer retention time of video. This has already proved beneficial in assisting investigators with PREA allegations. We have identified eight (8) additional "add-on" cameras we would like installed.



- The Department continues to move forward with building other phases of the electronic Jail Management System to include Inmate Services, Medical and Mental Health. Included in the plan is to be able to more effectively identify and track those inmates who may be at risk of being sexually assaulted or abused from those that may be at risk of sexually assaulting or abusing others. This is a Department wide system so staff at our Community Corrections Division will also benefit and have access to the screening information on any individual who may have come from the Detention Services Division. This would assist them with housing assignments and supervision of their resident population.
- MCDOCR actively participates in the County Sexual Assault Response Team (SART) quarterly meetings to make sure that inmates have access to the most current community resources and information to receive services, so they can get any identified help they may need upon release.
- The County's Victim Assistance and Sexual Assault Program (VASAP) has secured grant funding for a part time therapist to provide victim services exclusively to the inmate population at MCCF. If an inmate requires or requests these services while at MCDC, they will be transferred to the MCCF. This certified and licensed position would also provide staff trainings related to PREA as the need arises.


Suzy Malagari, Warden
Montgomery County DOCR


Date



2018 PREA SURVEY OF SEXUAL VIOLENCE

2018 NEW ADMISSIONS: Detention Services

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
	522	468	518	470	488	475	459	496	477	518	427	479	5,797

2018 AVERAGE MONTHLY POPULATION:

Avg.

MCCF	593	609	610	624	607	613	617	613	587	596	594	561	602
MCDC	57	59	59	66	63	61	57	57	61	59	63	53	59

Inmate on Inmate Nonconsensual Sexual Acts/Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	1						1			3			5
Substantiated										1			1
Un-Substantiated										2			4
Un-Founded	1						1						
Under Investigation													

Allegations of Inmate-on-inmate Abusive sexual contacts:

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



Allegations of Staff Sexual Misconduct/Abuse:

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

Allegations of Staff Sexual Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	1	1				1	1		4				8
Substantiated													
Un-Substantiated							1		1				2
Un-Founded	1	1				1			3				6
Under Investigation													

Other:

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

COMMENTS:

* Total Allegations Received – 23

Total Substantiated – 1

Total Unsubstantiated – 4

Total Unfounded – 17

Total Under Investigation – 1

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



INMATE ON INMATE SEXUAL VIOLENCE

The categories of inmate on inmate SEXUAL VIOLENCE are:

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

AND

- Contact between the penis and the vagina or the penis and the anus including penetration, however slight;

OR

- Contact between the mouth and the penis, vagina, or anus;

OR

- Penetration of the anal or genital opening of another person however slight by a hand, finger, other instrument or object.

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

AND

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

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

OTHER DEFINITIONS:

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

Investigation Ongoing – A final determination has not yet been made



STAFF SEXUAL MISCONDUCT AND HARASSMENT

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

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

OR

OR

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

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

OR

Gender Categories:

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

Intersex – A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.