



Montgomery County Department of Correction and Rehabilitation Detention Services Division 2015 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.

No matter when an alleged incident occurs, MCDOCR attempts to collect data on all PREA incidents, including those reported by offenders and/or inmates that took place in another jurisdiction and those that were previously reported. Each incident is reviewed and, if necessary, investigated.

PREA Compliance Activities and Investigations of Allegations:

The MCDOCR Detention Services Division has a zero-tolerance policy relating to sexual assault and/or rape of an inmate and will cooperate fully in the investigation and prosecution of anyone involved in a sexual assault and/or rape of an inmate. The primary responsibility of all Department employees, support staff, contractors and volunteers is inmate safety. Our policy shall be followed in conjunction with all Federal and State mandatory reporting requirements.

All sexual abuse allegations are reported to the proper authorities for investigation. MCDOCR cooperates with the investigator(s) and their agency and follows up with any findings or recommendations the investigation produces.

The PREA Coordinator or their designee conducts internal reviews on all PREA allegations that have been substantiated and unsubstantiated. The review consists of environmental factors, human factors, and system factors. The results of these reviews are used to assess and improve our effectiveness and any corrective actions that may be needed pursuant to PREA mandate 115.88. If any issues are identified, these are shared with other command sections that may be affected to ensure that each command section has an effective process in place for the safety of the inmates.

While the number of allegations went up, there appears to be a positive motivation to this increase. Education for inmates has allowed those in custody to feel more comfortable bringing complaints forward in any of the numerous ways offered to them.

TRAINING:

Staff education is an important part of training and has resulted in better response to incidents of sexual abuse and sexual harassment. Staff are aware that every allegation must be submitted for investigation. Each PREA incident reported by an arrestee or inmate is documented and assessed. We recognize and understand that we must continuously provide and offer training to our staff members, contractors, and volunteers and we must also continually provide education to the inmates at all levels of their incarceration to provide effective detection, prevention, and response to PREA allegations. The MCDOCR continues to make extensive progress in complying with the standards over the past year in addressing sexual abuse by implementing and updating several training modules for all staff, contractors and volunteers. Reviews of Department and Division policies and protocols have been completed to better educate and guide our staff and offenders on how to deal with and handle any allegation regarding sexual abuse incidents. Offenders continue to be advised during the admissions process of our Departments zero tolerance policy of sexual abuse and the different ways available to them to report such abuse through posters, brochures and interviews with admission staff.

Required PREA training modules has been in place and continues annually to be provided to all MCDOCR employees, contractors and volunteers to include Custody and Security, Medical and Mental Health and support staff.

With the full cooperation and the support services of the Montgomery County Police and the Montgomery County Department of Health and Human Services Victim Assistance and Sexual Assault Program (VASAP), staff has been able to further their education regarding the detection and prevention of sexual abuse as well as preserving evidence and conducting investigations.

ANALYSIS:

- Our dedicated staff are proud to provide high levels of supervision and monitoring of the inmates to ensure them the protection they deserve. With our Departments strong zero-tolerance policy, and by providing a safe, secure environment and a comfort level for the inmates that they can report any PREA allegations, free from retaliation, in a confidential format, has made our facilities safer for inmates as well as staff.
- A Department PREA investigative report form has been updated to be more in line with the Federal reporting requirements that captures all the recorded data that must be included on the Federal report.
- Intake screenings and tracking of potential victims and abusers has been updated. Any “yes” answer to the screening questions is automatically forwarded to a mental health professional to further screen for possible risk of victimization or to help identify possible predators.
- Transfer alert forms were amended to share information with other jurisdictions on inmates who may be predators or victims of sexual assault, abuse or harassment.

- A secure PREA allegation data base continues to be used by investigators that is accessible only to the PREA Coordinator and the PREA Managers.
- While the number of substantiated incidents is low, it is the type of incidents that has remained the same. Harassment from inmates or what is perceived as harassment by staff is a difficult area to combat in a jail environment where inmates have difficulty getting along with both staff and other inmates. Consistent staff response to these types of incidents and allegations will keep this type of behavior to a minimum.
- Staff on inmate allegations has increased slightly and we attributed this to the ongoing education of the PREA mandates to the inmates. We are evaluating ways to deliver the message to the inmate population to explain the difference between a sexual assault or unwanted touching for sexual gratification and the good correctional practice of conducting a pat/frisk search. This in turn should decrease the number of PREA allegations against staff once inmates understand the difference between the two.



Robert L. Green, Director
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Date