



Montgomery County Department
of Correction and Rehabilitation
Detention Services Division
2023 PREA Annual Report
§115.88

PREA Background:

Since the passage of the Prison Rape Elimination Act in 2003 (“PREA”), and through the adoption of PREA National Standards in August 2012, the Montgomery County Department of Correction and Rehabilitation (“MCDOCR”) has maintained a strong commitment to a Zero Tolerance policy for sexual abuse and sexual harassment. Included in the provisions of PREA are the development of standards for the detection, prevention, reduction, and punishment of sexual abuse and sexual harassment in confinement settings. Since 2005, the MCDOCR has actively taken steps to educate and train staff, contractors, and volunteers on prohibited contact and inappropriate relationships with persons under our custody and supervision.

This is the MCDOCR’s 12th 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 (“MCDC”) and the Montgomery County Correctional Facility (“MCCF”).

TRAINING:

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



At MCDOCR, all Lieutenants and Captains, as part of their responsibilities, are trained as PREA investigators. As in years past there have been several retirements and promotions through these ranks. As a result, newly appointed Lieutenants have been provided with the PREA investigator information offered from the National Institutes of Corrections web site on the training specific to PREA investigators. There is a basic and an advanced course and all newly appointed Lieutenants have completed this training. We are pleased to also announce that 100% of required staff have completed annual in-service training that includes PREA and additional Correctional environment issues.

PREVENTION, INTERVENTION AND REPORTING METHODS:

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

- Verbal notification to any staff member (Nurse, Therapist, Case Manager, Correctional Officer, or any Supervisor, Volunteer, or Contractor)
- Request slip or handwritten note
- 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 unit telephone
- Calling the external PREA Hotline from any unit telephone
- Staff and the public may call the external PREA Hotline

To address the prevention and intervention of possible sexual assault and/or harassment within MCDOCR, an initial assessment is conducted during the intake and admission process. This is to help determine if the newly arrested individual is a current or potential victim of sexual assault or battery or if they show tendencies of acting out with sexually aggressive behavior. During the objective jail classification assessment, specific criteria is used to help identify an individual who may have a history of sexual assault or abusive behavior and/or of being sexually victimized. DOCR began a more robust screening process this year. This new process is more inclusive of the various elements that determine the vulnerability of our population and involve many more departmental staff to ensure that no one is left behind. While this process is still being



tested throughout our facilities, we plan to have this fully digital within our software systems by January 2025. All offenders/residents also receive education on the Department's Zero-Tolerance policy during intake and admission. Additionally, PREA information is available in the Guidebook.

After assignment to a housing pod, education for those incarcerated continues via signage throughout the facility and by a pre-recorded message on the population phone system. An orientation video is shown daily in the pre-placement pods. It is also during this time, or when the incarcerated meets with their Case Manager for orientation, that the individual is provided with a guidebook. Procedures for reporting attempts of sexual abuse or harassment and incidents of sexual assault or battery are outlined, and information on how to access available support services as well as self-protection and prevention techniques are included. Details on a toll-free Hotline are part of the video and materials. That information is also posted prominently throughout the facility. Individuals can contact the hotline from any unit phone.

MCDOCR has historically partnered with the County's Victim Assistance and Sexual Assault Program ("VASAP"). While the program is no longer referred to as VASAP, the services of Health and Human Resources ("HHS") has prioritized resources for victims of sexual assault. MCDOCR has a close working relationship with full-time therapists that provide services and offer support for any victims of sexual assault inside or outside of confinement.

PREA Disposition Types:

It should be noted that consensual sexual activity between those incarcerated does not qualify as a PREA incident although it is against MCDOCR policy and may lead to disciplinary action. In such cases, the Department's PREA protocols are followed until a determination of consent has been made. The PREA Standards provide definitions that guide the MCDOCR in determining the outcome of allegations investigated. Those disposition types and their definitions are listed below after the Survey of Sexual Violence.

MCDOCR STATISTICS:

The findings from all investigations of reports received regarding offender-on-offender sexual abuse or harassment or all reports received regarding authorized personnel sexual abuse or harassment towards the incarcerated are compiled monthly. These



statistics help us to determine if MCDOCR can better detect, prevent, and deter sexual violence within our facilities. This information also is reported to the U.S. Department of Justice on an annual basis.

INCIDENT REVIEWS:

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

1. Offender allegations made against a fellow incarcerated individual based on a perceived incompatibility and seeking housing assignment changes.
2. Lack of offender understanding of staff responsibilities and processes which contributed to conflicts and allegations against staff.
3. Retaliation against receiving a disciplinary report
4. Manipulation to receive house-alone status

Overall, the Department noted an average number of PREA incidents and allegations during 2023 in comparison to prior years averages. As our facilities have stabilized and returned to operations more closely aligned to Pre-Pandemic approaches, we saw a slight increase in PREA cases. Our conclusion regarding the factors attributing to the slight uptick is the fact that our population averages have risen, coupled with less restricted operations.

Staff continued responsive adjustments to support appropriate housing assignments and changes as possible. Additional education for staff and offenders on effective communication could prove beneficial and improve cohesive interactions and less conflicts related to misunderstandings. DOCR will continue to place a high prioritization on awareness, training, and deterrence as the department shift back into a model of normalcy in the coming year.

ANALYSIS:

Many of the allegations that were deemed unfounded brought to light ulterior motives from the incarcerated individuals. Several instances of PREA allegations were found to stem from differences in opinions regarding procedures and rules. It was found that because officer placed sanctions upon offenders, offenders would initiate a PREA complaint against said officer to avoid contact or communication in the future. Mental health is another factor in unfounded PREA complaints against officers. This vulnerable population often desires a house-alone status which isolates them from general population to protect them from peer negative influence, ridicule, and extortion.



The juvenile offender population was maintained with sight and sound separation from the adult offender population. Based on fluctuating operational needs, the Juvenile population has been rotated to both MCCF and MCDC while maintaining a focus on programming and safety. Case Management staffing and modified education and program engagement was similarly adjusted to ensure equitable staff presence and support for the juvenile population.

Additional presence of non-uniformed staff assisted to further engage and support the offender population despite restrictions and modified operations. New patterns of engagement were supported through Case Managers and Therapists for additional offender welfare checks and providing enrichment materials and activities to balance increased time within housing cells. Additional Case Management staff continue to be temporarily redeployed from the Department's Community Corrections Division to work onsite within MCCF and MCDC. Their additional presence has provided a consistent case management presence on each of the housing pods which has provided greater support and services.

It should also be noted that the agency underwent an intensive and thorough audit by the American Correctional Association during November which encompasses several PREA related standards involving, adults, juveniles, and gender non-conforming offenders. MCDOCR was granted full re-accreditation on January 5, 2024.

After reviewing any substantiated and unsubstantiated findings from the sexual abuse and/or harassment allegations received in 2023, it has been determined that there was no need to change policy or practice. Monitoring technology was found to be adequate throughout the facilities. Staffing patterns are reviewed and evaluated annually as part of another Department process and if there were any changes made, it was to ensure appropriate coverage on each shift at each facility. MCDOCR continues to implement best practices and the requirements of the PREA standards to address allegations of sexual abuse and sexual harassment of offenders while maintaining a safe and orderly facility environment.

This report is approved by:

A handwritten signature in black ink that reads "Ben Stevenson".

**Ben Stevenson, Director
Montgomery County DOCR**

02/29/2024

Date



INCARCERATED INDIVIDUAL SEXUAL VIOLENCE

The categories of offender-on-offender 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 Offender: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender 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 offender by an employee, volunteer, contractor, official visitor, or other agency representative (exclude offender family, friends, or other visitors). Sexual relationships of a romantic nature between staff and offenders are included in this definition. Consensual or nonconsensual sexual acts include:

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of incident exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or sexual gratification

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

- Demeaning references to gender or sexually suggestive derogatory comments about body or clothing;

OR

- Repeated profane or obscene language or gestures

Gender Categories:

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

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



2023 PREA SURVEY OF SEXUAL VIOLENCE

2023 NEW ADMISSIONS: Detention Services

Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
314	311	394	376	346	332	291	381	341	354	373	425	4238

2023 AVERAGE MONTHLY POPULATION:

Avg.

MCCF	685	705	726	740	746	747	757	744	744	766	768	775	742
MCDC	65	63	87	103	96	81	73	69	72	72	90	104	81

Incarcerated Peer Nonconsensual Sexual Acts/Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	1	2	0	1	0	0	1	0	1	1	4		11
Substantiated									1				1
Un-Substantiated	1	2		1			1			1	3		9
Un-Founded													0
Under Investigation											1		1

Allegations of Incarcerated Peer Abusive sexual contacts:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	0	0	0	3	0	0	1	0	1	2	1	0	8
Substantiated													0
Un-Substantiated				3					1				4
Un-Founded							1				1		2
Under Investigation										2			2



Allegations of Staff Sexual Misconduct/Abuse:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	0	0	0	2	2	0	3	0	1	0	0	1	9
Substantiated													0
Un-Substantiated				2			1		1				4
Un-Founded					1		2					1	4
Under Investigation					1								1

Allegations of Staff Sexual Harassment:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Number Reported	0	0	0	1	0	0	1	0	0	0	0	0	2
Substantiated													
Un-Substantiated													
Un-Founded				1			1						2
Under Investigation													

Other:

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Reported – offender refused to cooperate	1	0	0	0	0	0	0	0	0	0	1	1	4
Number Reported	1										1	3	5
Substantiated													
Unsubstantiated													
Unfounded												2	2
Under investigation													

COMMENTS:

* Total Allegations Received – 35

Total Substantiated – 1 Offender on Offender Harassment.

Total Unsubstantiated – 17

Total Unfounded – 10

Total Under Investigation – 4 + 3 Refusals to Cooperate (7)

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