



# Annual PREA Report September 2014

Hampden  
County  
Sheriff's  
Department

## **Background:**

The Prison Rape Elimination Act of 2003 (PREA) was enacted to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape” (PREA Resource Center). The goal of the act is to prevent, detect, and respond to sexual abuse and harassment. The act was unanimously passed by Congress and signed into law by President George W. Bush.

The final rule became effective on August 20, 2012 after three years of review by the Department of Justice (DOJ). The final rule encompasses and defines four types of facilities which fall under the purview of the act: Adult Prisons and Jails, Lockup, Community Confinement, and Juvenile Facilities. In order to maintain compliance with the ruling, agencies are required to have 1/3 of each facility type audited by DOJ certified auditors per year beginning August 20, 2013. If unable to complete an audit within this timeframe PREA allows for a “Governor’s Assurance” during the initial audit cycle. This assurance requires an allocation of Federal Grant funding to projects working on PREA compliance. Due to the limited resources available from the DOJ, the small timeframe from the passing of the act to the auditing deadline, and the incomplete status of the auditing guidelines, the Governor of Massachusetts has elected the assurance option for the first year of this audit cycle. Due to the assurance policy, no PREA Audits were conducted in Hampden County Sheriff’s Department (HCSD) facilities this fiscal year.

This report has been promulgated pursuant to the requirements set forth in the Prison Rape Elimination Act of 2003, 115.88/115.401.

## **Annual Report to the Bureau of Justice Statistics:**

PREA standard 115.87/115.287 requires the collection and publication of aggregated data related to incidents of sexual abuse. The standard requires the publication of incident based data derived from the definitions set forth in the BJS annual Survey of Sexual Victimization (SSV). Aggregated data from all HCSD facilities is included in this report.

In addition to this report, the U.S. Census Bureau acting on behalf of BJS requires all correctional agencies to submit a yearly report regarding sexual victimization of inmates; the SSV. The SSV is completed for each calendar year and includes incident-based and demographic data. This report is submitted annually and once formatted is available on the BJS website.

## **Report Timeframe:**

This report utilizes the data gathered from calendar year 2013, which is the format utilized by BJS for the SSV. Due to the recent passing of the Act and this being the first report of its kind, the information and corrective actions cited in this document are a compilation of efforts which began in 2012.

## **Inmate on Inmate Incident Data:**

Data was collected from January 1, 2013 - December 31, 2013. During this time period there were a total of 13 allegations of inmate on inmate sexual victimization. Of these allegations all were investigated and 7 were substantiated.

Inmate-on-Inmate Sexual Victimization Data for the Hampden County Sheriff's Department									
Incident Type	Calendar Year 2013								
Nonconsensual Sexual Acts	<table> <tr><td>Substantiated</td><td>0</td></tr> <tr><td>Unsubstantiated</td><td>0</td></tr> <tr><td>Unfounded</td><td>0</td></tr> <tr><td>Investigation Ongoing</td><td>0</td></tr> </table>	Substantiated	0	Unsubstantiated	0	Unfounded	0	Investigation Ongoing	0
Substantiated	0								
Unsubstantiated	0								
Unfounded	0								
Investigation Ongoing	0								
Abusive Sexual Contact	<table> <tr><td>Substantiated</td><td>1</td></tr> <tr><td>Unsubstantiated</td><td>0</td></tr> <tr><td>Unfounded</td><td>6</td></tr> <tr><td>Investigation Ongoing</td><td>0</td></tr> </table>	Substantiated	1	Unsubstantiated	0	Unfounded	6	Investigation Ongoing	0
Substantiated	1								
Unsubstantiated	0								
Unfounded	6								
Investigation Ongoing	0								
Sexual Harassment	<table> <tr><td>Substantiated</td><td>6</td></tr> <tr><td>Unsubstantiated</td><td>0</td></tr> <tr><td>Unfounded</td><td>0</td></tr> <tr><td>Investigation Ongoing</td><td>0</td></tr> </table>	Substantiated	6	Unsubstantiated	0	Unfounded	0	Investigation Ongoing	0
Substantiated	6								
Unsubstantiated	0								
Unfounded	0								
Investigation Ongoing	0								

**Definitions Related to Inmate on Inmate Sexual Victimization**

**Nonconsensual Sexual Act:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; contact between the penis and the vulva or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**Abusive Sexual Contact:** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; 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:** 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.

**Staff on Inmate Incident Data:**

Data was collected from January 1, 2013-December 31, 2013. During this time period there was one allegation of staff sexual misconduct. This allegation was determined to be unfounded.

Staff on Inmate Sexual Victimization Data for the Hampden County Sheriff's Department	
Incident Type	Calendar Year 2013
Staff on Inmate Sexual Misconduct	Substantiated   0
	Unsubstantiated   0
	Unfounded   1
	Investigation Ongoing   0
Staff on Inmate Sexual Harassment	Substantiated   0
	Unsubstantiated   0
	Unfounded   0
	Investigation Ongoing   0

**Definitions Related to Staff on Inmate Sexual Victimization**

**Sexual Misconduct:** Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude 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 indecent exposure, invasion of

privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**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 family, friends, or other visitors). Include— Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; repeated profane or obscene language or gestures.

### **Data Analysis:**

Due to the recent passing of the PREA Act there is no year-to-year comparison of aggregate data in this report. In future years this section will include an overview of annual data trends. For calendar year 2013 there was one substantiated incident of inmate on inmate sexual abuse and six substantiated incidents of inmate on inmate sexual harassment. Of these incidents 1 occurred at the HCSD Jail and House of Correction, 1 occurred at the HCSD Pre-Release Center, and 5 occurred at the HCSD Western Massachusetts Regional Women's Correctional Center.

### **Corrective Action:**

This report is the first of its kind and therefore there is no baseline or time period for corrective action. For this reason this report includes a pro-active "Accomplishments" section below.

### **Accomplishments:**

- To comply with 115.11/115.211 zero tolerance of sexual abuse and sexual harassment and the designation of a PREA Coordinator and facility PREA Managers:
  - An agency PREA Coordinator and 6 facility PREA Managers were appointed at each facility.
- To comply with 115.13/115.213 regarding supervision and monitoring:
  - A facility risk assessment was completed for the Main Facility to analyze risk factors related to sexual victimization within the facility.
- To comply with 115.14 regarding youthful offenders:
  - The commonwealth statute was revised. Massachusetts no longer sentences individuals under the age of 18 as adults. The HCSD no longer houses inmates under the age of 18.
- To comply with 115.31/115.231 regarding employee training:

- PREA training programs were incorporated into Academy Training and Annual In-service training curriculums. An informational Bi-Weekly training on the Department's new PREA incident response kits was also presented in 2013.
- To comply with 115.33/115.233 regarding inmate/resident education:
  - A new PREA informational curriculum was developed and is now utilized in all the HCSD's orientation units. This curriculum was developed utilizing the JDI PREA information video.
  - Inmates/residents are given PREA informational brochures upon intake in either English or Spanish.
- To comply with 115.41/115.241 regarding the screening for risk of victimization and abusiveness:
  - The HCSD IS&T Department developed a new screening database to store offender risk information. This database is utilized by all facilities for offender screening and monitoring.
- The Department is finalizing a MOU (Memorandum of Understanding) agreement between the HCSD and YWCA for Victim Advocate services.
- The HCSD is developing a Sexual Assault Response Team or SART to facilitate a coordinated response amongst all applicable departments. The SART is currently in the development phase and preparations for team selection and trainings have begun.
- In August of 2014 the HCSD participated in a commonwealth readiness assessment survey which was developed by the Massachusetts Sheriff's Association and reported back to state Executive Officer of Public Safety and Security.
- Throughout the course of the year, select Standards and Security staff attended the MA DOC 16-Hour PREA Auditor Training and MA DOC 8-Hour PREA Investigation Training. In addition, staff completed the online certificate courses available through the NCIC PREA Learning Center on the topics of: Your Role: Responding to Sexual Abuse, Medical Health Care for Sexual Assault Victims in a Confinement Setting, PREA Coordinators' Roles and Responsibilities, PREA Audit Process and Instrument Overview, Behavioral Health Care for Sexual Assault Victims in a Confinement Setting, and Investigating Sexual Abuse in a Confinement Setting.

## **Conclusion:**

The HCSD has implemented comprehensive policy and training since the passing of the Prison Rape Elimination Act in August of 2012. The HCSD will continue negotiations for an MOU with the local YWCA and will continue with the implementation of the HCSD SART. The HCSD intends to audit two of its facilities in the next year of the audit cycle with the goal of complete agency compliance by the end of the first audit cycle, August 20, 2016.