



# Annual PREA Report September 2016

Hampden  
County  
Sheriff's  
Department

## **Background:**

The Prison Rape Elimination Act (PREA) of 2003 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. A very successful PREA Audit was conducted in June of 2015 for the Hampden County Sheriff’s Department’s (HCSD) Main Institution, Pre-Release Center, and the Western Massachusetts Addiction Center and an even more successful PREA Audit was conducted at the Women’s Correctional Center in June of 2016. This completes the first 3-year cycle of PREA compliance for the department.

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 2015, which is the format utilized by BJS for the SSV. The information and corrective actions cited in this document are a compilation of efforts which began in 2013.

## Inmate on Inmate Incident Data:

Data was collected from January 1, 2015 - December 31, 2015. During this time period there were a total of 16 allegations of inmate on inmate sexual victimization (11 fewer than the previous year). Of these allegations all were investigated and 4 were substantiated (a decrease of 9 from the previous year).

Inmate on Inmate Sexual Victimization Data for the Hampden County Sheriff's Department	
Incident Type	Calendar Year 2015
<b>Nonconsensual Sexual Acts</b>	Substantiated   0
	Unsubstantiated   0
	Unfounded   0
	Investigation Ongoing   0
<b>Abusive Sexual Contact</b>	Substantiated    1
	Unsubstantiated    4
	Unfounded    4
	Investigation Ongoing   0
<b>Sexual Harassment</b>	Substantiated    3
	Unsubstantiated    4
	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, 2015-December 31, 2015. During this time period there were zero allegations of staff sexual misconduct.

Staff on Inmate Sexual Victimization Data for the Hampden County Sheriff's Department		
Incident Type	Calendar Year 2015	
<b>Staff on Inmate Sexual Misconduct</b>	Substantiated	0
	Unsubstantiated	0
	Unfounded	0
	Investigation Ongoing	0
<b>Staff on Inmate Sexual Harassment</b>	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:**

For calendar year 2015 there was nine substantiated incidents of inmate on inmate sexual abuse and four substantiated incidents of inmate on inmate sexual harassment. Of these incidents, 1 occurred at the HCSD Jail and House of Correction, 0 occurred at the HCSD Pre-Release Center and Western Massachusetts Addictions Center (WMCAC) and 12 occurred at the HCSD Western Massachusetts Regional Women's Correctional Center.

## **Corrective Action:**

The Department will continue to be pro-active in its PREA trainings, signage and education of staff and inmates in the "zero tolerance" policy. The Department will strive as a whole to protect and ensure the safety and well-being of all inmates entrusted to our custody.

## **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 PREA incident response kits was also presented in 2014.
- To comply with 115.33/115.233 regarding inmate/resident education:
  - A 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 screening database to store offender risk information. This database is utilized by all facilities for offender screening and monitoring.

- The Department has an MOU (Memorandum of Understanding) agreement between the HCSD and YWCA for Victim Advocate services.
- The HCSD has a Sexual Assault Victim Advocate or SAVA who facilitate a coordinated response amongst all applicable departments. The SAVA trainings will be coordinated with the WYCA Rape Crisis Center.
- 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.
- As of July 2016, the entire Hampden County Sheriff's Dept. is PREA compliant and will begin preparing for the 2 cycle of PREA Audits.

## **Conclusion:**

The HCSD has implemented comprehensive policy and training since the passing of the Prison Rape Elimination Act in August of 2012. The HCSD had all 4 of its facilities audited by retired thirty-year Pennsylvania Correctional Professional Lou Folino. The Department's auditor noted that this was one of the best facilities he has had the pleasure to visit. The HCSD and its participating facilities received high praise from Auditor Folino on the Department's professionalism and preparedness.