



Hampden County Sheriff's Department

# Annual PREA Report 2019



## **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 rules 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 required an allocation of Federal Grant funding to projects working on PREA compliance. The first 3-year audit cycle was very successful with the audits in June of 2015 for the Hampden County Sheriff’s Department’s (HCSD) Main Institution, Pre-Release Center (PRC) and the Western Massachusetts Recovery and Wellness Center (WMRWC) in June of 2016. The second 3-year audit cycle continued with the successful audits of the Main Institution and PRC in August of 2017, the Western Massachusetts Recovery and Wellness Center (WMRWC) in August of 2018 and the Western Massachusetts Regional Woman’s Correctional Center (WMRWCC) in August of 2019.

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 2019, 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, 2019 – December 31, 2019. During this time period there were a total of twenty-one (21) allegations of sexual abuse. For all the finalized investigations, only two (2) were substantiated.

<b>Inmate on Inmate Sexual Victimization Data for the Hampden County Sheriff's Department (All Facilities)</b>									
<b>Incident Type</b>	<b>Calendar Year 2019</b>								
<b>Sexual Abuse</b>  <b>Total = 21</b>	<b>Abusive Sexual Contact</b>  <table border="1"><tr><td>Substantiated</td><td>2</td></tr><tr><td>Unsubstantiated</td><td>4</td></tr><tr><td>Unfounded</td><td>15</td></tr><tr><td>Investigation Ongoing</td><td>0</td></tr></table>	Substantiated	2	Unsubstantiated	4	Unfounded	15	Investigation Ongoing	0
Substantiated	2								
Unsubstantiated	4								
Unfounded	15								
Investigation Ongoing	0								
<b>Sexual Harassment</b>  <b>Total = 11</b>	<b>Sexual Harassment</b>  <table border="1"><tr><td>Substantiated</td><td>4</td></tr><tr><td>Unsubstantiated</td><td>5</td></tr><tr><td>Unfounded</td><td>2</td></tr><tr><td>Investigation Ongoing</td><td>0</td></tr></table>	Substantiated	4	Unsubstantiated	5	Unfounded	2	Investigation Ongoing	0
Substantiated	4								
Unsubstantiated	5								
Unfounded	2								
Investigation Ongoing	0								

**Definitions Related to 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 an 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 or 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 or 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.

**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.

### **Corrective Action:**

Pursuant to PREA standard 115. 87 (Data Collection) & 115.88 (Data Review for Corrective Action), the HCSD continues to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. This includes (1) identifying problem areas; (2) taking corrective action on an ongoing basis; and (3) preparation of this annual report, findings and corrective actions for each facility as well as the agency as a whole.

To this end, this report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse. (see Table 1 and 2)

The HCSD has a long history of implementing practices intended to prevent and respond to instances of sexual abuse and sexual harassment. Following the adoption of the PREA standards, the HCSD has implemented a number of enhancements to further combat sexual abuse and sexual harassment. 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.

The Department overall has demonstrated a statistical decrease in PREA cases in FY2020. This is largely due to the lowered daily count due to Covid-19 and housing one inmate per cell at the WCC.

<b>TABLE 1</b>							
Category Type	2017	2018	2019		2017	2018	2019
Total	23	50	32		100%	100%	100%
Staff sexual misconduct	1	2	6		5%	4%	18%
Staff sexual harassment	0	4	1		0%	8%	3%
Inmate-on-inmate nonconsensual act	1	0	0		5%	0%	0%
Inmate-on-inmate abusive sexual contacts	14	34	15		60%	68%	48%
Inmate-on-inmate sexual harassment	7	10	10		30%	20%	31%

<b>TABLE 2</b>						
Completed	2017		2018		2019	
Unsubstantiated	7	30%	12	24%	9	28%
Substantiated	3	13%	5	10%	6	18%
Unfounded	11	47%	23	46%	17	54%
Ongoing	2	10%	10	20%	0	0%
Total	23	100%	50	100%	32	100%

### Accomplishments:

- Continued compliance 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 5 facility PREA Managers were appointed at each facility.
- Continued compliance with 115.13/115.213 regarding **Supervision and Monitoring**:
  - Facility Risk Assessments continue to be completed for all the facilities to analyze risk factors related to sexual victimization within the facility.
- Continued compliance 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.
- Continued compliance with 115.31, .34, .35/115.231, .235 regarding **Employee/Contractor Training**:
  - PREA training programs are incorporated into Academy Trainings, New Staff and Annual In-Service training curriculums for employees and contractors. Specialized training is conducted regularly for Specialized Areas (Investigators, Medical, Mental Health, etc.) Information trainings on various PREA topics are offered annually.
- Continued compliance with 115.33/115.233 regarding **Inmate/Resident Education**:
  - A PREA information curriculum was developed and is now utilized in all the HCSD's orientation units. This curriculum was developed utilizing the JDI PREA information video. It is available in English and Spanish.

- Inmates/residents are given PREA informational brochures upon Intake in English and Spanish.
- Inmates receive an Inmate Handbook (in English or Spanish) containing specific PREA information.
- Informational PREA Posters are posted throughout the facilities (Intake, Visiting, Housing, Programs, etc.)
- Continued compliance 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 PREA risk information. This database is utilized by all facilities for offender screening, classification, housing and monitoring.
- The HCSD has an **MOU** (Memorandum of Understanding) agreement between the HCSD and YWCA for **Victim Advocate Services**.
- The HCSD has a **Sexual Assault Victim Advocate (SAVA)** who facilitates a coordinated response amongst all applicable departments. The SAVAs trainings are coordinated with the WYCA Rape Crisis Center.
- Standards and Security staff continue to attend PREA trainings. Administrative staff continually seek out staff members for additional, and specialized trainings.
- The HCSD has successfully completed the Cycle 2 PREA Audit at the Women's Correctional Center (WMRWCC) in August of 2019. During the Audit it was found to have met 26 standards, and exceeded 19 standards. The HCSD has successfully completed Cycle 2 PREA Audits of the Main Facility (MI) and Pre-Release Center (PRC) in August of 2017 and the Western Massachusetts Recovery and Wellness Center (WMRWC) in August 2018. The Auditor commended the HCSD for meeting and exceeding standards, and for operating facilities that provide a safe, secure, and humane environment.

### **Conclusion:**

The HCSD has implemented comprehensive policy, training, monitoring and a culture of Zero Tolerance since the passing of the Prison Rape Elimination Act in August of 2012. The HCSD has had all four (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 and audit. The HCSD and its participating facilities received high praise from Auditor Folino on the Department's professionalism and preparedness.