



Hampden County Sheriff's Department

# Annual PREA Report 2021



## 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. The third 3-year audit cycle began in September 2020 and saw the Main Institution and Pre-Release Center under its third 3-year audit cycle. The WMRWC had its third cycle in November of 2021.

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.

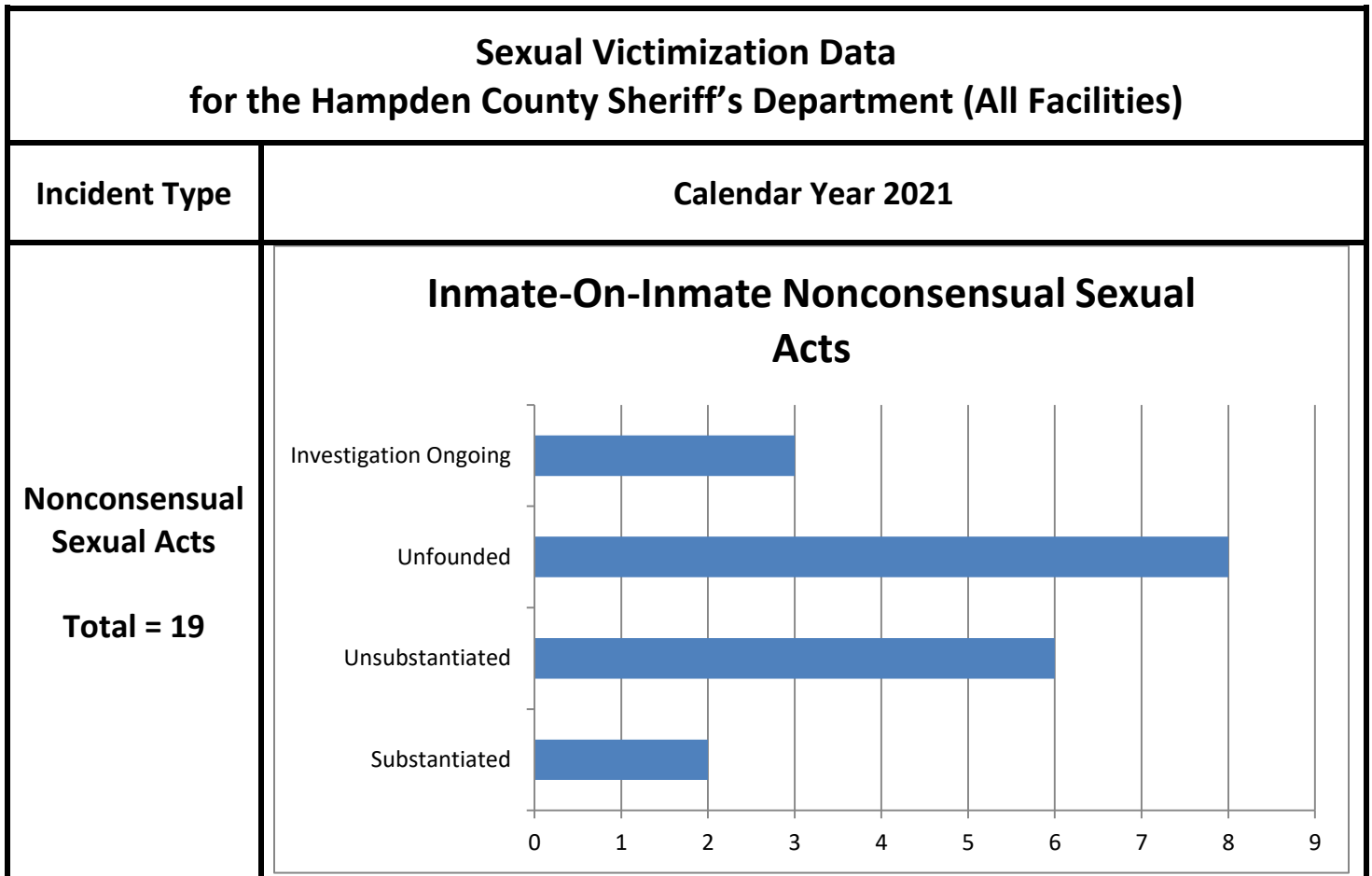
In addition to this report, the U.S. Census Bureau acting on behalf of BJS requires all correctional agencies to submit a yearly report regarding sexual victimization of inmates; the SSV. The SSV is completed for each calendar year and includes incident-based and demographic data. This report is submitted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

**Report Timeframe:**

This report utilizes the data gathered from calendar year 2021, 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:**

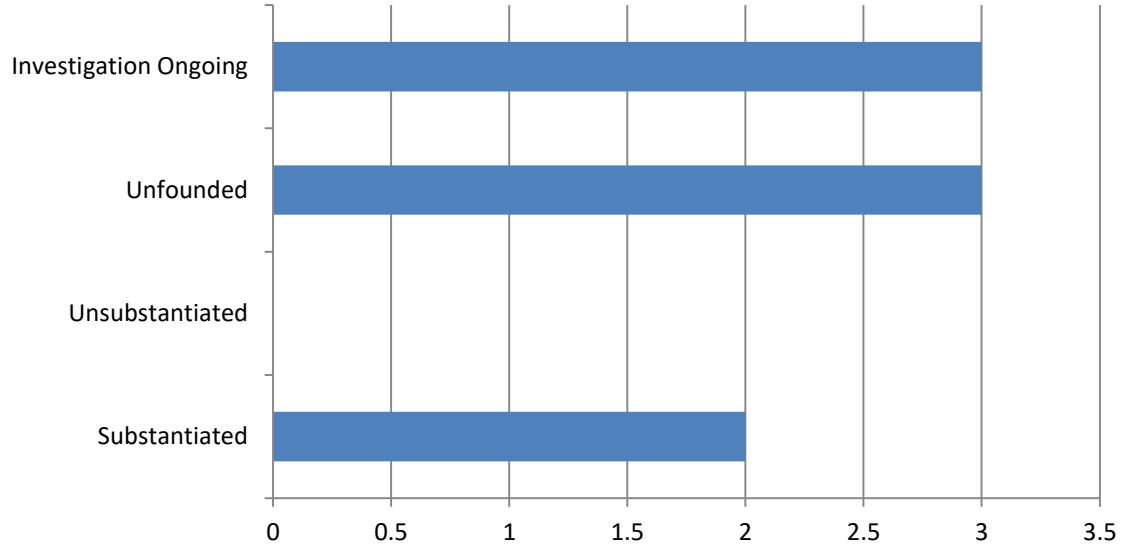
Data was collected from January 1, 2021 – December 31, 2021. During this time period there were a total of forty-four (44) allegations of sexual abuse. For all the finalized investigations, only four (4) were substantiated.



**Abusive Sexual Contact**

**Total = 8**

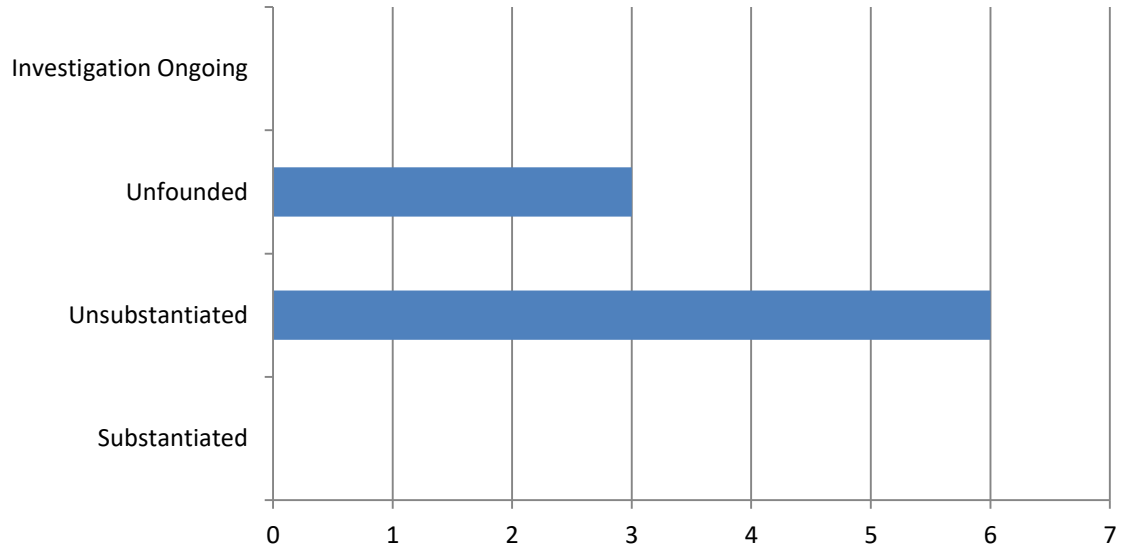
**Inmate-On-Inmate Abusive Sexual Contact**

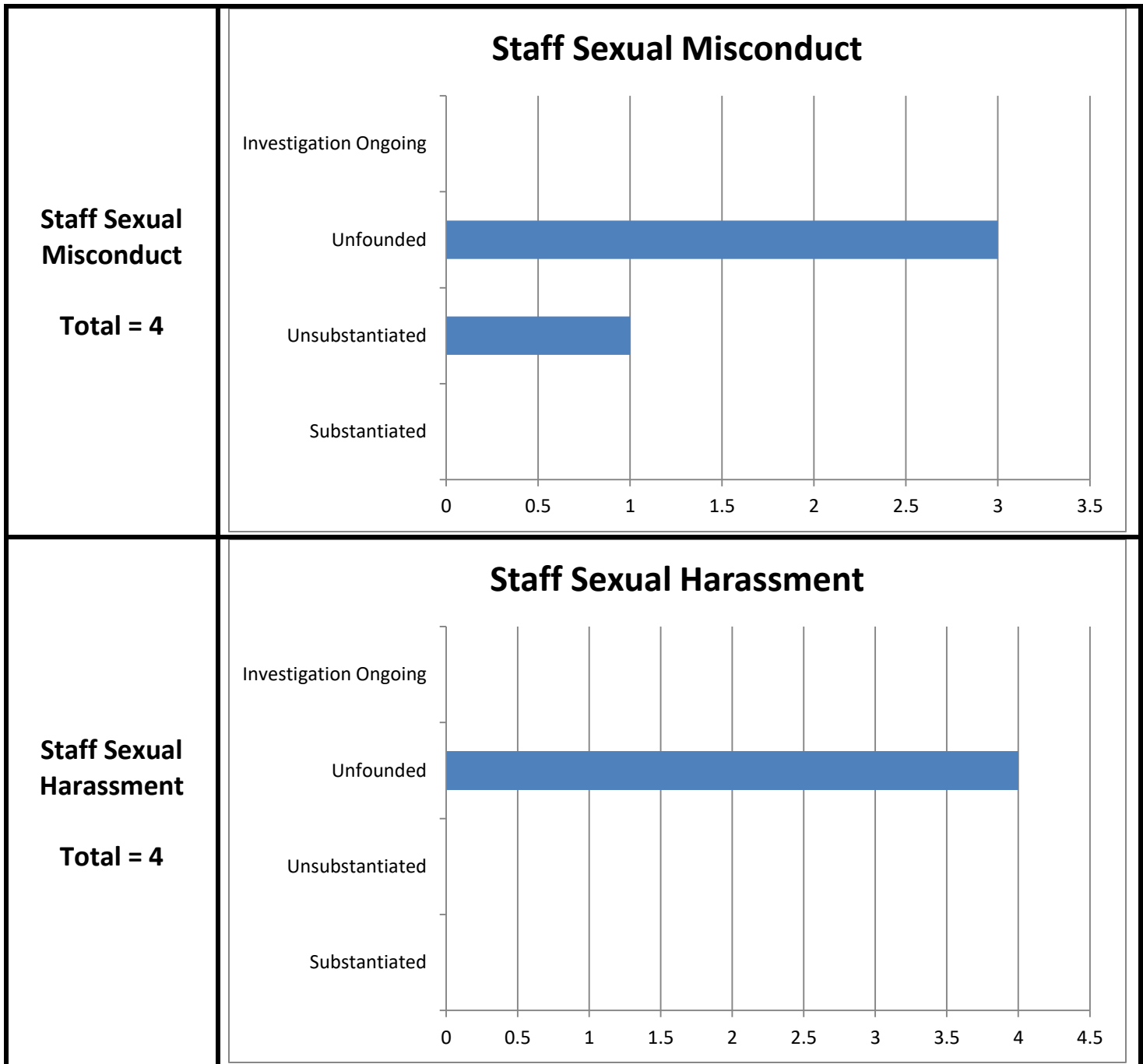


**Sexual Harassment**

**Total = 9**

**Inmate-On-Inmate Sexual Harassment**





**Definitions Related to Sexual Victimization:**

**Nonconsensual Sexual Act:** Sexual contact of any person without their consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetration, however slight; or 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 their 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.

**Staff Sexual Misconduct:** Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or their 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 non-consensual 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 indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**Staff Sexual Harassment:** Repeated verbal 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). Includes- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.

### **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 proactive 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 increase in PREA cases in 2021. This is largely attributed to the increased daily count at the Western Massachusetts Regional Women's Correctional Center (WCC). During the height of Covid-19, the count at WCC lowered to the point of historic lows since it's opening which allowed for single occupancy. In the second half of 2021, WCC saw its count increase which led to an increase in PREA complaints and cases. This can be attributed to social dynamics of the incarcerated population at WCC and the result of no longer having single occupancy cells.

| <b>TABLE 1- Reported Cases</b>           |      |      |      |  |      |      |      |
|--|------|------|------|--|------|------|------|
| Category Type                            | 2019 | 2020 | 2021 |  | 2019 | 2020 | 2021 |
| Total Cases Reported                     | 32   | 15   | 44   |  |      |      |      |
| Staff sexual misconduct                  | 6    | 1    | 4    |  | 18%  | 7%   | 9%   |
| Staff sexual harassment                  | 1    | 6    | 4    |  | 3%   | 40%  | 9%   |
| Inmate-on-inmate nonconsensual act       | 0    | 4    | 19   |  | 0%   | 27%  | 43%  |
| Inmate-on-inmate abusive sexual contacts | 15   | 2    | 8    |  | 48%  | 13%  | 18%  |
| Inmate-on-inmate sexual harassment       | 10   | 2    | 9    |  | 31%  | 13%  | 20%  |

| <b>TABLE 2- Findings of Reported Cases</b> |      |     |      |     |      |       |
|--|------|-----|------|-----|------|-------|
| Year                                       | 2019 |     | 2020 |     | 2021 |       |
| Total Reported Cases                       | 32   |     | 15   |     | 44   |       |
| • Unsubstantiated                          | 9    | 28% | 3    | 20% | 4    | 9%    |
| • Substantiated                            | 6    | 18% | 2    | 13% | 13   | 29.5% |
| • Unfounded                                | 17   | 54% | 10   | 67% | 21   | 47.7% |
| • Ongoing                                  | 0    | 0%  | 0    | 0%  | 6    | 13.6% |

**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; one 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 Orientation 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 or Spanish.
- Inmates receive 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**.
- Standards and Security staff continue to attend PREA trainings. Administrative staff continually seeks out staff members for additional and specialized trainings.
- The HCSD has successfully completed its scheduled Cycle PREA Audit at the Western Massachusetts Recovery & Wellness Center in November of 2021. During the Audit, the WMRWC was found to have met 37 standards, and exceeded 5 standards. WMRWC met the requirements for all standards and were not deficient in any area. The Auditor commended the HCSD for meeting and exceeding standards, and for operating facilities that provide a safe, secure, and humane environment. The Auditor noted that compliance indicators had increased significantly since the last time WMRWC was audited and that HCSD had risen to the new expectations.
- HCSD augmented its operations to include for all inmates and residents to be re-screened after 20-30 days in a facility to include the new intakes and transfers. This provided an additional step in the screening process to check for associated risks of sexual victimization.

### **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 three (3) of its facilities audited by retired, thirty-three year Michigan Correctional professional Amy Fairbanks. The HCSD and its participating facilities received high praise from Auditor Fairbanks on the Department's professionalism and preparedness.