



SOMERSET COUNTY JAIL

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Memo

Date: 7/3/2017
To: Public
From: Compliance Monitor Teshia Cates (PREA Compliance Manager and PREA Investigator)



The Prison Rape Elimination Act of 2003 is a federal law established to support the elimination and prevention of sexual assault and sexual misconduct in correctional systems. Somerset County Jail located in Madison Maine supports the guidelines set forth in this law and has implemented a **ZERO-TOLERANCE** policy for any and all incident of sexual assault and sexual misconduct in accordance with the Prison Rape Elimination Act of 2003.

The United States Prison Rape Elimination Act of 2003 is 42 U.S.C. Sections 15601 (<https://www.gpo.gov/fdsys/pkg/USCODE-2005-title42/pdf/USCODE-2005-title42-chap147-sec15601.pdf>). PREA addresses both inmate-to-inmate sexual assault and staff-to-inmate sexual assault. Somerset County Jail (SCJ) has a **zero tolerance** policy towards all forms of sexual abuse and sexual harassment. All allegations of sexual misconduct or sexual harassment will be referred for investigation. These allegations will be investigated by Somerset County Jail's PREA Investigators and referred to appropriate internal or external investigative staff to conduct a criminal investigation. All staff and contractors with inmate contact receive training on PREA, all volunteers receive an orientation on SCJ's PREA policies, and contractors who have limited inmate contact sign a PREA acknowledgement. All staff, contractors and volunteers are background checked prior to working in the facility and on an on-going basis.

Somerset County Jail houses pre and post-conviction; able and disabled; male, female, and persons identifying as lesbian, gay, bisexual, transsexual or inter-sex. The facilities policies, procedures and practices are driven by the needs of this population; Maine Department of Corrections standards; American Correctional Association standards; and PREA standards.

Somerset County Jail has a systematic process that starts when an arrestee enters our intake area (the booking process). Upon Booking all Somerset County Jail arrestees will be explained PREA and Somerset County Jail's zero tolerance. This form and posters throughout the facility explain the ways to report any instance of sexual assault or harassment. This includes: telling a staff member, volunteer, or contractor; by sending an inmate request or grievance; making a report on the free SCJ PREA Report Line; or by writing the Department of Corrections PREA Coordinator. Any of these reporting means can be done anonymously and are available to third parties in the community. If someone is a victim of sexual assault or harassment they have the right to treatment, counseling and help free of charge. Victim advocacy services are available and mental health for those in need. For those persons dealing with trauma

related to acts of sexual violence in the community SCJ will assist in the continuation of services during their incarceration.

During the intake and classification processes, arrestees will be screened and assessed by security staff, medical and mental health staff for risk as well as the possibility of sexual victimization or sexual predation. After the Intake process inmates will also receive an orientation with the programs department. Through this orientation PREA is explained to all inmates and questions addressed during this presentation. This process is documented. PREA Information is also posted in all housing units, Medical, Intake, Programs, lobby areas and in our rule books (issued to every inmate).

When a PREA incident comes to the attention of SCJ staff, volunteers, or contractors the receiving person makes a written report immediately to the Shift Supervisor on duty. This supervisor will conduct an interview with the victim to assess security and safety of the individual. Immediate actions may include: forensic evidence collection at the local hospital, medical and mental health assistance, separation of the perpetrator and notification of the facility PREA Coordinator. The victim will be offered free: medical, mental health, victim counselling, and the investigation will be initiated. As the investigation proceeds and after it is concluded the victim will be monitored on a periodic basis for need of assistance, harassment as a result of the investigation, and ongoing trauma based issues. The victim will be informed of the results of the investigation at the conclusion.

PREA standard 115.88 mandates that correctional facilities and prisons provide a copy of their annual review. Within this document is an Annual Review of Somerset County Jail for the year of 2016. In 2016 there was 17 PREA allegations. The breakdown of these allegations was: 1 substantiated, 6 unsubstantiated, 7 unfounded, 1 staff violation of policy did not fall underneath substantiated or unsubstantiated, 1 pending response from other agency and 1 not applicable. Below I have cited the case numbers and have taken out any personal identifiable information:

16-01 Staff on Inmate allegation. Allegedly staff sexual misconduct with Inmate behind a closed door with lights shut off. This was determined unfounded. Video feed showed Inmate was not behind a door with lights shut off with an Officer.

16-02 Inmate on Inmate allegation. Inmate ran fingers through another inmates hair and touched shoulder. One inmate was offended by contact. This was determined unsubstantiated. No contact was put in place between the two. One Inmate admitted the touching after being told it was unwanted. Inmate was written up for harassment (found guilty).

16-03 a note was written with sexual comments possibly intended for roommate to include date. This was investigated and determined unfounded. Inmates intended this as a joke and both were explained PREA is taken very seriously at Somerset County Jail.

16-04 Staff on Inmate (at another facility) Inmate stated that he was being sexually harassed by an officer at another facility. This allegation was sent to the agency by PREA Coordinator pending results.

16-05 Inmate on Inmate allegation. A request that had no name was sent in stating "you could of kept someone from being abused". Investigation revealed Inmate who wrote request and Inmate did not want to talk. Support services were provided and this was determined unsubstantiated.

16-06 Staff on former Inmate. This was a policy violation not PREA.

16-07 Inmate on Inmate allegation. Inmate was masturbating during a cell check. Stated it was a joke. This was determined sexual misconduct.

16-08 staff on Inmate allegation. Inmate reported that she was gang raped in intake. This was determined unfounded. Inmate was non-compliant and had to be extracted.

16-09 Staff on Inmate allegation. Inmate alleged was being sexually assaulted by staff member. This was determined unfounded.

16-10 Inmate on Inmate allegation. Inmate told officer they made love. This was determined unfounded.

16-11 Inmate on Inmate allegation. Inmate making sexually offensive comments. This was determined unsubstantiated.

16-12 Inmate on Inmate allegation. Anonymous tip that two Inmates were having sex. Determined unsubstantiated advised supervisors to no house Inmates together neither party stated that they had any type of sexual relations.

16-13 Staff on Inmate allegation. Staff made inappropriate comment once. This at the time was determined unsubstantiated but is a policy violation and does not fall under the definition provided for sexual assault or sexual harassment. Staff member admitted to comment and was disciplined.

16-14 Staff on Inmate allegation of sexual harassment. This was investigated and determined unfounded.

16-15 Inmate on Inmate allegation. Inmate was masturbating and made sexual comments to roommate while doing so. Inmate also made sexual advances on another Inmate. This was determined unsubstantiated. A no contact was put in place.

16-16 Inmate on Inmate allegation. Anonymous report of Inmate touching others and making sexual comments in the pod. Determined unfounded insufficient evidence.

16-17 Staff on Inmate. Staff member was having sexual relations with Inmate. This was substantiated and staff member was decertified.

After reviewing all cases in 2016. It has been relayed through PREA training that Officers should know surroundings and never be behind a closed door with any Inmate.

Some problem areas identified were:

- Blind spots in facility making sure staff are aware of them and to make sure they are not going into these spots with any inmate.
- All of these have been reviewed by the multi-disciplinary team (grand rounds) and no corrective changes were mentioned at the time. Mentioned would be nice to have cameras in the cells but told that due to privacy issues this will not happen.
- Years prior the number of allegations of sexual assault and sexual harassment have gone up. This is expected since SCJ has put up PREA Posters, PREA hotline, PREA in handbooks, Intake acknowledgement form and education sessions.

Changes to facility's response to alleged PREA related incidents from years prior:

- Assigning case numbers to each allegation of PREA related incident even if they are not PREA
- Customized PREA Posters to Somerset County Jail. Pictures are from the Jail and contain ways to report sexual abuse or sexual harassment
- PREA Report Hotline
- MOU with "Silent no more" for victim advocate services
- 3 PREA trained investigators, 2 for criminal investigations
- PREA Kit implemented for a sexual assault
- PREA training for volunteers, staff and medical
- Advising vendor and contractors about SCJ zero tolerance policy (new form was made for documentation purposes)
- Policy 2.12 PREA
- Staff announcing their presence in a unit of the opposite sex
- MOU with MDOC PREA Coordinator for third party reporting
- Notification to Inmates of final results of PREA investigations in writing
- SCJ PREA Info page (website)
- Supervisor emergency check lists for sexual assault and sexual harassment
- Victimization and predation screenings by classification
- Hiring and Promotion decisions updated to the PREA standards
- Purple Communications for those who are deaf and hard of hearing
- Updated all Inmate handbooks to include updated info on PREA, LG. print handbooks and different languages
- Updated policy on searches to not allow cross gender searches unless exigent circumstances exist at the current time

- Assessed facility for blind spots
- Database for tracking PREA cases
- In the works of an MOU with Redington Fairview General Hospital for SAFE/SANE nurse (perform the kit)

In conclusion, Somerset County Jail has undergone a PREA Audit and is in the corrective action stage. The above is the summary for 2016 and changes from years prior to detect, prevent and respond to PREA Incidents. Sexual Assault and Sexual Harassment is not part of anyone's sentence. Somerset County Jail will continue to work diligently towards PREA compliance and addressing PREA related incidents as they arise.

Written by: Teshia Cates Compliance Monitor

Date: 7/3/17

Signature:



Reviewed & Approved by: Sheriff Dale P. Lancaster (agency head)

Date: 07-06-2017

Signature

