

Somerset County Sheriff
Dale P. Lancaster

Jail Administrator
MAJ Cory C. Swope




Chief Deputy
James F. Ross

Assistant Jail Administrator
CPT Sean P. Maguire

Somerset County Jail Memo



Date: 1/8/17
To: Public
From: Compliance Manager Teshia Cates (PREA Compliance Manager and PREA Investigation 

Somerset County Jail is the first Maine County Jail to be certified compliant with national Prison Rape Elimination Act standards. Simply, compliance with these standards makes the jail a safer facility for staff and inmates.

The Prison Rape Elimination Act (PREA) 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 incidents of sexual assault, sexual misconduct and sexual harassment (this is in accordance with the Prison Rape Elimination Act of 2003).

The United States Prison Rape Elimination Act of 2003 is 42 U.S.C. Section 15601 (<https://www.gpo.gov/fdsys/pkg/USCODE-2005-title42/pdf/USCODE-2005-title42-chap147-sec15601.pdf>). PREA addresses both inmate-on-inmate sexual assault and staff-on-inmate sexual assault. Somerset County Jail 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 staff to conduct a criminal investigation; if there is potentially any criminal behavior. All volunteers receive an orientation and contractors sign a PREA acknowledgement. All staff, contractors, and volunteers have their backgrounds checked prior to working in the facility and throughout their work at Somerset County Jail.

Somerset County Jail houses pre and post-conviction; able and disabled; male, female and persons identifying as lesbian, gay, bi-sexual, transgender, intersex and questioning. The facilities policies, procedures and practices are driven by the needs of this population (which reference Maine DOC standards, American Correctional Association and PREA standards).

To continue, Somerset County Jail has a systematic process that starts when a person enters our intake area (the booking process). During booking all Somerset County Jail inmates will be explained PREA and Somerset County Jail's zero tolerance policy and sign an acknowledgement. This form explains the ways to report any instance of sexual assault or harassment. This includes telling a staff member, by sending an inmate request or grievance, SCJ PREA Hotline, or by writing the Department of Corrections PREA Coordinator. If someone is a victim of sexual assault or harassment they have the right to counseling and help. Victim advocacy services are available along with mental health services 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 are addressed during this presentation. This orientation process has documented PREA information which is also posted in all of our housing units, Medical, Intake, Programs, Lobby and in all of our Inmate Handbooks (which are 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 initial interview with the alleged victim and perpetrator. This is to gather who, what, where and when to forward to the PREA investigators. Immediate actions may include: forensic evidence collection at the local hospital, medical and mental health assistance, separation from the perpetrator and notification of the PREA Coordinator and Investigators. The victim will be offered free: medical, mental health, victim counseling, and the investigation will be initiated. The victim will be monitored on a periodic basis throughout the investigation and after for the 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 in a written notification form.

PREA standard 115.88 mandates that correctional facilities and prisons provide a copy of their annual review. Within this document is an annual review. This review is for the year of 2017. In 2017 there were 15 PREA allegations. The allegation findings have been broken down into the following: 0 substantiated, 5 unsubstantiated, 5 unfounded, 4 found to not be PREA and 1 no action. SCJ's multi-disciplinary team has reviewed the PREA cases. The following recommendations were put forward to the Sheriff and Jail Administrator: only using program areas with good camera view, officers having situational awareness when dealing with inmates, and initial interviews need better documentation.

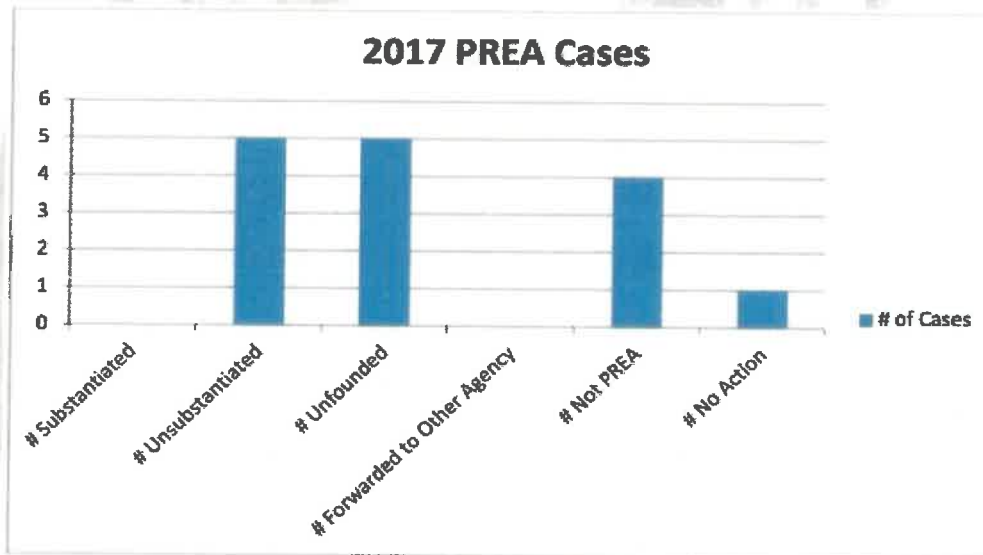
Sexual Act- Definition located in 17-A M.R.S.A. 251

Sexual Harassment- The 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, detainee, or resident directed toward another; or

The repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

In accordance with PREA, all investigations are assigned one of the three possible determinations:

1. **Substantiated-** an allegation that was investigated and determined to have occurred
2. **Unsubstantiated-** an allegation which produced insufficient evidence to make a final determination of a substantiated or unfounded claim
3. **Unfounded-** an allegation which was investigated and determined not to have occurred



Through the PREA Accreditation process some identified problem areas are:

- There are camera and visual blind spots in the facility. Staff has been made aware of them and instructed to minimize going into these areas with inmates, unless there are witnesses.
- It would be nice to have cameras and audio in all cells but due to privacy issues this is not possible.
- Extremely difficult to substantiate unsubstantiated cases based on the preponderance of the evidence presented.

Changes to SCJ response to alleged PREA related incidents from years prior:

- Assigning case numbers to each PREA related incident even if they are ruled out as not being PREA related.

- PREA Coordinator with assistance from PREA Compliance Manager customized PREA posters in house. (using SCJ pictures of cells and updating our reporting information)
 - PREA report line was created with assistance from Somerset County Information Technology Department. (this allows all in house and even the community member to report a PREA that has or is occurring at SCJ)
 - Created a Memorandum of understanding with "Silent No More" for victim advocate services.
(<http://www.silentnomore.org/contact-us.html>)
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- PREA kit developed from information provided by Massachusetts Department of Corrections through the PREA Grant Project. Staff received training in a Tool Box talk and this kit was placed on our Medical gurney.
 - SCJ now has 3 PREA trained jail investigators and 2 PREA trained Criminal Investigators
 - PREA training for volunteers, staff and medical.
 - Developing a form that advises vendors and contractors about our zero-tolerance policy.
 - PREA policy 2.12 was created and updated several times with assistance from our PREA DOJ auditor.
 - Staff announcing their presence in a unit of the opposite sex.
 - Memorandum of Understanding with Maine DOC PREA Coordinator for third party reporting.
 - Written notification to inmates of final results of PREA investigations.
 - SCJ PREA Info Page was created on our website and updated by PREA Compliance Manager.
(<http://www.somersetcounty-me.org/scj-prea-info-page.html>)
 - Supervisor emergency check lists for Sexual Assault and Sexual Harassment (which is completed for every allegation initially by supervisor on duty). This has improved our documentation!
 - Victimization and predation screening conducted by Classification Sgt.
 - Hiring and Promotion decisions updated to be in accordance with PREA standard 115.17.
 - Purple Communications was implemented for those who are deaf/ hard of hearing in programs department. (there has been one Inmate that has used this and stated it was excellent and wanted info for use in the community)
 - Updated all Inmate Handbooks reference PREA. Facility now has Handbooks in large print and different languages to include Spanish and French.

- Updated SCJ policy on searches to not allow cross gender searches unless exigent circumstances exist at the time of the needed search.
- Assessed facility for Blind spots, which was conducted on 1/2/18 for the year of 2017.
- PREA Coordinator developed and implemented Access database for tracking PREA cases.
- Memorandum of Understanding with Redington-Fairview Hospital for medical forensic services.
- Sight lines from day room into cell area toilets has been obscured with cell door tinting. Shower curtains in special management areas have been modified and installed.
- Posting agency policy regarding investigations onto the agency website (http://www.somersetcounty-me.org/images/1.9_Investigations.pdf)
- Criminal Investigators received specialized National Institute of Corrections PREA in a confinement setting training.



National Institute of Corrections

(<https://nicic.gov/specialized-training-investigating-sexual-abuse-confinement-settings>)

- Medical and Mental Health completed specialized National Institute of Corrections Training/ PREA Refresher Training.
- Developed a system that ensured Inmates are being reassessed prior to being transferred to another facility.
- Develop secure, limited access storage for victimization and predation screening tool forms conducted by Classification.
- Revised Grievance policy and Grievance levels 1 and 2 (which includes language that PREA allegations do not have a time limit).
- Conducting Annual reports reviewing PREA allegations and placing on SCJ website.
- Somerset County Jail went through PREA Audit.
- Somerset County Jail went through Corrective action period for PREA Audit.
- **Somerset County Jail is the first County Jail in Maine to become PREA Compliant.**

In conclusion, Somerset County Jail is now PREA compliant according to a PREA auditor of the Department of Justice. The above is a summary of the PREA process at Somerset County Jail, 2017 statistics, changes made to become PREA compliant, and what SCJ has done to create a culture that detects, prevents and responds to PREA related incidents. Sexual Assault and Sexual Harassment is not part of anyone's sentence. Somerset County jail will

continue to work diligently towards enforcing PREA standards and addressing PREA related incidents as they arise. A special thanks goes out to Somerset County Jail staff and our PREA auditor (without them this huge accomplishment would not have been possible).

Compliance Manager Teshia Cates

Date: 1/8/18

Signature: 

Reviewed & approved by Sheriff Dale P. Lancaster

Date: 1/9/18

Signature: 

