



SOMERSET COUNTY JAIL



131 East Madison Road - Madison, Maine 04950 - 207.474.7409

PREA

SHERIFF

Dale P. Lancaster

JAIL ADMINISTRATOR

Major Cory C. Swope

CHIEF DEPUTY

James F. Ross

ASSISTANT JAIL ADMINISTRATOR

Captain Sean P. Maguire

Memo

Date: 1/28/19
To: Public
From: Compliance Manager Teshia Cates (PREA Compliance Manager/ PREA Investigator)
Cc:
Re: Sexual Assault and Sexual Harassment Report for 2018

Somerset County Jail was the first Maine County Jail to become PREA Certified on 6/9/2017. This was in accordance with national Prison Rape Elimination Act standards put out by the Dept. of Justice. 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, prevention 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, 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-chap147-sec15601.pdf>). PREA addresses both inmate-on-inmates 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 trained PREA investigator's 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 form. 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 our Inmate population (which is in reference to Maine Department of Corrections standards, American Correctional Association Standards and Prison Rape Elimination Act 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 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 (who is a mandated reporter), by sending an Inmate request or grievance, SCJ free 24/7 PREA hotline or by writing the Department of Corrections PREA Coordinator. If someone is a victim of sexual assault or sexual harassment they have a right to counseling or help. Victim advocacy services are available along with mental health services for those in need. For those persons dealing with trauma related acts of sexual violence in the community, SCJ will assist in the continuation of services during their incarceration.

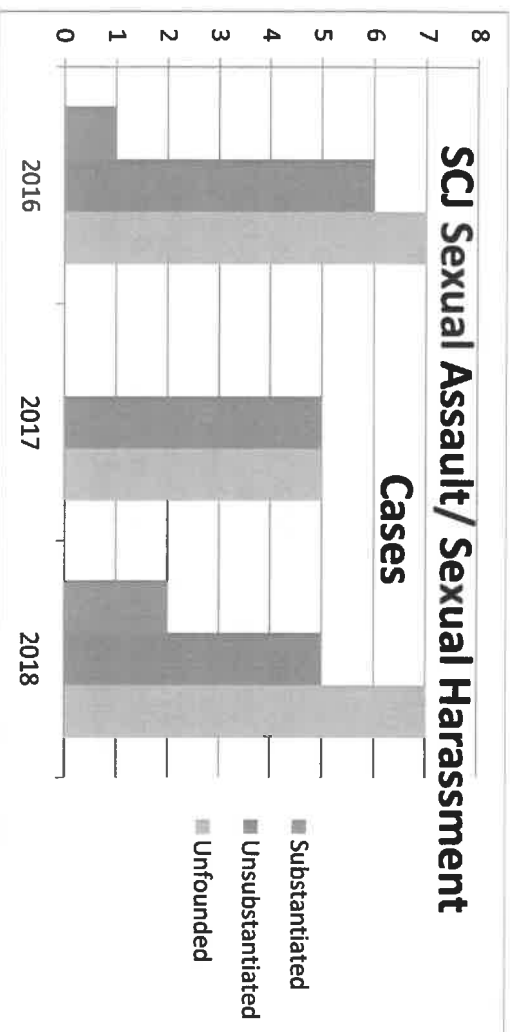
During the intake and classification process, arrestees will be screened and assessed by security staff, medical and mental health staff for risk as well as the possibility of sexual victimization or sexual predation. After the Inmate process Inmates will also receive an orientation with the programs 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 Sexual Assault or Sexual harassment allegation is brought to the attention of 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 details to forward to Somerset County jail's trained PREA Investigators. Immediate actions may include: coordinating for forensic evidence collection at the local hospital, medical and mental health assistance, separation of perpetrator and notification of the PREA Coordinator and PREA 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. This is just in case of the need of assistance, harassment as a result of an 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 2018. In 2018 there were 14 PREA allegations that were investigated. These allegations have been broken down to the following:

- 2 Substantiated (1 substantiated for sexual contact and other for sexual harassment)(both were Inmate on Inmate)
- 5 unsubstantiated
- 7 unfounded

Below is a graph covering from 2016- 2018:



SCJ's multi-disciplinary team is in the process of reviewing the sanitized PREA cases to provide input on way to improve anything.

Sexual Act- Definition 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 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 certification process some identified problem areas are:

- There are camera and visual blind spots in the facility. Staff have been made aware of them and instructed to minimize going into these areas with inmates, unless there are witnesses.
- Difficult to substantiate unsubstantiated cases based on the preponderance of the evidence presented.
- Visibility lines for the cells.

- Inmates using this process to change people they are roomed with (ongoing)

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

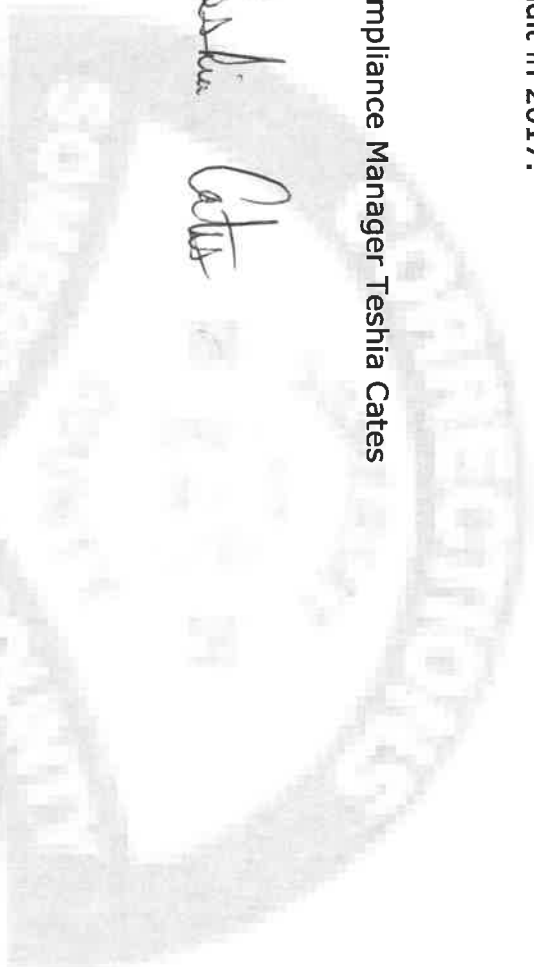
- Follow ups improving from the previous years for retaliation
- Support services have improved for those in need
- Documentation and checklists improving from years prior

In conclusion, Somerset County Jail has been PREA compliant since 2017. Somerset County Jail continues to create a culture that detects, prevents and responds to PREA (Sexual assault and sexual harassment allegations) 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 for upholding these standards and our PREA auditor for assisting us through our audit in 2017.

Written by: Compliance Manager Teshia Cates

Date: 1/29/19

Signature:



Reviewed & approved by: Sheriff P. Lancaster

Date: 1/9/19

Signature:

