



Joseph D. McDonald, Jr.
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The Commonwealth of Massachusetts

County of Plymouth

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Gerald C. Pudolsky
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MEMORANDUM

**TO: JOSEPH D. MCDONALD, JR, SHERIFF
ANTONE MONIZ, SUPERINTENDENT**

FROM: ISABEL EONAS, PREA COORDINATOR

DATE: FEBRUARY 16, 2018

SUBJECT: PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT 2017

The Prison Rape Elimination Act (PREA) requires all law enforcement agencies with detention facilities of any kind to create an annual report of all sexual abuse and sexual harassment incidents reported within its facilities. This report must be completed, submitted to the agency head, and made public via the agency's website (Standard 115.88).

Additionally, we must identify problem areas and take corrective action on an ongoing basis. This report includes a comparison of the current year's data and corrective actions along with those from prior years and provides an assessment of our progress in addressing sexual abuse.

In August 2013 the Plymouth County Sheriff's Department implemented PREA standards, providing education and informational material to inmates and training to staff. Staff training consisted of classroom training and field training agency wide. Refresher classroom training is completed every two years. The Plymouth County Sheriff's Department is committed to the safety and security of individuals in our custody, therefore, refresher field training is provided agency wide on an annual basis.

A toll free "hot line" is provided at the jail for all inmates so they can confidentially report sexual abuse or harassment, as well as seek outside advocacy and counseling from a community organization not affiliated with the Sheriff's Department. The agencies, who take these calls, by PREA standards, must be independent and not affiliated with the Sheriff's Department. A list of the available advocacy agencies is provided in the inmate handbook and postings in the unit.

During 2017, material informing inmates how to avoid and report sexual assault and harassment continued to be provided. The material was distributed through various formats, including the Inmate Orientation Video, the inmate handbook, and handouts provided to inmates. Information on reporting abuse and harassment are posted throughout the facility in any area an inmate may be present.

In July of 2017, The Plymouth County Correctional Facility was audited by a United States Department of Justice certified PREA Auditor. The audit lasted three days and encompassed every aspect of the entire facility where inmates and staff have contact. An extensive review of PREA related documentation, including agency policies and procedures, was conducted by the auditor prior to her arrival. Once at the facility, she spent time speaking to approximately 80 inmates and 81 staff members, ensuring inmates and staff alike were aware of their rights and responsibilities under PREA, as well as examining inmate living, recreational, and work areas. The certification of compliance to PREA standards awarded to the Plymouth County Correctional Facility in 2017 resulted in the Plymouth County Sheriff's Department being the first agency in the state of Massachusetts to be PREA recertified. Overall the facility received 7 exceeds standards, 34 standards met, 2 non-applicable standards, and 0 non-compliant standards.

In 2017, there were a total of 28 reports filed by inmates complaining of sexual abuse or harassment at the Plymouth County Correctional Facility, an increase of 1 incident over 2016. A breakdown of the complaints is listed below:

Plymouth County Correctional Facility

<u>VICTIM</u>	<u>ACCUSED</u>	<u>COMPLAINT</u>	<u>DISPOSITION</u>
Inmate	Inmate	Sexual Harassment	Substantiated
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Substantiated
Inmate	Inmate	Sexual Assault	Substantiated
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Staff	Sexual Assault	Unfounded
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Harassment	Substantiated
Inmate	Staff	Sexual Assault	Unsubstantiated
Inmate	Inmate	Sexual Harassment	Substantiated
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Assault	Unsubstantiated
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Assault	Unfounded
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Unknown	Sexual Assault	Unfounded
Inmate	Inmate	Sexual Harassment	Unfounded
Inmate	Staff	Sexual Harassment	Unfounded
Inmate	Inmate	Sexual Assault	Unfounded
Inmate	Staff	Sexual Assault	Unfounded
Inmate	Staff	Sexual Assault	Unfounded
Inmate	Staff	Sexual Assault	Unfounded
Inmate	Staff	Unknown	Unfounded
Inmate	Inmate	Sexual Harassment	Substantiated
Inmate	Staff	Sexual Assault	Unfounded

Throughout the facility, there were a total of 13 reports of sexual harassment, 14 reports of sexual assault, and 1 incident where the inmate refused to provide staff with any information in order for an investigation to occur. Of the 28 reported incidents 11 were against staff, 16 were against inmates, and there was 1 incident where the inmate couldn't identify the assailant.

Of the 16 reports on inmate on inmate contact, 9 were for sexual harassment and 7 were for sexual assault. All reports were thoroughly investigated and 9 of the reports were determined to be unfounded. 6 of the reports were determined to be substantiated and 1 report was determined to be unsubstantiated.

There were 11 reports that listed Plymouth County Sheriff’s Department staff as suspects. All of these cases were thoroughly investigated and 10 were determined to be unfounded and 1 was determined unsubstantiated. There was also an additional report by an inmate of sexual assault where the inmate was unable to identify his assailant this case was also determined to be unfounded.

There was a decrease in reports of sexual abuse and harassment against staff in 2017 from 14 incidents in 2016 to 11 in 2017. I have reviewed all of the reports and subsequent investigations. It is my opinion, based upon the individual determination of each investigation; the decrease of reports against staff members at Plymouth County Correctional Facility is a direct result of the education we have provided inmates regarding PREA.

After reviewing all 28 reports, it is apparent that all cases were investigated properly and thoroughly, in accordance Plymouth County Sheriff’s Department policy and PREA standards. There was 1 case in 2016 which was submitted to the District Attorney for charging, the case was heard in front of a jury and resulted in a not guilty verdict.

I have compiled historical data for the previous four years (2014-2017) to provide a better representation of all incidents of sexual abuse and harassment throughout the agency. This data covers the Plymouth County Correctional Facility which housed an average of 1,051 inmates on a daily basis during 2017.

2014	Sexual Assault	Sexual Harassment	Total
Cell	11	5	16
Dormitory	2	1	3
Booking	2	0	2
Other	2	1	3
Total	17	7	24
2015	Sexual Assault	Sexual Harassment	Total
Cell	4	12	16
Dormitory	6	6	12
Booking	1	1	2
Other	6	1	7
Total	17	20	37
2016	Sexual Assault	Sexual Harassment	Total
Cell	4	11	15
Dormitory	0	4	4
Booking	1	1	2
Other	6	1	7
Total	11	17	28
2017	Sexual Assault	Sexual Harassment	Total
Cell	7	6	13
Dormitory	2	4	6
Booking	2	1	3
Other	3	2	5
Total	14	13	27

*1 incident where inmate refused to provide investigators with additional information(2017)

	PREA Statistics for annual report	2014	2015	2016	2017
	General Information				
1.	Confined to PCCF on December 31	1,047	1,159	993	1,034
2.	New admissions to PCCF during the year	6,684	6,081	6,398	6,235
3.	Average daily population for year	1,154	1,049	1,100	1,051
	Inmate-on-inmate sexual victimization				
1.	Between January 1 and December 31 how many allegations of inmate on inmate nonconsensual sexual acts were reported?	16	25	19	3
2.	How many Substantiated?	3	3	6	0
3.	Unsubstantiated?	4	10	7	0
4.	Unfounded?	9	23	15	3
5.	Ongoing?	0	0	0	0
6.	Between January 1 and December 31 how many allegations of inmate on inmate sexual abuse was reported?	13	15	8	4
7.	How many Substantiated?	2	0	1	1
8.	Unsubstantiated?	3	5	2	1
9.	Unfounded?	8	10	5	2
10.	Ongoing?	0	0	0	0
11.	Between January 1 and December 31 how many allegations of inmate on inmate sexual harassment were reported?	3	10	13	9
12.	How many Substantiated?	1	3	5	5
13.	Unsubstantiated?	1	5	5	0
14.	Unfounded?	1	2	3	4
15.	Ongoing?	0	0	0	0
	Staff-on-inmate abuse				
1.	Between January 1 and December 31 how many allegations of staff sexual misconduct were reported?	8	11	7	6
2.	How many substantiated?	0	0	0	0
3.	Unsubstantiated?	0	0	0	0
4.	Unfounded?	8	11	7	6
5.	Ongoing?	0	0	0	0
6.	Between January 1 and December 31 how many allegations of staff on inmate sexual harassment?	4	9	3	4
7.	How many substantiated?	0	0	0	0
8.	Unsubstantiated?	0	0	0	0
9.	Unfounded?	4	9	3	4
10.	Ongoing?	0	0	0	0
11.	Between January 1 and December 31 how many allegations of staff on inmate sexual abuse were reported?	4	2	4	2
12.	How many substantiated?	0	0	0	0
13.	Unsubstantiated?	0	0	0	1
14.	Unfounded?	4	2	3	1
15.	Ongoing?	0	0	0	0
16.	Total number of Substantiated incidents?	3	3	6	6
17.	Total number of Unsubstantiated incidents?	4	10	7	2
18.	Total number of Unfounded incidents?	17	23	15	20
19.	Total number of PREA incidents	24	36	28	28

In reviewing all reports since 2014, excluding those determined to be unfounded, inmates are typically victimized by other inmates and these crimes primarily occur in inmate living areas, where inmates have a certain amount of concealment from staff. This trend continued into 2017.

During 2017 a security upgrade project was conducted at the Plymouth County Correctional Facility, which includes the installation of additional video cameras in all housing units and common areas throughout the facility. This digital camera system will provide better monitoring of the inmates in our care and custody as well as enhance the investigation process throughout the facility.

While the Sheriff's Department provides orientation and continued PREA education to inmates there has been an increase in false PREA allegations. It appears inmates are using the report of sexual abuse or harassment as a tool to have other inmates or staff moved out of housing units for a variety of reasons. Several investigations have resulted in a determination of "Unfounded" based upon evidence that inmates' used the system as a method to manipulate staffing or inmate housing. Regardless, our staff continues to take their duty to investigate a report of this type very seriously and has done an excellent job in handling these incidents in a professional manner.

In each case an assessment was made regarding whether any changes to staffing levels or video monitoring was necessary to avoid prohibitive conduct. There were no recommendations made regarding staffing levels. Criteria reviewed in the staffing plan included: generally accepted practices, judicial findings of inadequacy, any findings of inadequacy from federal investigative agencies or internal/external audits, a physical tour of the facility, current inmate population, number and placement of supervisory staff, programs occurring on each shift, any state or local laws, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, as well as any other relevant factors. In October 2017 a class of 39 Corrections Officers graduated from the academy and was assigned to shifts this has continued to allow the facility to maintain daily minimum staffing levels.

The Plymouth County Sheriff's Department is aggressively working to improve in all aspects of the PREA process and continues to make great strides in the prevention, detection and response to inmate sexual assaults and sexual harassment. The regularly assigned staff at the Plymouth County Sheriff's Department continues to do an outstanding job of managing care, custody and control of our inmates. They work very hard every day and interact with the inmates regularly and in a professional manner to ensure the Agency's mission is met.