



Department of Public Safety and Correctional Services

Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • www.dpscs.maryland.gov

STATE OF MARYLAND

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

GARY D. MAYNARD
SECRETARY

G. LAWRENCE FRANKLIN
DEPUTY SECRETARY
ADMINISTRATION

J. MICHAEL STOUFFER
DEPUTY SECRETARY
OPERATIONS

RHEA HARRIS
ASSISTANT SECRETARY/
CHIEF OF STAFF

DAVID N. BEZANSON
ASSISTANT SECRETARY
CAPITAL PROGRAMS

JON P. GALLEY
DIRECTOR
NORTH REGION

WENDELL M. FRANCE
DIRECTOR
CENTRAL REGION

PATRICIA VALE
DIRECTOR
SOUTH REGION

PATUXENT INSTITUTION

MARYLAND COMMISSION
ON CORRECTIONAL
STANDARDS

CORRECTIONAL TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

October 7, 2013

VIA ELECTRONIC MAIL

Mr. Joseph Swiderski, Program Analyst
U.S. Department of Justice
Review Panel on Prison Rape
Washington, D.C. 20531

Dear Panel Members,

The Maryland Department of Public Safety and Correctional Services (DPSCS) appreciates the opportunity to speak before the Review Panel on Prison Rape on the incident of sexual assault reported at the Baltimore City Detention Center (BCDC) in the Department of Justice – Bureau of Justice Statistics Sexual Victimization in Prisons and Jails Reported by Inmates, 2011 – 2012. The Department takes the safety and security of the public, its staff, and the inmates and detainees under its custody very seriously, including any allegation and incidence of sexual assault. Any complaint that is filed is investigated by our Department in keeping with strict policies regarding any allegation of staff or inmate misconduct.

Overview of the Department

The Department has over 11,000 employees, including over 6,000 correctional officers. Its budget is approximately \$1.2 billion.

The Department is responsible for 22 prison facilities comprising approximately 22,000 inmates. In addition, the Department is responsible for community supervision statewide, with over 50,000 individuals under supervision.

Uniquely among American jails, the Department is also responsible for running detention operations for one metropolitan facility, the Baltimore City Police Booking and Detention system in Baltimore City. Other booking and detention centers in Maryland are the responsibility of county governments. This operation comprises two facilities, the Baltimore City Booking and Intake Center (BCBIC) and the Baltimore City Detention Center (BCDC). In addition, the Department operates the Chesapeake Detention Facility (CDF) under contract with the federal government to house federal detainees awaiting trial in Baltimore's federal court. BCDC houses approximately 2,500 individuals, including a group of 300 inmates who are sentenced to 18 months or less¹. BCDC can house up to 3,000 individuals, making it the largest facility in Maryland.

Incidence of Sexual Assault

The USDOJ Survey reports to randomly sample 261 inmates at BCDC, with a 66% response rate. Of the responses, 6.7% of the sample reported some sort of staff sexual

¹ By law, individuals sentenced to 18 months or less serve their sentence in the local detention center than state prisons.

misconduct, with a 95% confidence interval between 4.3% and 10.2%. Unfortunately, we cannot extrapolate how many inmates actually reported sexual assault or coercion by staff members based on the data in the report.

However, we can review the reported incidence of sexual assault in the facility over the similar time periods as the survey. By Departmental policy, all allegations of sexual assault, whether anonymous or not, are investigated by the Department. Furthermore, an allegation made to any staff member must be reported for investigation. Over calendar years 2011 and 2012, only five incidents of sexual assault were alleged at BCDC and referred to the Department's Internal Investigative Unit (IIU) for investigation. None of the reports sustained upon investigation. While there is an element of undercounting from inmate reports to the Department, the Department's records with regard to its PREA hotline suggest that even when inmates are given an opportunity to anonymously report misconduct, the incidence of reporting is low. Such reports, when viewed in light of the USDOJ survey, are troubling to the Department, especially as it may suggest that inmates are not comfortable reporting staff assaults.

The physical plant of BCDC also makes observation of inmates difficult and can lead to increased opportunity for sexual assault. The original plant was built in 1859 and is not designed according to modern correctional principles. Sightlines in areas of the building are poor and do not allow for direct supervision of inmates.

Furthermore, as one of the busiest metropolitan jails in the nation, BCDC does not have the ability to control its population or control the placement of individuals to reduce risks. Each year thousands of individuals enter and leave the facility. Unlike the prison environment, where individuals who are threatening are identified quickly and contained, BCDC has a constantly revolving population. The ability to identify threats is more difficult as the operational environment is constantly in flux.

Actions Taken

Despite these challenges, the Department is in the process of implementing a number of specific changes at BCDC. The largest with an impact on the results of the survey is to establish a hotline to meet several requirements of the Prison Rape Elimination Act (PREA). This hotline is now active system-wide and is currently monitored within the Department. The Department is in the process of identifying an outside agency to review these calls so that the hotline will meet PREA standards regarding an inmate's ability to report incidents to an independent organization.

The hotline was established in June 2013. As of today, the Department has received 65 calls statewide for all facilities including BCDC. Of those 65 calls, only nine incidents of sexual misconduct were reported statewide with just five calls originating from BCDC. Of the five calls, only two actually alleged sexual victimization at the facility. One was investigated and determined to be unfounded, while the other is still under investigation.

In short, the hotline provides its own open invitation for inmates to self-report any victimization in a confidential manner. To date, the overall number of actual reports remains low. The Department will continue to review allegations received to determine trends or patterns and responding accordingly.

Furthermore, the Department recently repaired, replaced, and expanded the camera system at BCDC to allow high definition digital recording throughout the facility. Today, 256 cameras cover large areas of the facility and provide over 45 days of recording capability.

While the system cannot cover every corner, it provides an important safety and accountability tool by allowing us to quickly verify allegations. For example, if an inmate alleges assault by an officer, we can quickly determine if the officer was in the area during the alleged assault.

PREA Implementation

We are currently in the process of implementing PREA Department-wide. The Department has already conducted a thorough self-evaluation based on its current understanding of the PREA standards and has issued several agency directives indicating our commitment to PREA. The Department's Chief of Staff has been assigned as the required PREA coordinator and PREA compliance managers have been designated for each facility. Subject matter experts have been assigned to sub-committees revising current policies and procedures at the agency level. Meanwhile, the compliance managers are already beginning to prepare their facilities for the audit process. Several staff members have applied for audit training to help prepare our own facilities for the audits and to engage in reciprocal audits with other agencies. It is anticipated that the Department will meet the requirement to have one-third of its facilities audited by next summer.

At Risk Populations

The report also identifies populations who are at increased risk of sexual victimization: those with mental health issues, those who are non-heterosexual, and those with prior victimization.

Current Practice

With respect to mental health issues, the Department began an innovative partnership with the Maryland Department of Health and Mental Hygiene (DHMH) to improve mental health data sharing for arrestees in Baltimore City. The project identifies arrestees who have prior contact with the public mental health system in Baltimore City, which allows the Department to quickly identify the appropriate treatment services.

In addition, the Department recently moved the acute mental health unit from BCDC to a new space in the Baltimore City Booking and Intake Center (BCBIC) which is next door. The renovated space includes modern suicide prevention cells. By moving acute mental health to a specific area, it allows better treatment and monitoring of individuals.

Lastly, other at-risk populations, such as non-heterosexual populations and prior victim populations may request protective custody and have their risk level reviewed for consideration. If an officer or staff members feels that an inmate's request is valid or independently consider them a risk of victimization, they may also order protective custody for an inmate. Any current gaps are being addressed in the future through PREA requirements.

Future for At-Risk Populations

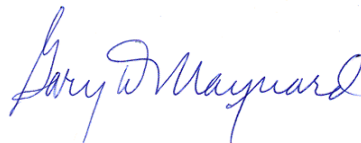
In response to PREA standards requirements, the Department developed a new sexual victimization risk instrument that will be used to identify vulnerable individuals at intake. The screening tool has is currently in the process of being validated for use in our facilities. Once fully developed, the screening tool will be placed in our new Offender Case Management System (OCMS), a system-wide case management tool. OCMS allows an individual's case plan to begin at intake in detention and carry through their term of incarceration as well as in community supervision, providing a comprehensive record of activity, risk, and status. By adding in the results of the victimization tool, we will ensure that the individual's risk status is

carried with an offender from the moment they enter the Department's custody and ensure that this important information is carried.

Conclusion

While there are significant challenges with BCDC, the Department is already in the process of making transformative changes at BCDC that will improve its operations and better protect the public, officers and inmates it is our mission to serve. We look forward to discussing these issues with the Panel on November 5, 2013.

Sincerely,



Gary D. Maynard
Secretary

cc: Rhea Harris, Chief of Staff
Rick Foxwell, Jail Administrator, BCDC
Kevin Loeb, Director of Legislative Affairs
Kieran Dowdy, Special Assistant to the Secretary