

ADULT PRISONS & JAILS



Auditor Information			
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Telephone number: (443) 248-9189			
Date of facility visit: July 13-15, 2015			
Facility Information			
Facility name: Howard County Department of Corrections			
Facility physical address: 7301 Waterloo Road Jessup, MD 20794			
Facility mailing address: (if different from above)			
Facility telephone number: (410) 313-5200			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Jack Kavanagh			
Number of staff assigned to the facility in the last 12 months: 139			
Designed facility capacity: 462			
Current population of facility: 257			
Facility security levels/inmate custody levels: Maximum, Medium, Medical, Minimum, Pre-Release			
Age range of the population: 17 - 75			
Name of PREA Compliance Manager: Renea Somerville		Title:	Correctional Sup. I
Email address: rsomerville@howardcountymd.gov		Telephone number:	(410) 313-5249
Agency Information			
Name of agency: Howard County department of Corrections			
Governing authority or parent agency: (if applicable) Howard County Government			
Physical address: 7301 Waterloo Road Jessup, MD 20794			
Mailing address: (if different from above)			
Telephone number: (410) 313-5230			
Agency Chief Executive Officer			
Name: Jack Kavanagh		Title:	Director
Email address: jkavanagh@howardcountymd.gov		Telephone number:	(410) 313-5230
Agency-Wide PREA Coordinator			
Name: Renea Somerville		Title:	Correctional Sup. I
Email address: rsomerville@howardcountymd.gov		Telephone number:	(410) 313-5249

AUDIT FINDINGS

NARRATIVE

The PREA audit of the Howard County Department of Corrections was conducted on July 13-15, 2015. The PREA compliance manager and the auditor commenced audit preparation approximately six weeks prior to the audit. This audit preparation consisted of: delivering signage and auditor contact information to be posted in the facility, clarification of questions related to the pre-audit questionnaire and supporting documents and review of the pre-audit questionnaire and supporting documentation. The audit consisted of a facility tour, documentation review, and observation of operational procedures; including video review, as well as inmate and staff interviews. During the on-site portion of the audit, after its completion and during the corrective action period, additional documentation was requested by the auditor and provided by the compliance manager. Subsequent visits to the facility, conferences with the PREA Compliance Manager and document review demonstrated the facility's ability to become fully compliant with the one standard that failed to meet compliance during the on-site portion of the audit.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Howard County Department of Corrections is located in Jessup, Maryland. The agency consists of one facility which houses inmates charged as adults with various security levels including: maximum, medium, medical, minimum and pre-release. The capacity of the facility is 461. The average population on the dates of the audit was 239. The population is made up of male, females and youthful offenders. The facility housing units are contained on two (2) levels consisting of seventeen (17) housing units. The agency operates the detention facility and the central booking facility for Howard County. As such, the PREA Coordinator operates as both PREA Coordinator and PREA Compliance Manager. The PREA Coordinator reports directly to Chief Executive Office; Jack Kavanagh, Director, Howard County Department of Corrections. The main detention center consists of 90 single cells, 66 double cells, 8 segregated cells, 2 infirmary cells and 227 dormitory beds. It is important to note that on several of the housing units bed space is increased by utilizing beds that are located on the dayroom floor of the units. Three recreation areas are located on the lower level adjacent to the housing units located there. There is 24 hour medical care provided by the facility. The jail has a total of 234 cameras with a retention time of 30 days. The cameras are monitored on all three shifts. Monitors are located at every officer station, control centers, shift leaders' offices as well as administrative offices.

Inmates are afforded 2 (30 minute) visits per week. Each visit may include up to 2 adults and 2 children. All regular visits are no-contact. Special visits may be approved by the director. Under normal circumstances all visits, including special visits are no-contact. Special consideration may be given for contact visits between mothers and infants on a case-by case basis. Inmates may take advantage of numerous educational and support programs, including but not limited to: re-entry, life skills, thinking for a change, GED, and drug and alcohol addiction. For those who have demonstrated responsibility, exhibited good behavior, and program completion the facility operates a work release program that allows inmates to work in the community on various work assignments which they may continue upon release. The work program operates within various businesses for and throughout the County which enhances re-entry opportunities, supports success, and strengthens community relations.

SUMMARY OF AUDIT FINDINGS

The on-site portion of the audit of the Howard County Department of Corrections took place on the dates of July 13 – 15, 2015. The auditor arrived at the facility at 8:00 a.m. on Monday, at 7:00 a.m. on Tuesday and departed at 5:30 p.m. both days. On Wednesday the auditor arrived at the facility at 8:00 and departed at 2:00 p.m. An entrance conference was held on the morning of July 13, 2015. In attendance were fourteen staff from Howard County Department of Corrections including, the Director, the Assistant Director, the Chief of Security and the PREA Coordinator. After the entrance conference a complete facility tour was conducted. During the tour, staff members were observed performing their daily routine and providing supervision of inmates during various activities. During the course of the on-site portion of the audit 36 randomly selected and specialized staff as well as 19 inmates were interviewed. Live and recorded footage of the surveillance cameras was viewed by the auditor. The responses of staff and residents during their interviews confirmed that all had received PREA training and were knowledgeable related to the federal requirements. Staff members were interviewed from all shifts. A random sampling of inmate files was reviewed. A random sampling of other facility documentation was reviewed. This sampling included, but was not limited to: logs, shift reports, incident reports, policies and procedures, training records/logs and training curriculum. The auditor found the staff and inmates to have a clear awareness and understanding of PREA. The staff understood their responsibilities to ensure a safe facility. They were also aware of reporting responsibilities, preservation of evidence, as well as how to appropriately respond to victims of sexual assault and/or harassment. All staff has been appropriately trained on how to identify signs of sexual assault and or harassment as well as the right of any person reporting sexual abuse/harassment to be free from retaliation for making reports. All personnel were very professional, engaged and helpful throughout the audit process. An exit meeting was held on July 15, 2015 with various members of the Director's management team. The Director, Chief of Security, and PREA Coordinator were among the staff at the exit. The following recommendations were made to the team in an effort to support and strengthen the obvious work all had done to be in compliance with the federal regulations: (1) Document meeting between Director and PREA Coordinator when reviewing annual staffing plan. (2) Implement periodic testing of all inmate phones and the numbers inmates have access to for reporting sexual abuse, sexual harassment or retaliation for reporting abuse. (3) Add mailing address to rape crisis center to inmate kiosk. (4) Include documentation of standard 115.63 in the PREA policy or as a stand-alone policy. (5) Consider adding Coordinated Response to the CBF/HCDC Sexual Abuse Incident Sheet.

Total standards:	43
Number of standards exceeded:	02
Number of standards met:	38
Number of standards not met:	00
Number of standards not applicable:	03

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Howard County Department of Corrections has a written policy that mandates zero tolerance of all forms of sexual abuse and sexual harassment. The agency employs an upper level staff person as the PREA Coordinator/Compliance Manager who reports directly to the Director. Policy A-033 provides the required PREA definitions and outlines the agency's approach to implementing PREA standards as well as the guidelines and procedures for implementing the agency's approach to preventing, detecting and responding to sexual abuse and sexual harassment. It also addresses Conduct and Performance, contains prohibited behaviors for staff, and includes sanctions for employees and inmates who have participated in the prohibited behaviors.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not applicable

The Howard County Department of Corrections has not entered into or renewed a contract for the confinement of inmates since August 20, 2012 and does not contract with other agencies for the confinement of inmates.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

A review of the agency staffing plan indicates the agency has adequate resources to meet its needs. The PREA Coordinator reviewed and approved the staffing plan. The review included facility physical layout, an assessment of the video monitoring system, telephone access, radio access, composition of the inmate population, and staffing levels. The facility never operates below the mandatory staffing level. Policy A-004 supports this standard. Interviews with staff and inmates indicate that unannounced rounds are regularly conducted. Documentation of unannounced rounds that cover all shifts was reviewed; both the documentation and a review of video confirmed the practice.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This standard required corrective action which the facility had begun developing prior to the initial audit. There were inmates under the age of 18 years of age in the facility at the time of the audit. During the on-site portion of the audit each of these inmates was interviewed by the PREA auditor. The female inmates classified as youthful offenders were separately housed as required by the standard. Inspection of the housing unit verified the female youthful inmates did not have sight or sound contact with adult inmates. There is direct supervision at all times when youthful inmates are in programming areas where adult inmates may also be. While the facility policy supports this standard, a 17 year old male inmate was housed in the reception area where he was not physically separated from adult inmates. The youth disclosed that he was safe and had experienced no issues during his stay at the facility which was just over a week at the conclusion of the on-site visit. During the site visit, the facility was working diligently to have the youth transferred to a juvenile facility.

The recommendations made to be fully compliant with this standard consisted of establishing a memorandum of understanding with the Department of Juvenile Services to house youthful offenders in one of their facilities; and to establish a policy of transferring youthful inmates unable to be housed in a juvenile facility to another facility in Maryland that has a youthful offender unit. The Assistant Director had already begun the process of securing written agreements prior to the conclusion of the on-site portion of the audit.

A site visit was conducted by the auditor on August 12, 2015, four weeks after the initial site visit. A draft memorandum regarding the housing of youthful offenders was reviewed by the auditor. The memorandum meets the beauty of the standard. Further, on October 1, 2015, Maryland House Bill 618 was made law. The bill specifically requires the state's Department of Juvenile Services to house youthful offenders in juvenile facilities. The passage of the law further supports the initiatives undertaken by Howard County Department of Corrections. In the months since the on-site portion of the initial audit the facility has remained compliant with their revised policy outlining the housing and classification of youthful offenders. No youthful offenders have been housed with adults since July 2015, the process has been monitored by the auditor to ensure full compliance with the standard. Monitoring has included site visits, interviews with the PREA Compliance Manager; as appropriate, and document review.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy E-402 addresses this standard. All staff reported that they received cross-gender pat search training they also reported a clear understanding of searching transgender and intersex inmates in a professional and respectful manner consistent with security needs. Interviews of staff and inmates indicate that inmates are allowed to shower, dress, and use the toilet privately, without being viewed by staff of the opposite gender. Opposite gender staff announce their presence verbally when entering housing units with inmates of the opposite gender. These announcements were observed by the auditor during the tour of all areas of the facilities and confirmed by staff and inmates. Staff reported an awareness of the prohibition of searching transgender or intersex inmates to determine genital status. PREA posters were clearly posted throughout the facility and on each housing unit. Posters were in English and Spanish. The inmate orientation video is also in English and Spanish. Inmates requiring interpreting services are afforded such through a company called Language Select.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy H-736 addresses the requirements of this standard. The Howard County Department of Corrections takes appropriate steps to ensure inmates with disabilities and inmates with limited English proficiency have an opportunity to participate in and benefit from the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. PREA handouts, postings and inmate handbooks are in English and Spanish. Inmates requiring interpreter services are provided these services through the Department's contract with Language Select. Inmate and staff interviewed confirmed their knowledge of the Department's policy and access to resources as needed. Howard County also employs staff who are bi-lingual and assist in the effective communication with inmates. Staff interviewed were all aware that under no circumstances are inmate interpreters or assistants to be used in dealing with any PREA related matter.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-017 addresses this standard. The Facility employs a Captain who is in charge of conducting background checks. An interview with her was conducted and confirmed that all components of this standard have been met. All employees, contractors, and volunteers have had background checks completed. All applicants are required to disclose misconduct prior to selection for promotion. Background checks are required before approving a promotion. A tracking system is in place to ensure that updated background checks are conducted every five years. Policy states false information submitted by applicants is grounds for termination.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has an extensive video and visual monitoring system in place. There have been no substantial expansions or updates of existing facilities since August 20, 2012. A total of 224 security cameras are utilized within the facility to enhance monitoring of inmates. The facility has plans to continue efforts in this vein which includes upgrades to camera system.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 and the memorandums of understanding with the Police Department and the Domestic Violence Center address compliance with all aspects of this standard. Medical and custody staff were interviewed concerning this standard. Staff reported knowledge of the facilities' procedures to obtain usable physical evidence if sexual abuse is alleged. Each staff in the facility wears a badge outlining the duties of the first responders. Staff was keenly aware of the protocol. Specific actions and clinical decisions are required to determine if an inmate is to be transported to a local hospital to receive a SAFE exam. No SAFE exams were conducted within the last year. Arrangements have been made to transport inmates to Howard County General hospital in response to a sexual assault. The inmate will not be charged for any services related to PREA compliance. The facility has in place a Memorandum of Understanding with a local crisis center to provide outside confidential support services related to sexual abuse and harassment as well as victim advocacy services.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 addresses compliance with this standard by ensuring all sexual abuse and sexual harassment allegations are immediately investigated. All criminal investigations are handled by the Howard County Police Department. All investigations are initiated immediately upon referral.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 addresses this standard. The agency provided documentation that demonstrated compliance. Staff must sign verifying they understand the training received. Staff interviews confirmed that they have a clear understanding of the zero tolerance policy and their roles in the preventing, detecting, reporting and responding to a sexual assault or sexual harassment incident and the dynamics of sexual abuse and harassment in a confinement setting.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 addresses this standard. All contractors and volunteers who have contact with inmates have been trained on their responsibilities under the agency's policy related to the prevention, detection, and response to sexual abuse and sexual harassment prevention. Interviews of two contracted nurses demonstrated their knowledge of PREA and their responsibilities related to PREA compliance.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Compliance with this standard is addressed in policies A-033 and H-736. Inmates receive PREA information during the intake process. The facility maintains a list of staff who are bi-lingual and or proficient in sign language to assist in the appropriate delivery of information to inmates. Further, the department contracts with a vendor for outside interpreting services which are available 24 hours a day and seven days a week. In addition to the initial information inmates receive at intake, inmates watch a video which provides information and all inmates must attend PREA training which is held once a week on Thursdays. All inmates admitted from Thursday through Wednesday must receive the weekly training. Each housing unit had zero tolerance posters and information related to the PREA hotline visible and accessible. Inmates also have the ability to email an administrator using the kiosk available on the unit. Additionally, each time an inmate makes a telephone call an automated message delivers PREA information. Interviews of the inmates confirmed their understanding of their rights to be free from sexual harassment and abuse as well as their right to be free from retaliation for reporting incidents of sexual harassment and abuse. Various staff interviews also supported compliance with this standard.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not applicable

Howard County Department of Corrections refers all aspects of the investigatory process related to sexual assault and sexual harassment to the Howard County Police Department.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy I-811 27.14 addresses this standard. Documentation shows that the medical and mental health staff members have completed training required by policy. The facility nurses do not conduct forensic medical examinations. Interviews with medical, mental health staff and facility leadership support that they have a full understanding of the training they received as well as their roles and responsibilities as they relate to PREA response.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 page 6 section F which outlines that all inmates are assessed during intake and receive a screening for their risks of being sexually abused by other inmates or sexually abusive towards other inmates. Policy C-200 requires that the risk assessment for victimization and abusiveness is completed within 72 hours. Policy D-300 addresses required reassessments and guidelines. No inmates required reassessment during the past 12 months. The intake process was reviewed and observed by the auditor. The intake process was in keeping with the PREA standards. The screening tool included questions regarding disabilities and whether or not the inmate disclosed their sexual orientation/gender identity. The tool also asked whether inmates had previously experienced sexual victimization. The perception of the inmate regarding his or her vulnerability was also considered. The screening and intake process was well managed. Information gathered from the intake process was maintained confidentially and only disclosed to those staff with a need to know basis.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy D-300 addresses the requirements of this standard. A review of the risk screening form indicated the facility uses the information from the screening tool to determine housing, cell, work, education, and program assignments. The facility's goal is to keep inmates at high risk of being sexually victimized separate from those who are at a high risk of being sexually abusive. Guidelines on housing and program assignments and for the management of transgender and intersex inmates are outlined in this policy. At the present time, the facility does not have any transgender or intersex inmates. All housing and program assignments are made on a case by case basis. Interviews with staff and inmates confirmed compliance with the facility's policy which is in keeping with the expectations of this standard.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Agency Policy D-300 states inmates at high risks for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. Reviews of protective custody status will take place at least every 30 days. Interviews with staff indicated there have been no inmates placed in this status within the previous year.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Howard County Department of Corrections provides multiple internal ways for inmates to report sexual abuse, sexual harassment and incidents of retaliation. Inmates and staff interviews confirm that inmates are able to make reports verbally, in writing, anonymously and through third party reporting. Inmates may make calls through the inmate phone system where they have access to both internal and external hotlines. Both hotlines were tested by the auditor and were confirmed to be working properly. The auditor called the external hotline and went through a "test" report. An administrator from the hotline was interviewed and confirmed the elements of the Memorandum of Understanding that was in place to provide advocacy, emotional support, counseling and other assistance to inmates who might need the services. Inmates also have the ability to email administrators through the kiosk system. A demonstration of the kiosk system was performed by the PREA Coordinator/compliance Manager.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not applicable

Howard County Department of Corrections does not have administrative procedures to address inmate grievances regarding sexual abuse. As such and in accordance with section (a) the facility is exempt from this standard.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 demonstrates compliance with this standard. The Domestic Violence Center of Howard County is used for confidential reporting and outside confidential support services. The inmates have access to contact information for crisis intervention, advocacy, and support services. Interviews found that inmates were aware that service were available and provided to them free of charge if they requested them. The memorandum of Understanding was presented to and reviewed by the auditor. Additionally, interviews with Center personnel confirmed their commitment to provide said services to the inmates. The interview also revealed that the crisis center will respond to Howard County General Hospital when notified by the facility of an alleged incident. Further, Howard County General Hospital policy requires all sexual assaults to be reported to the Domestic Violence Center which establishes a check and balance further ensuring intervention, advocacy, and crisis support for inmates that experience abuse. The interview revealed that counseling and support is also available to inmates having previously experienced sexual assault and or abuse. The willingness and availability of the Domestic violence Center to provide support and services to the facility in various capacities establishes a concrete support system for the inmates.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Howard County Department of Correction's provides avenues to notify the public with information detailing how they may report sexual abuse, sexual harassment or incidents of retaliation on behalf of inmates housed by the Department. These avenues include information on the Department's website as well as a digital bulletin in the lobby of the facility which runs 24 hours a day, 7 days a week. The accessibility of information for those closest to the inmates provides them specifics on how they can report actual or suspected abuse. By using the website and the electronic bulletin the Department ensures the information is widely disseminated. Staff and inmate interviews revealed all were aware of an inmate's right to report sexual abuse or sexual harassment to others outside of the facility and the fact that the third party could make a report on behalf of the inmate.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

All staff are required by Policy A-033 to immediately report any knowledge, suspicion or information they receive regarding sexual abuse and harassment, retaliation against inmates or staff who report any incidents, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Interviews with staff verified that their awareness of their responsibility to report and further supported compliance with this standard.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 requires staff to take immediate action to protect an inmate when he/she is identified as being subject to substantial risk of imminent sexual abuse. There were no inmates identified as being at risk for sexual abuse in the past 12 months. Interviews with staff and the Director confirmed compliance with this standard.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 supports compliance with this standard. Policy requires the Director to notify the head of the other facility or appropriate office or agency where the alleged abuse or harassment occurred within 72 hours of receiving an allegation that an inmate was sexually abused while confined at another facility. During the past 12 months, there were no allegations received from other facilities that an inmate was abused while confined at Howard County Department of Corrections. There were two allegations of abuse reported to have happened while inmates were at other facilities. In both cases, the facilities received written correspondence regarding the abuse.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 requires staff to take specific steps to respond to a report of sexual abuse including; separating the alleged victim from the abuser; preserving any crime scene within a period of time that still allows for the collection of physical evidence; request the alleged victim not take any action that could destroy physical evidence; and ensure that the alleged abuser does not take any action to destroy physical evidence, if the abuse took place within a time period that still allows for the collection of physical evidence. Interviews with random and specialized staff confirmed that staff are aware of their responsibilities when it comes to their duties as first responders.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 outlines the written plan that coordinates actions to be taken in response to an incident of sexual assault among staff first responders, medical, and facility leadership. The plan was reviewed and is in compliance with this standard. Interviews with the Director and other staff revealed that they are knowledgeable of their duties in response to an allegation of sexual abuse and their response is in keeping with the facility's coordinated response plan.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Howard County Department of Corrections has not entered into or renewed any collective bargaining agreement or another agreement since August 20, 2012.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 requires the Director to ensure the protection of inmates and staff who have reported sexual abuse or harassment or who have cooperated in a sexual abuse or sexual harassment investigation. Policy states specifically: "The Department shall closely monitor the conduct or treatment of inmates or staff who report sexual abuse and of inmates who have suffered from sexual abuse and inmates who have cooperated with investigations for a minimum of 90 days (longer if recommended by treatment staff) to see if there are changes that would be a result of retaliation by inmates or staff. Supervisors shall be designated by the Director as well as treatment staff to monitor such conduct". The agency has multiple protection measures to employ in its efforts to protect staff and inmates. here were no incidents of retaliation in the past 12 months.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Howard County Department of Corrections does not have a policy prohibiting post allegation protective custody. As stated in Standard 115. 43: Agency Policy D-300 states inmates at high risks for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made; and a determination has been made that there is no available alternative means of separation from likely abusers. Reviews of protective custody status will take place at least every 30 days. No inmate has alleged sexual abuse in the past 12 months, protective custody has not been necessary.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 requires criminal investigations to be conducted by the Howard County Police Department. All substantiated investigations shall be referred for prosecution. Policy further requires staff members to cooperate with all investigations. There have been no substantiated allegations of conduct that appeared to be criminal that were referred for prosecution.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 demonstrates compliance with this standard. The policy states the agency shall impose a standard of preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 demonstrates compliance with this standard. Policy requires that after an allegation of sexual abuse the inmate shall be informed as to whether the allegation was substantiated, unsubstantiated or unfounded. All such notifications and attempts of notifications shall be documented. In the last twelve months there were no investigations of alleged sexual abuse, as a result, there was no requirement for inmate notifications.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 outlines the agency’s disciplinary response related to violations of the PREA policy by staff. Specifically, disciplinary sanctions for staff may include termination. The policy states “Authorized personnel who become involved in sexual misconduct shall be subject to disciplinary action in accordance with Howard County Department of Corrections policy and Howard County Code, up to and including dismissal, and may be subject to prosecution under Maryland State Law”. In the past 12 months, no staff has been terminated or has resigned for violating the facility’s PREA policies; as such, no staff has been reported to law enforcement or licensing boards following termination. Nor has any staff been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policy in the past 12 months.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 states "Authorized personnel involved in sexual misconduct, who are not employees, shall lose their privilege to enter the facility. Any unethical act/behavior of sexual harassment or sexual misconduct committed by HCDC licensed professional staff or other authorized personnel shall, upon substantiated allegation, shall also result in reporting the matter to the professionals licensing agency." As cited in the previous standard, individuals who become involved in sexual misconduct may be subject to prosecution under Maryland State Law. During the past 12 months, no contractor or volunteer has been reported to law enforcement or any agency for allegations of sexual abuse.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy H-713 supports compliance with this standard. The policy prohibits all inmate sexual conduct. Inmates may receive disciplinary sanctions following a finding or a criminal investigation that an inmate engaged in sexual conduct. There were no findings or findings of guilt for inmate-on-inmate sexual abuse occurring at the facility in the past 12 months.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 supports compliance with this standard. Inmates who disclosed prior sexual victimization are offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Medical and mental health staff maintain secondary materials documenting compliance with this standard. Inmates who disclosed previously perpetrating sexual abuse are offered a follow-up meeting with a mental health practitioner within 14 days. Interviews with medical and mental health staff confirm that informed consent is obtained from inmates who disclose prior victimization that did not occur in an institutional setting if the inmate is over the age of 18.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 requires timely and unimpeded access to emergency medical treatment, crisis intervention services and victim advocacy services. The nature and scope of these services are determined by medical and mental health practitioners according to their professional judgement. Inmate victims of sexual abuse while incarcerated are offered timely access to appropriate medical treatment. The facility uses Howard County General Hospital for emergency medical services and they have a memorandum of understanding with Howard County Domestic Violence Center for the provision of emotional support, crisis response and mental health support. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 addresses this standard. Services provided by the Howard County Department of Corrections are consistent with community level of care without financial cost to the inmate. The facility uses Howard County General Hospital for emergency medical services and employs mental health staff for the well-being of inmates. The Department also maintains a memorandum of understanding with the Howard County Domestic Violence Center for additional mental health and emotional support. Compliance with this standard was further supported by interviews with medical and mental health staff as well as document reviews.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 outlines compliance with this standard and provides information regarding the incident review team and its role in responding to and reviewing incidents. The Policy details the make-up of the sexual abuse incident review team and the elements to be considered in their assessments of incidents. Interviews with staff revealed that they understand the purpose of the incident review team and the process by which they are to follow in conducting the reviews.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Policy A-033 supports compliance with this standard. The agency collects accurate uniform data for every allegation of sexual abuse using a standardized instrument. The data is used to prepare an annual report. The PREA Coordinator reviews aggregate data on an annual basis and presents the findings to the Director for use in determining whether changes may be needed to existing policies and practices in order to further the goal of eliminating sexual abuse. The facility's aggregate data, after approval by the Director/designee is made available on the HCDC website.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Howard County Department of Corrections reviews the data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies. The PREA Coordinator will review the collected and aggregated data to assess and improve the effectiveness of the PREA related efforts and initiatives. This standard is supported by policy A-033.

Standard 115.89 Data storage, publication, and destruction

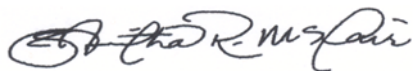
- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The aggregated PREA data is reviewed and all personal identifiers are removed. Data is properly stored, maintained and secured. Access to data is tightly controlled.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.



November 21, 2015

Auditor Signature

Date