



Maryland Department of Juvenile Services Prison Rape Elimination Act 2014 Annual Report

The Department of Juvenile Services has a zero tolerance policy for all acts of sexual abuse and harassment. The Department has established the Elimination and Reporting of Sexual Abuse and Harassment Policy and Procedures pursuant to the Prison Rape Elimination Act (PREA) Juvenile Facility Standards, to prohibit and prevent sexual abuse and harassment and to detect, report, investigate, and address any allegation of abuse or harassment involving any youth in the custody of the Department and its licensed or contracted residential program providers.

In 2003, President Bush signed the Prison Rape Elimination Act (PREA) into law. The Department of Justice (DOJ) developed national standards for implementation by federal, state, and local correctional organizations. The intended purpose of these standards was to provide comprehensive guidelines for preventing, detecting, and eliminating incidents of sexual abuse and sexual harassment involving adult inmates and youth in detention and residential facilities. After public review and comment, the DOJ published final PREA Juvenile Facility Standards which became effective on August 20, 2012. The Maryland Department of Juvenile Services (Department, DJS) mandated all state operated residential facilities to comply with these standards.

The Department is committed to providing safe and secure environments for youth. Extensive measures are taken to comprehensively investigate all reported allegations of sexual abuse and harassment. Allegations are reported to the Department of Social Services Child Protection Services Unit, the Maryland State Police and the DJS Office of the Inspector General for investigation. Management teams review all investigations to determine corrective actions, which may include, enhanced facility practices, staff and/or youth discipline.

Pursuant to PREA Juvenile Facility Standards §115.387 and §115.388, the Department is mandated to collect data for every allegation of sexual abuse occurring in its facilities. This data must include, at a minimum, the data required to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice Bureau of Statistics. Additionally, the Department is required to obtain incident-based and aggregate data from contracted private providers.

This report presents data for calendar year 2012 and 2013 as reported in the DOJ Survey of Sexual Victimization. Data is categorized in the following areas.

- Youth-on-Youth Nonconsensual Sexual Acts
- Youth-on-Youth Abusive Sexual Contact
- Staff-on-Youth Sexual Misconduct
- Staff-on-Youth Sexual Harassment
- Youth-on-Youth Sexual Harassment (added by DOJ in 2013)

The DOJ Survey of Sexual Victimization defines four investigation outcomes for allegations of sexual abuse and harassment.

- **Substantiated** - the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).
- **Unsubstantiated** - the investigation concluded that evidence was insufficient to determine whether or not the event occurred.
- **Unfounded** - the investigation determined that the event did not occur.
- **Investigation Ongoing** - evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

**SECTION I
STATE OPERATED FACILITIES**

Figure 1. Demographics

The following aggregate data depicts the basic demographics by total admissions and discharges, yearly census, gender, and age.

	2012	2013
Number of DJS Facilities Holding Detained or Committed Youth	14	14
Total Census December 31	537	494
Male	483	441
Female	54	53
Age 17 and younger	472	409
Age 18-20	65	85
Age 21 or older	0	0
Annual Total Youth Admitted	6,486	5,522
Annual Total Youth Discharged	6,688	5,557

Figure 2. Aggregate data for calendar year 2012 by category.

DJS 2012 Total Reports – 6

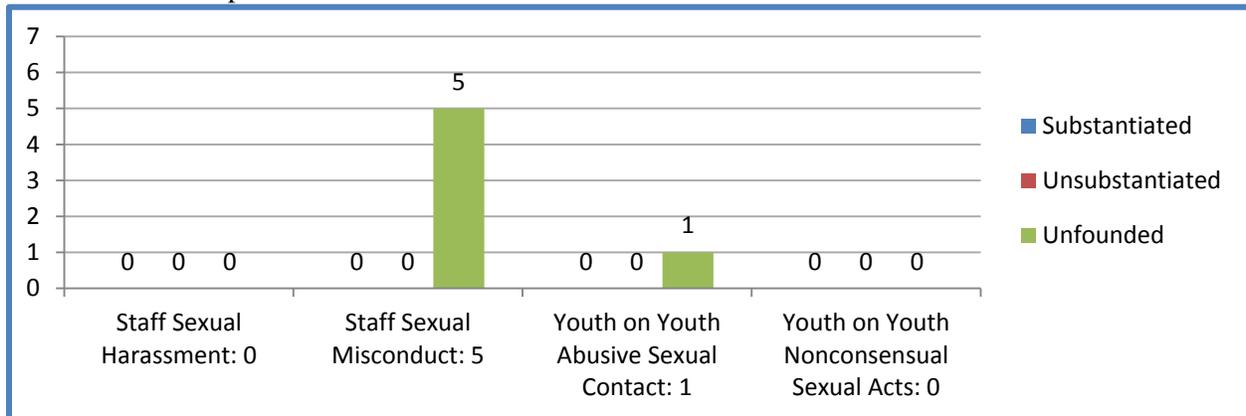


Figure 3. Aggregate data for calendar year 2013 by category

DJS 2013 Total Reports – 13

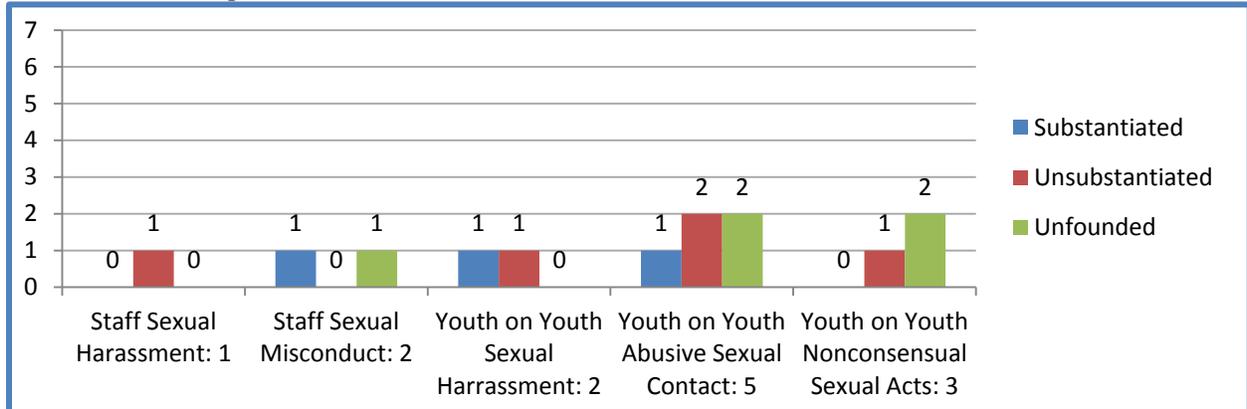


Figure 4 and 5. Aggregate data by facility for calendar year 2012 and 2013.

Figure 4-Total Reported Allegations (6)

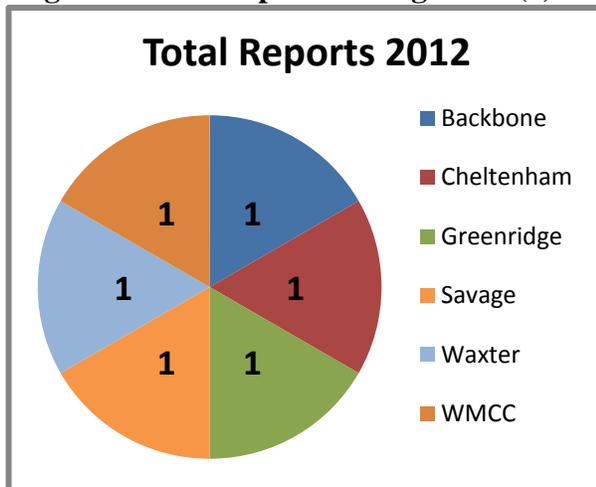
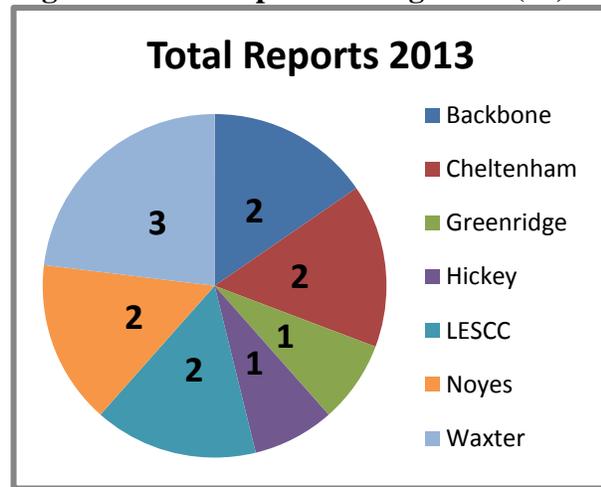


Figure 5-Total Reported Allegations (13)



Legend – DJS Facilities:

- Backbone Mountain Youth Center
- Cheltenham Youth Facility
- Green Ridge Youth Center
- Charles H. Hickey, Jr. School
- LESCC - Lower Eastern Shore Children’s Center
- Alfred D. Noyes Children’s Center
- Savage Mountain Youth Center
- Thomas J.S. Waxter Children’s Center
- WMCC - Western Maryland Children’s Center

Facility Analysis

The Department operates fourteen residential facilities. In 2012 there were six alleged incidents reported across six facilities for which investigations determined that all incidents were unfounded. The remaining eight facilities had no reports. A review of the data indicated that youth perceived incidental touching during “pat down” searches as inappropriate conduct by staff. Staff and youth at all fourteen state-operated facilities received education and training in PREA standards.

In 2013 there were thirteen alleged incidents reported across seven facilities. There were no reports in the remaining seven facilities. There was an increase in reports of alleged youth-on-youth contact which suggests that increased education and awareness of PREA standards has led to youth becoming more comfortable in making reports. There were three substantiated findings in 2013. Listed below is the corrective action taken by each facility.

Lower Eastern Shore Children’s Center – Two incidents were determined to be substantiated. One incident of youth-on-youth sexual harassment involved repeated inappropriate gestures and one incident of youth-on-youth abusive sexual contact involved inappropriate touching. All youth received additional counseling and education in the Department’s zero tolerance policy for all incidents of sexual abuse and harassment. The youth involved were held accountable.

Thomas J. S. Waxter Children’s Center – A substantiated incident of staff sexual misconduct involved a youth viewing explicit sexual material on a staff’s cell phone. Department policy and procedures prohibit personal cell phones in all residential facilities. Appropriate disciplinary actions were taken against the staff. Measures were taken to reduce and eliminate the introduction of contraband by having searches of staff and visitors occur on camera.

SECTION II

PRIVATE PROVIDERS

Figure 6. Basic Demographics*

	2012	2013
Number of Private Providers Serving DJS Committed Youth*	50	48
Total Census December 31	464	419
Male	397	355
Female	67	64
Age 17 and younger	348	295
Age 18-20	116	124
Age 21 or older	0	0
Annual Total Youth Admitted	909	826
Annual Total Youth Discharged	935	882

*Includes all private providers housing DJS committed youth in Maryland and out of state, excluding Residential Treatment Facilities and Foster Care Programs.

Figure 7. Aggregate data for calendar year 2012 by category.

Private Facilities – Total Reports 5

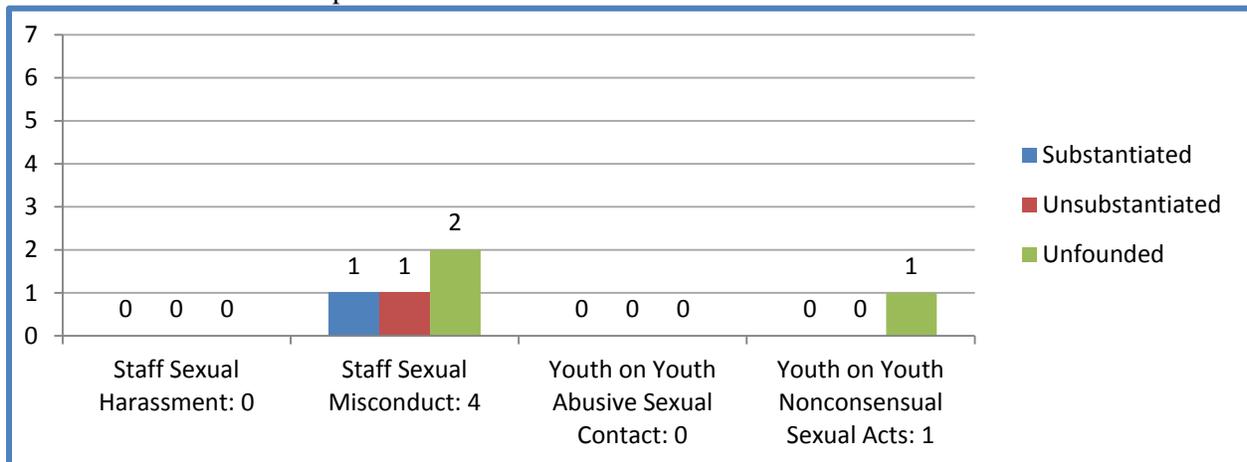


Figure 8. Aggregate data for calendar year 2013 by category

Private Facilities – Total Reports 10

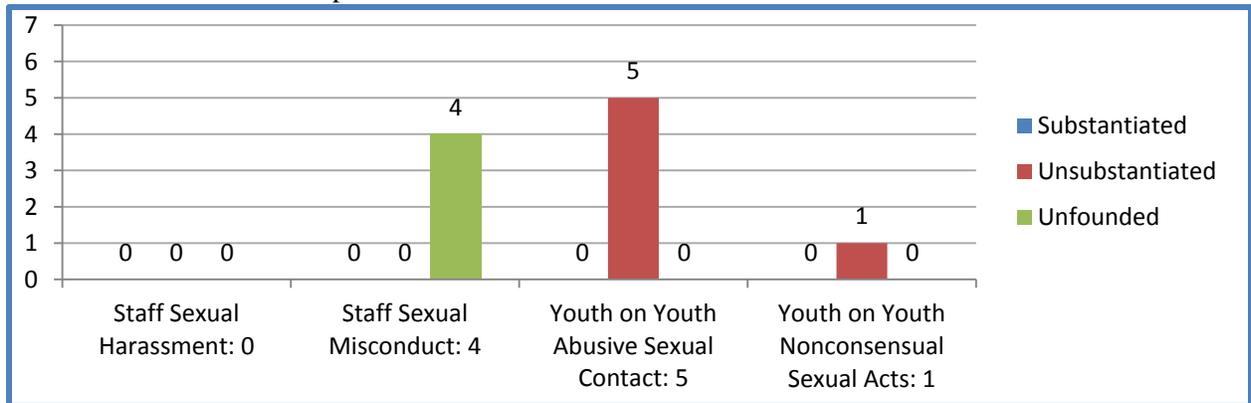


Figure 9 and 10. Aggregate data by facility for calendar year 2012 and 2013.

Figure 9-Total Reported Allegations (5)

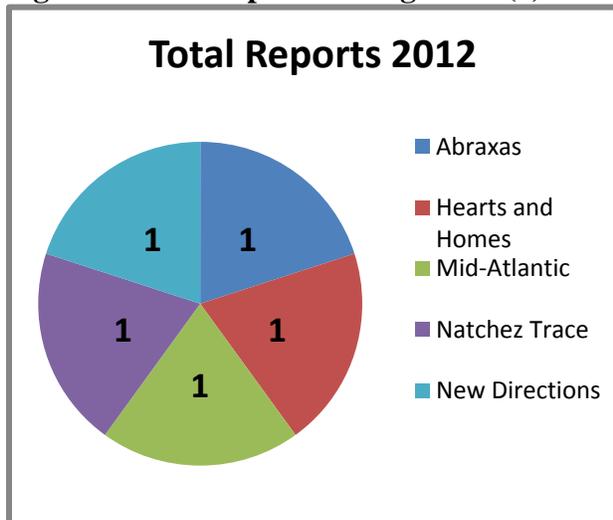
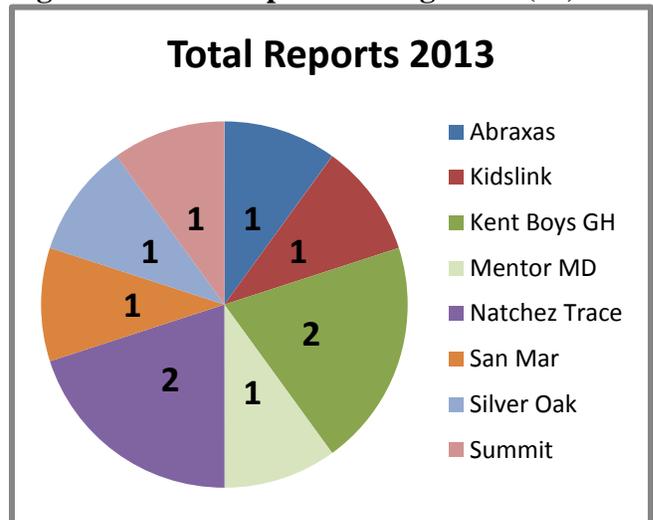


Figure 10-Total Reported Allegations (10)



Legend - Private Providers:

- Cornell Abraxas- PA
- Hearts and Homes - MD
- Kidslink Foundation for Living - OH
- Kent Youth Boys Group Home - MD
- Mentor MD
- Mid Atlantic Youth Services- PA
- Natchez Trace Youth Academy - TN
- New Directions: Chesapeake Treatment Center - MD
- San Mar - MD
- Silver Oak Academy - MD
- Summit Academy - PA

The Department contracts with over 100 private providers. In 2012 there were five reported incidents across five facilities. There was one substantiated incident of staff sexual misconduct involving inappropriate touching between a staff and a youth. The provider, New Directions Chesapeake Treatment Center took appropriate disciplinary actions against the staff, and the incident was referred for criminal prosecution.

In 2013 ten incidents were reported across eight facilities. There were no substantiated findings. The Department's contracts with private providers require their adherence to PREA standards. Private provider services are monitored by the DJS Quality Assurance Unit staff.

ACCOMPLISHMENTS

The Department has designated a PREA coordinator at the executive management level to develop, implement, and oversee agency efforts to comply with PREA standards. In addition, each facility has designated PREA compliance managers. During the past year the Department has revised operating policy and procedures to achieve compliance with standards.

The Department applied for a grant jointly with the Maryland Department of Public Safety and was awarded \$310,186 in September 2014. The goal of the grant is to assist facilities in implementing prevention, identification, and response mechanisms that will reduce the incidents of sexual abuse in confinement facilities. With the assistance of a contract provider, the Department will assess and determine the efficiency of existing PREA policies and procedures by conducting facility cultural assessments, staff training, youth education, and expand victim support services.

The Department currently has video surveillance capabilities in nine facilities. Installation of equipment is underway at the remaining five facilities. The additional surveillance will support supervision and consistent implementation of policy and procedures to reduce and eliminate instances of sexual abuse and harassment.

During 2014, the Department installed a youth phone system to give youth the ability to immediately and anonymously report sexual abuse and harassment to a third party. The third party provider reports incidents to Child Protective Services and the DJS Inspector General's Office for investigation. Additionally, youth are made aware of community support organizations through the posting of addresses and hotline numbers in facilities.

The DJS Office of the Inspector General's investigators have completed specialized PREA training to increase their knowledge and assist the Department as well as outside investigating agencies. Two staff have achieved certification as PREA auditors. The expanded knowledge of our staff will support the Department in developing corrective actions and in improving the effectiveness of our policy and procedure development, practices, and training for PREA standard compliance; thereby improving safety for our youth.

The Department is scheduled to have seven facilities audited for PREA compliance in 2015, and the remaining seven will be completed in 2016. The audit results will be posted on the Department's website.

The Maryland Department of Juvenile Services is committed to providing for the safety and well-being of the youth we serve. We continue to invest resources to educate our youth and staff, modify our operating procedures, and upgrade our physical plants to support the prevention, detection, reporting and investigating of all forms of sexual abuse.

Sam Abed, Secretary
Maryland Department of Juvenile Services