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## **Maryland Department of Juvenile Services Prison Rape Elimination Act 2015 Annual Report**

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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 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 efforts 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 are required to review all investigations to determine the need for corrective actions, which may include policy and procedure modifications, staff and/or youth discipline.

Pursuant to PREA Juvenile Facility Standards §115.387 and §115.388, the Department is mandated to collect data for each 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. The agency has redacted specific material from publication such as personal identifying information and information that would present a clear and specific threat to the safety and security of the agency's facilities.

This report presents the DOJ Survey of Sexual Victimization data for calendar years 2012, 2013 and 2014. 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.

- **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**

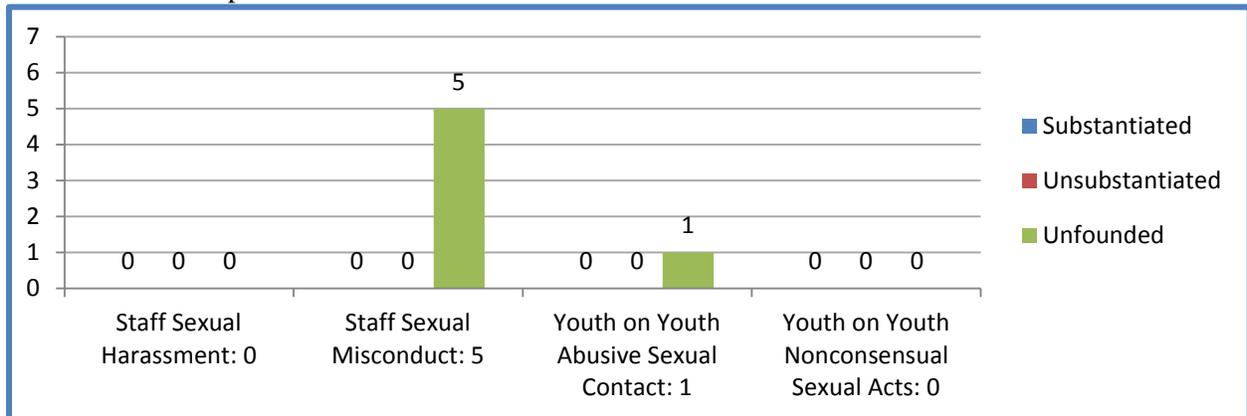
**Figure 1. Demographics**

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

|  | <b>2012</b>  | <b>2013</b>  | <b>2014</b>  |
|--|--------------|--------------|--------------|
| <b>Number of DJS facilities holding youthful offenders</b> | 14           | 14           | 14           |
| <b>Total Census December 31</b>                            | <b>537</b>   | <b>494</b>   | <b>427</b>   |
| Male   | 483          | 441          | 383          |
| Female   | 54           | 53           | 44           |
| Age 17 and younger   | 472          | 409          | 354          |
| Age 18-20  | 65           | 85           | 72           |
| Age 21 or older  | 0            | 0            | 1            |
| <b>Annual Total youth admitted</b>                         | <b>6,486</b> | <b>5,522</b> | <b>4,375</b> |
| <b>Annual Total youth discharged</b>                       | <b>6,688</b> | <b>5,557</b> | <b>4,445</b> |

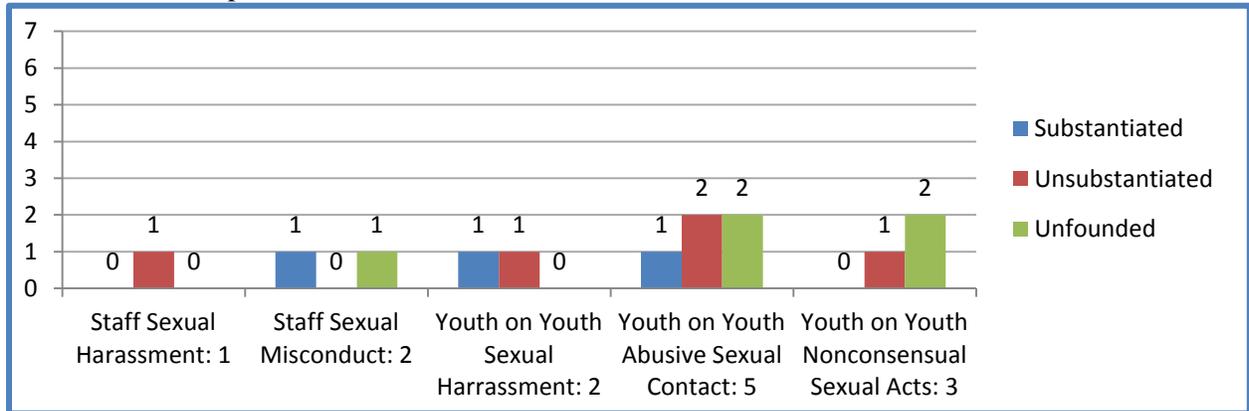
**Figure 2.** Aggregate data for calendar year 2012 by category.

DJS 2012 Total Reports – 6



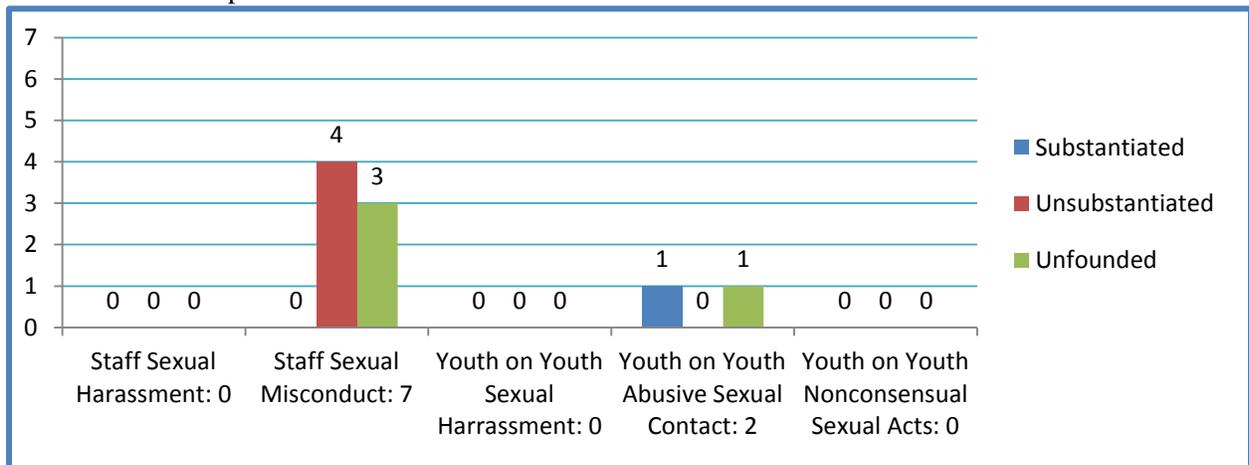
**Figure 3.** Aggregate data for calendar year 2013 by category.

DJS 2013 Total Reports – 13



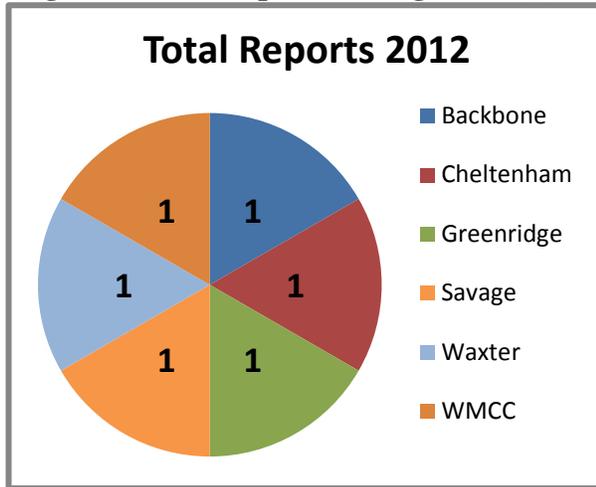
**Figure 4.** Aggregated data for calendar year 2014 by category.

DJS 2014 Total Reports- 9

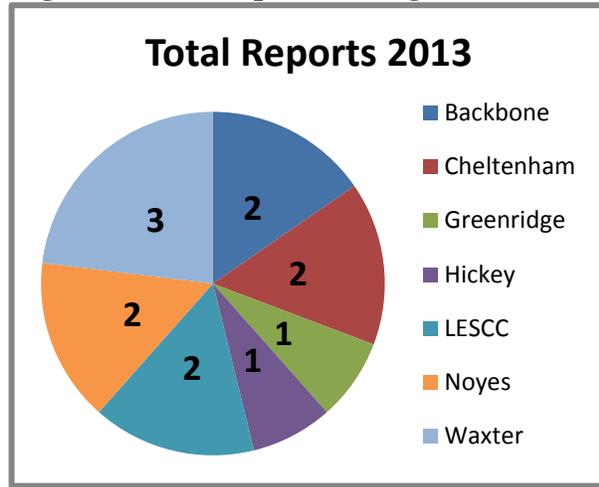


**Figure 5 and 6.** Aggregate data by facility for calendar year 2012 and 2013.

**Figure 5-Total Reported Allegations (6)**

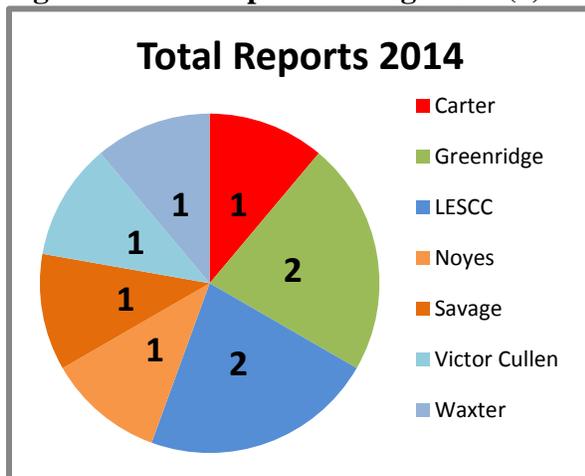


**Figure 6-Total Reported Allegations (13)**



**Figure 7.** Aggregate data by facility for calendar year 2014.

**Figure 7-Total Reported Allegations (9)**



Legend – DJS Facilities:

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

The Department operates fourteen residential facilities. In 2014, there were nine alleged incidents of sexual abuse reported across seven facilities. All allegations were investigated and one (1) incident was substantiated. This represents a 30% reduction in alleged incidents when compared to calendar year 2013, and a 66% reduction in substantiated incidents (2013-3, 2014-1).

The substantiated incident in 2014 occurred at the Lower Eastern Shore Children's Center and involved youth-on-youth abusive sexual contact. The investigation determined that a female youth touched another female youth on the breast, buttocks and in the genital area. Corrective action resulted in the transfer of one youth to another facility and discipline for the staff who failed to intervene appropriately.

There was a noted increase in reports of alleged staff sexual misconduct. Seven incidents were reported, an increase of five from 2013, of which four incidents were determined to be unsubstantiated and three unfounded. A review of the incidents indicated that four allegations occurred after a youth was restrained and appeared to be in retaliation. Corrective action will include ongoing counseling with youth following incidents of restraint and ongoing training with staff to reduce restraints through the use of de-escalation techniques.

SECTION II

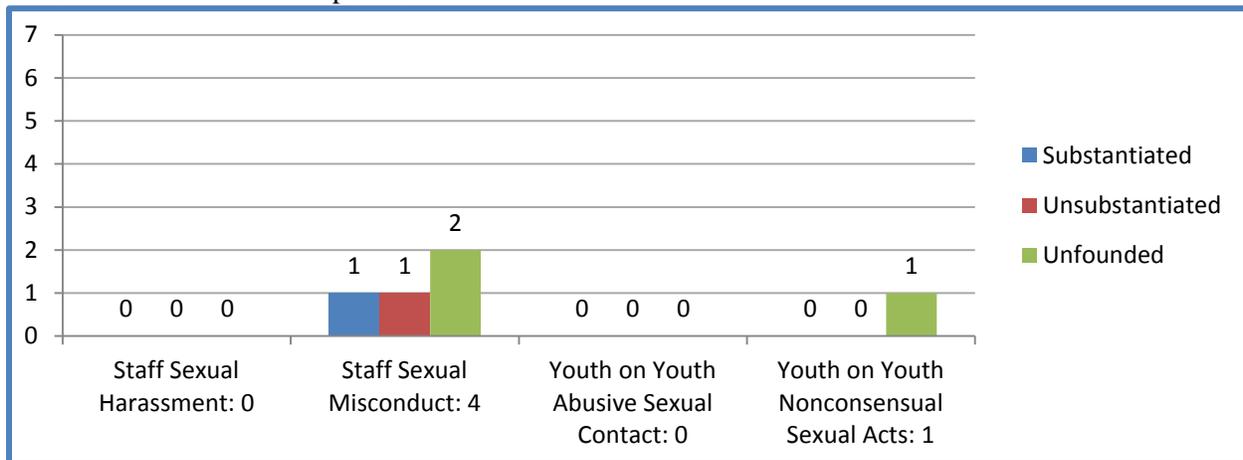
**PRIVATE PROVIDERS**

**Figure 8. Basic Demographics\***

|   | 2012       | 2013       | 2014         |
|---|------------|------------|--------------|
| <b>Number Private Providers Serving DJS Youth*</b>  | <b>50</b>  | <b>48</b>  | <b>61</b>    |
| Total Census December 31  | 464        | 419        | 434          |
| Male  | 397        | 355        | 348          |
| Female  | 67         | 64         | 86           |
| Age 17 and younger  | 348        | 295        | 290          |
| Age 18-20   | 116        | 124        | 143          |
| Age 21 or older   | 0          | 0          | 1            |
| Annual Total youth admitted   | <b>909</b> | <b>826</b> | <b>933</b>   |
| Annual Total youth discharged   | <b>935</b> | <b>882</b> | <b>1,006</b> |
| *Includes all contracted providers housing DJS committed youth in Maryland and out of state, except for RTC's and Foster Care Programs. |            |            |              |

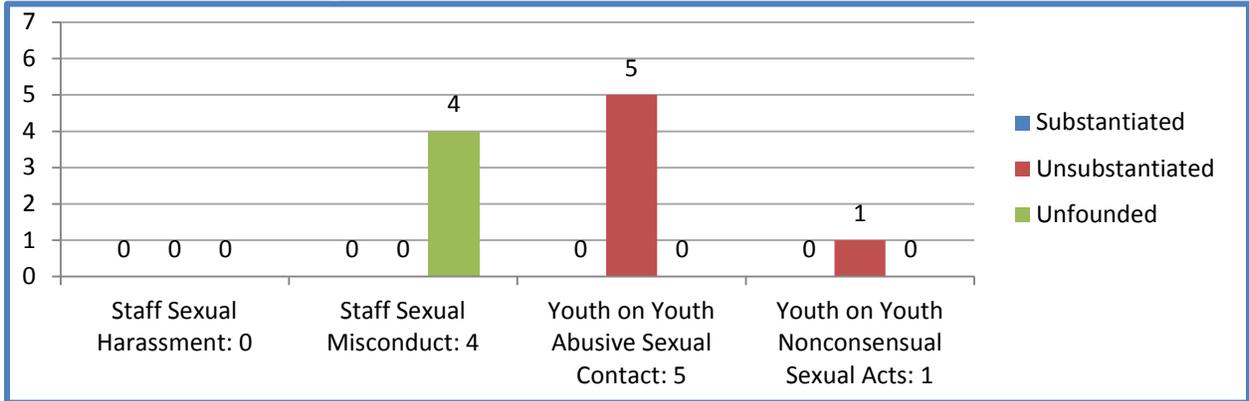
**Figure 9. Aggregate data for calendar year 2012 by category.**

Private Facilities – Total Reports 5



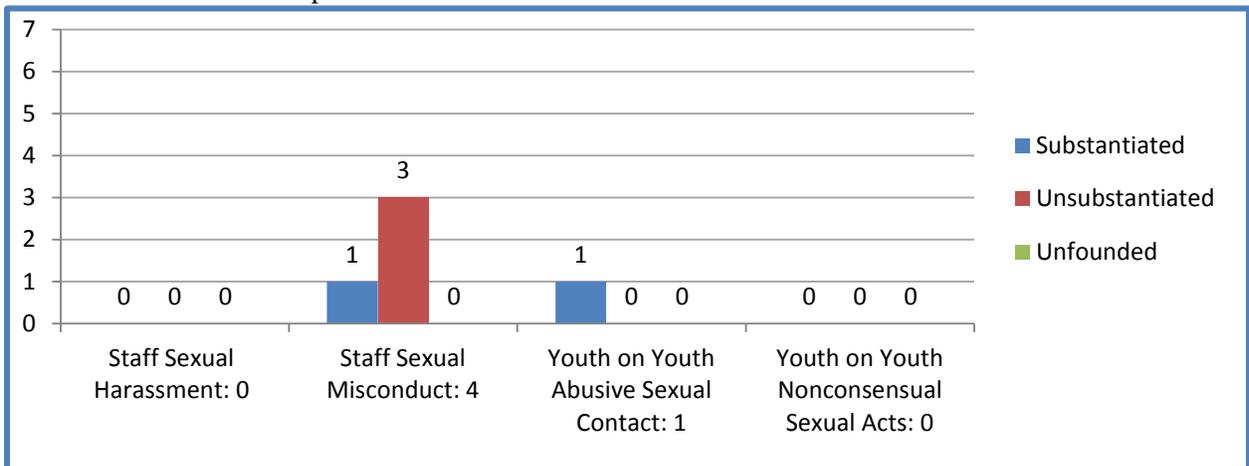
**Figure 10.** Aggregate data for calendar year 2013 by category.

Private Facilities – Total Reports 10



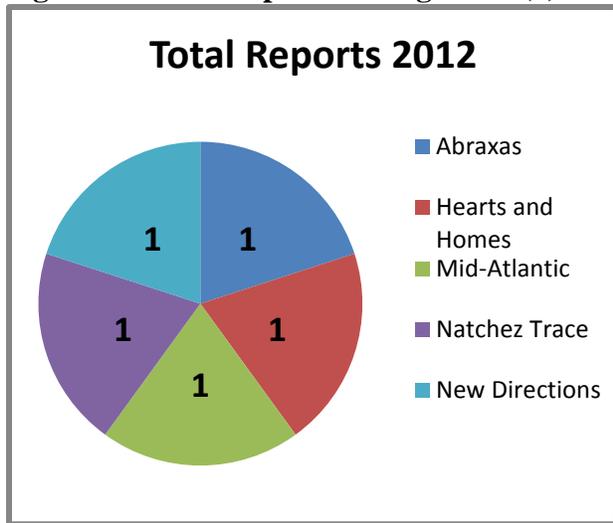
**Figure 11.** Aggregate data for calendar year 2014 by category.

Private Facilities-Total Reports 5

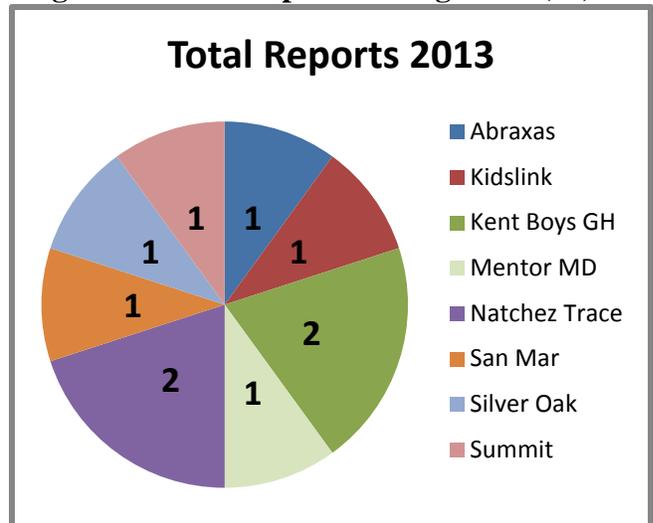


**Figure 12 and 13.** Aggregate data by facility for calendar year 2012 and 2013.

**Figure 12-Total Reported Allegations (5)**

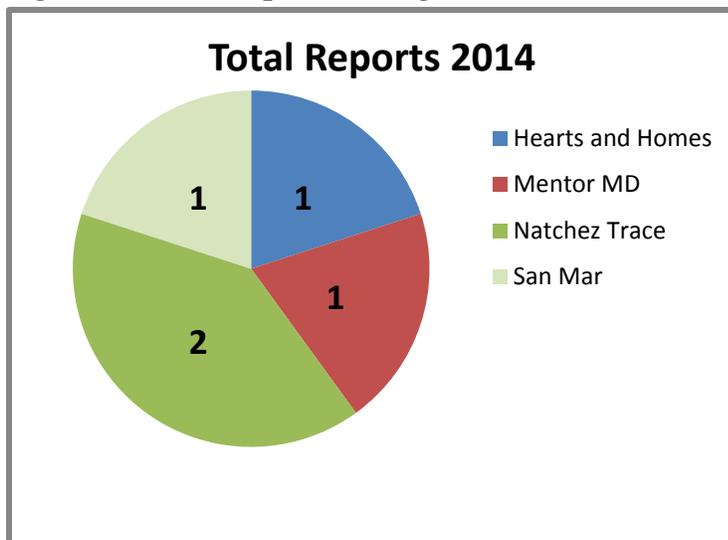


**Figure 13-Total Reported Allegations (10)**



**Figure 14.** Aggregate data by facility for calendar year 2014.

**Figure 14-Total Reported Allegations (5)**



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

**Private Provider Facility Analysis**

The Department contracts with over one hundred private providers and contractually requires their adherence to PREA standards. Private provider services are monitored by the DJS Quality Assurance Unit.

In 2014, there were five incidents reported across four facilities for which investigations determined that two incidents resulted in substantiated findings. The substantiated cases were one case of staff sexual misconduct and one case of youth-on-youth abusive sexual contact. The total number of youth served by private providers increased slightly by 4% (15 youth). The total number of sexual abuse allegations decreased by 50% to 5 incidents when compared to 10 in 2013.

The two substantiated cases of sexual abuse occurred in the following programs and corrective action was taken as noted.

Hearts and Homes Inc. - One substantiated case of staff sexual misconduct involved a sexual relationship between a female staff and a male youth. The provider took appropriate disciplinary action. Child Protective Services investigated and indicated the staff for child abuse. The incident was referred for criminal prosecution.

San Mar Children's Home Inc. - One substantiated case of youth-on-youth abusive contact involved two female youth. One youth touched another youth without consent in the genital area. The provider took immediate action in separating the two female youth. One youth was removed from the program and was charged by law enforcement.

## ACCOMPLISHMENTS

The Department of Juvenile Services works to unceasingly reduce and eliminate sexual abuse and harassment within all facilities. An integral part of eliminating sexual abuse and harassment is to implement each standard established by the Prison Rape Elimination Act (PREA.) The established PREA Coordinator's responsibility is to oversee and audit the agency's compliance with the PREA standards. Each facility has a designated PREA Compliance Manager to assist in these efforts. These designated positions and the Department's certified auditors conduct mock audits throughout the year to accomplish the goals and objectives set forth by the Department.

After securing a joint grant with the Maryland Department of Public Safety, DJS engaged in several projects to enhance prevention planning, staff training, resident reporting and education, and auditing. Additionally, physical plant improvements were made to renovate bathrooms to provide youth more privacy to shower, perform bodily functions, and change clothing without being seen by staff of the opposite gender.

Video surveillance systems have now been installed at all fourteen DJS facilities. Cameras were installed at five sites and upgrades were completed at the remaining nine sites. The newly installed cameras and hardware will increase and support staff supervision to deter incidents of sexual abuse and harassment

In early 2015, over 1,100 DJS direct care staff, behavioral health and medical professionals participated and completed the initial eight hour PREA training. The PREA training materials consists of four modules and instructional videos relevant to the staff training standard. Along with the instructional materials, a PREA Response Kit and training video were developed to educate staff in protocols for preserving usable physical evidence in an incident of alleged rape or sexual assault. The four modules, instructional videos and the PREA Response Kit video projects were made possible by grant funding. All behavioral health and medical staff completed the NIC Online Specialized Training for sexual assault victims in a confinement setting.

Ongoing efforts to enhance the admissions and orientation process include the use of an educational video to familiarize youth with preventing and reporting sexual abuse. Comprehensive education is ongoing during a youth's commitment. Weekly community group meetings are held to discuss PREA related topics utilizing the End Silence: Youth Speaking up about Sexual Abuse in Custody Graphic Novels and the DJS "What You Should Know about Sexual Abuse" Pamphlet. Each facility has developed a PREA Resource Zone located next to the youth telephone system to give immediate access to information to report sexual abuse and harassment.

The Department collaborated with the Maryland Coalition Against Sexual Assault and TurnAround Incorporated, a local Rape Crisis and Recovery Center, to provide victim advocacy training. This training qualifies DJS staff members to serve in a support role for victims pending

arrival of an advocate from the local rape crisis and recovery center. Currently, the Department has thirty (30) qualified DJS staff members located throughout the state to serve in this role.

In 2015, DJS contracted with the Correctional Management & Communication Group to complete audits of seven DJS facilities. The facilities audited were Savage Mountain Youth Center, Meadow Mountain Youth Center, Victor Cullen Center, J. DeWeese Carter Center, Lower Eastern Shore Children's Center, Alfred D. Noyes Children's Center, and Western Maryland Children Center. All seven facilities earned 100% compliance with the PREA Standards for Juvenile Facilities. The final reports are 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.

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Sam Abed, Secretary  
Maryland Department of Juvenile Services