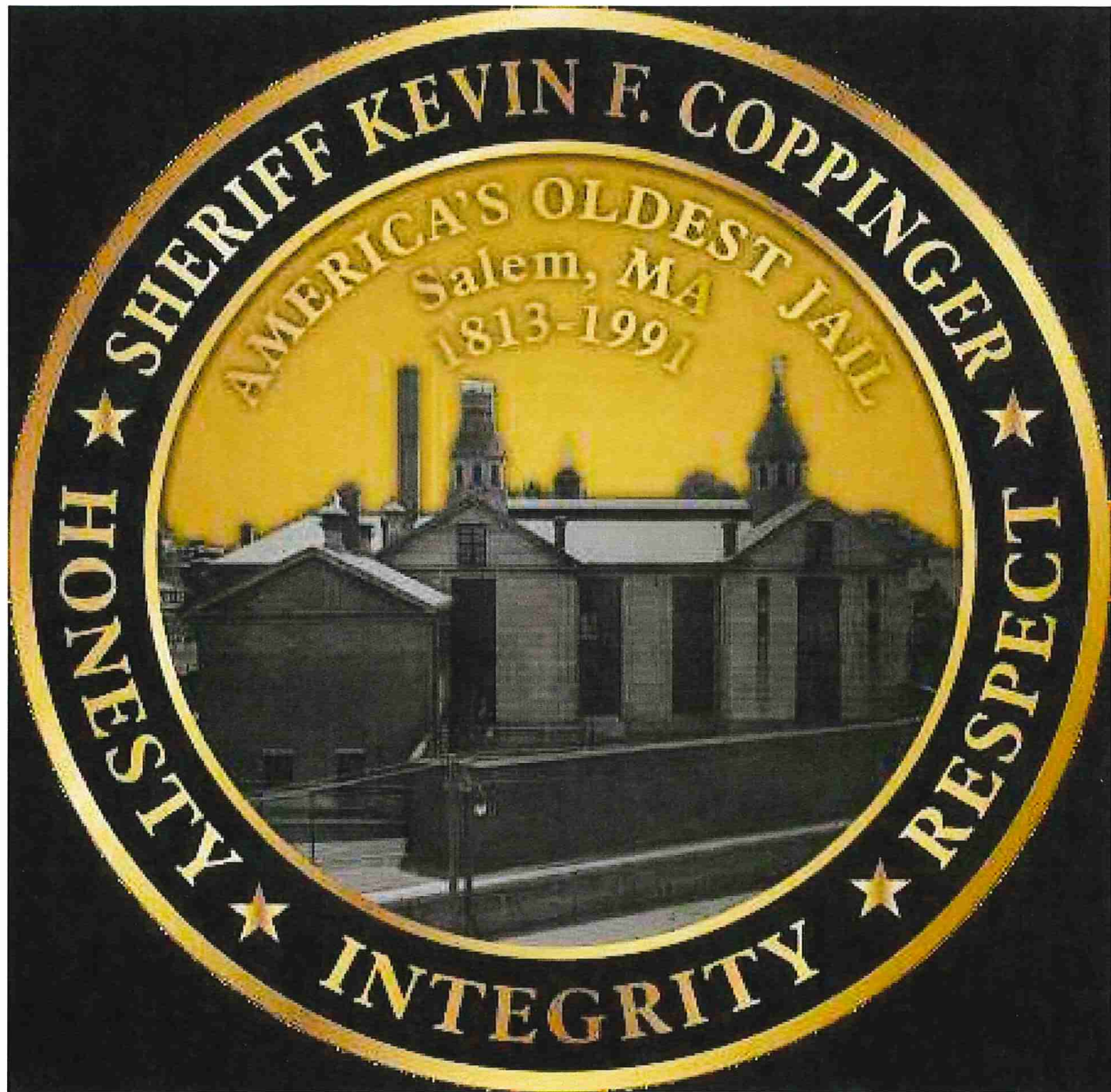


ESSEX COUNTY SHERIFF'S DEPARTMENT
PRISON RAPE ELIMINATION ACT



2020 ANNUAL REPORT

1. INTRODUCTION:

The Prison Rape Elimination Act (PREA) was signed into federal law in September 2003 following unanimous support from both parties in the United States Congress. The purpose of the law was to provide information, resources, recommendations, and funding to protect individuals from sexual abuse and sexual harassment in confinement facilities. PREA seeks to establish a “zero tolerance” policy regarding rape, sexual abusive behavior and sexual harassment in federal, state and local correctional systems. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection, and response strategies in addressing rape, sexually abusive behavior and sexual harassment.

In August 2012, the United States Department of Justice (DOJ) issued the final PREA standards for: Prisons and Jails, Lock-ups, Community Confinement Facilities and Juvenile Facilities. These standards required DOJ audits of all facilities under the agency’s operational control of the Commonwealth of Massachusetts’ Executive Branch, to include private facilities operating on behalf of the Executive Branch to house inmates. The first 3-year audit cycle began on August 2013. Failure to comply with the aforementioned standards would result in a loss of 5 percent of identified federal grant funding.

The Essex County Sheriff’s Department (ECSD) facilities: Essex County Correctional Facility (ECCF), the Essex County Pre-Release Center (ECPRC) and the Women in Transition Center (WIT) were accredited by the Department of Justice (DOJ), PREA audit in 2016.

On June 24-26 of 2019, a PREA audit was conducted at the Essex County Correctional Facility, the Essex County Pre-Release Center and the Women in Transition Center. All three facilities were reaccredited by the Department of Justice, with the auditor finding ECSD meeting and/or exceeding 45 out of 45 PREA standards. No corrective action was found to be necessary.

The ECSD remains committed to a zero tolerance towards all forms of sexual harassment and sexually abusive behaviors and is dedicated to meeting or exceeding the PREA standards set forth by the DOJ. The Essex County Correctional Facility, the Essex County Pre-Release Center and the Women in Transition Center are due to be reaccredited by the Department of Justice in 2022.

2. BACKGROUND:

The DOJ PREA standards require our agency to collect a defined set of data for every investigation into allegations of sexually abusive behaviors and sexual harassment. These standards further require the Essex County Sheriff's Department to aggregate and review that data in order to assess and improve our effectiveness as an agency at preventing, detecting and responding to PREA allegations. Standards related to the collection of data include: § 115.87 Data Collection, § 115.88 Data Review for Corrective Action and § 115.89 Data Storage, Publication, and Destruction. For reference purposes, they are included within this report.

§ 115.87 Data Collection

- a. The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- b. The agency shall aggregate the incident-based sexual abuse data at least annually.
- c. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d. The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- e. The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- f. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

§ 115.88 Data Review for Corrective Action

- a. The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 1. Identifying problem areas;
 2. Taking corrective action on an ongoing basis; and,
 3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- b. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- c. The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- d. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

§ 115.89 Data Storage, Publication, and Destruction

- a. The agency shall ensure that data collected pursuant to § 115.87 are securely retained.
- b. The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- c. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- d. The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

3. INVESTIGATIVE STANDARDS/DEFINITIONS:

The definitions used by DOJ are extensive for each category of abuse and misconduct. Below are those definitions:

- a. Evidentiary Standard: The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
 1. Substantiated: Substantiated allegation means an allegation that was investigated and determined to have occurred.
 2. Unsubstantiated: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
 3. Investigation ongoing: Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.
 4. Unfounded: An allegation that was investigated and determined not to have occurred.
- b. Incidents of sexual violence or sexual harassment (inmate-on-inmate):
 1. Nonconsensual Sexual Acts: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between the penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vulva, or anus; or penetration of the anal or genital opening of another person, however slight, by a hand, finger, or other instrument.
 2. Abusive Sexual Contacts: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Exclude incidents in which the contact was incidental to a physical altercation.
 3. Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed towards another.

c. Incidents of sexual violence or sexual harassment (staff-on-inmate):

1. Staff Sexual Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors.) Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.
2. Staff Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). This includes demeaning references to gender or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

4. INVESTIGATIVE FINDINGS:

A complete review of all PREA allegations reported to the ECSD's Security Investigations (SI) unit (these allegations include all ECSD facilities) was conducted. There was a total of 18 allegations reported in 2020. 17 were reported to the ECCF staff and 1 to the WIT staff; there were no allegations reported to the ECPRC staff. 2 of the 18 allegations involved incidents at other facilities outside of the ECSD. Those allegations were referred to their respective facilities in accordance with 115.63 of the DOJ PREA standards. 5 allegations were fully investigated but did not meet the criteria/definition of a PREA case. The remaining 11 allegations met the criteria/definitions used to open an investigation. Below is a summary of the 2020 investigations and a comparison to the 2018 and 2019 allegations investigated:

2020 Investigation Findings

Category	Investigative Outcomes				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0	1	1	2	4
Inmate-Inmate Sexual Abuse Contact	0	2	1	0	3
Inmate-Inmate Sexual Harassment	0	2	1	0	3
Staff Sexual Misconduct	0	0	0	0	0
Staff-Inmate Sexual Harassment	0	0	1	0	1
Total	0	5	4	2	11

2019 Investigation Findings

Category	Investigative Outcomes				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	2	2	0	1	5
Inmate-Inmate Sexual Abuse Contact	0	14	1	0	15
Inmate-Inmate Sexual Harassment	0	3	0	0	3
Staff Sexual Misconduct	1	0	1	0	2
Staff-Inmate Sexual Harassment	0	3	0	0	3
Total	3	22	2	1	28

2018 Investigation Findings

Category	Investigative Outcomes				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	0	0	0	0	0
Inmate-Inmate Sexual Abuse Contact	1	5	3	0	9
Inmate-Inmate Sexual Harassment	0	2	0	0	2
Staff Sexual Misconduct	0	2	4	0	6
Staff-Inmate Sexual Harassment	0	2	2	0	4
Total	1	11	9	0	21

5. TRENDS:

From 2018 to 2020, the ECSD had a total of 60 allegations investigated and only 4 of those allegations were substantiated, or approximately 6.7%, below the national average of 8%. The ECSD contributes the rise in reporting during the inmate 30-day Potential Victim/Potential Perpetrator Assessment to our continuous efforts to provide PREA education to staff who are trained to take every allegation, however slight, seriously and investigate ALL allegations. And to continued education provided to inmates. All inmates are educated within 48 hours of their arrival of a number of ways a PREA allegation can be reported (to any staff member, anonymously, to District Attorney's Office, etc.)

The number of PREA allegations in 2020 was significantly affected by the COVID-19 pandemic. Due to the pandemic, the inmate population has decreased by approximately 20 %. There is a positive correlation between the lower inmate population numbers and the decrease in PREA allegations reported in 2020.

6. IDENTIFIED PROBLEM AREAS AND CORRECTIVE ACTIONS:

The DOJ PREA standards require an agency to identify any problem areas and develop plans of corrective action(s) to remedy them. Based on the statistical data alone, the Substantiated victimization rate within the ECSD is very low in comparison to the available national average. There were no obvious problem areas which were not already being addressed through our efforts to achieve compliance with PREA standards and our demonstrated compliance with the PREA standards and our successful DOJ PREA audit in 2019. However, the ECSD continues to review, enhance and improve its current policies, procedures and practices in an effort to not only to continue to meet the DOJ standards, but to exceed them as well as to keep its inmates/residents safe and free from sexual harassment/abuse.

7. RESOLVED PROBLEM AREAS FROM 2019

The ECSD continued to provide comprehensive PREA education and training to all staff, contractors, volunteers, vendors and inmates on the ECSD's zero tolerance on all forms of sexual harassment and sexual assaults. Additionally, the ECSD continues to work with outside stakeholders in an effort to work collaboratively to ensure the Department meets and/or exceeds the standards set-forth by the DOJ PREA standards.

8. 2019 ASSESSMENT OF THE ECSD's PROGRESS IN ADDRESSING INMATE SEXUAL HARASSMENT/ABUSE

The Essex County Sheriff's Department is proud to announce that it is a recipient of U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance, 2020 Implementing the PREA Standards, Protecting Inmates, and Safeguarding Communities, Grant Award. The Department is excited to work along with WellPath, the ECSD's contracted medical provider, to provide timely and more efficient mental health care to inmates/residents who have been impacted by sexual abuse/harassment.

In 2020 the following staff members were added to the PREA Team:

- Lieutenant Joseph DiPietro has been appointed as the Essex County Sheriff's Department PREA Manager for ECPRC.
- Captain Amanda Burnham has been appointed as the Essex County Sheriff's Department PREA Manager for the Middleton Facility.
- Sergeant Ann Zannini has been appointed as the Essex County Sheriff's Department PREA Manager for WIT.

The ECSD is aggressively working to improve in all aspects of the PREA process and continues to make great strides in the prevention, detection and response to inmate sexual assault, abusive behaviors and sexual harassment.

We are proud of our staff at all levels throughout the ECSD as we have consistently demonstrated our commitment to the PREA process by having all our facilities accredited through the DOJ PREA audit process.

We would like to thank all our staff members for their unwavering commitment to making all our facilities a safer place. Even though the next PREA audit is not scheduled until 2022, we continue to work tirelessly and remain confident that we will be successful and pass all future PREA audits.

The undersigned have conducted a joint review of the contents of the Essex County Sheriff's Department, 2020 Prison Rape Elimination Act (PREA) Annual Report on January 25, 2021

Darya Ferrari

Darya Ferrari
Assistant Superintendent
PREA Coordinator

Kevin F. Copping

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Sheriff