



Commonwealth of Massachusetts

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COUNTY OF WORCESTER

JAIL AND HOUSE OF CORRECTION

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LEWIS G. EVANGELIDIS
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To: David H. Tuttle, Superintendent
From: Captain Keith Hamilton
Date: 01/06/2021
Re: 2020 Prison Rape Elimination Act (PREA) Aggregated Data

In accordance with 115.88 Data Review for Corrective Action, the WCSO completes an annual report in order to assess and improve the effectiveness of reduction of sexual abuse and sexual harassment. Through training in prevention, detection and response, our policies and practices provide great assistance in completing the elimination of such acts.

The WCSO may redact specific material from this and future PREA reports when the publication would present a clear and specific threat to the safety and security of the facility. Any redacted material must have a general statement to indicate that the material has been removed from the report.

Definitions:

Inmate / Inmate Sex Acts - Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

Inmate / Inmate Sexual Abuse – 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 genitalia, anus, groin, breast, inner thigh or buttocks of any person.

Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Inmate / Inmate Sexual Harassment – Sexual Harassment includes- 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, detainee, or resident directed towards another.

Written or verbal communications, gestures such as simulated acts of a sexual nature.

Staff Sexual Misconduct - Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Staff / Inmate Sexual Harassment - Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Written or verbal communications, gestures such as simulated acts of a sexual nature.

Substantiated Allegation - An allegation that was investigated and determined to have occurred.

Unfounded Allegation - An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination.

Agency Overview for 2020

| PREA Data Collection: January 1, 2020 - December 31, 2020 | | | | | |
|--|----------------------|------------------------|------------------|----------------|--------------|
| Category | Substantiated | Unsubstantiated | Unfounded | Pending | Total |
| Inmate- Inmate sex acts | 0 | 0 | 0 | 0 | 0 |
| Inmate- Inmate Sexual Abuse | 0 | 1 | 0 | 0 | 1 |
| Inmate- Inmate Sexual Harassment | 1 | 1 | 0 | 0 | 2 |
| Staff Sexual Misconduct | 0 | 0 | 0 | 0 | 0 |
| Staff-Inmate Sexual Harassment | 0 | 0 | 0 | 0 | 0 |
| Total | 1 | 2 | 0 | 0 | 3 |

Agency Overview for 2019

| PREA Data Collection: January 1, 2019 - December 31, 2019 | | | | | |
|--|----------------------|------------------------|------------------|----------------|--------------|
| Category | Substantiated | Unsubstantiated | Unfounded | Pending | Total |
| Inmate- Inmate sex acts | 0 | 1 | 1 | 0 | 2 |
| Inmate- Inmate Sexual Abuse | 0 | 2 | 0 | 0 | 2 |
| Inmate- Inmate Sexual Harassment | 1 | 3 | 0 | 0 | 4 |
| Staff Sexual Misconduct | 0 | 0 | 1 | 0 | 1 |
| Staff-Inmate Sexual Harassment | 1 | 2 | 2 | 0 | 5 |
| Total | 2 | 8 | 4 | 0 | 14 |

Comparison of PREA cases between Years 2019 and 2020

The WCSO has a zero tolerance policy for sexual abuse. As such, every allegation, report and/or discovery of sexual activity is investigated as if a PREA event occurred. Only after a full investigation are events defined as PREA violation or otherwise (i.e., consensual but unauthorized sexual activity that does not qualify as PREA).

The number of PREA investigations for 2020 was extremely lower than 2019. The most notable differences were found in categories pertaining to Inmate-Inmate Sexual Harassment (significant decrease of 2), Inmate-Inmate Sexual Abuse (slight decrease of 1), Inmate-Inmate Sex Acts (significant decrease of 2), Staff Sexual Misconduct (slight decrease of 1) and Staff-Inmate Sexual Harassment (significant decrease of 5).

Corrective Action

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon statistical data alone, there are no obvious problem areas that are not already being addressed through our efforts to achieve compliance with PREA standards and our demonstrated compliance with the last successful PREA audit in July of 2019.

Conclusion

The WCSO implemented comprehensive policy and training since the passing of the Prison Rape Elimination Act in August 2012. The Department will continue to be pro-active in its PREA training, signage and education of staff and inmates in the “zero tolerance policy”. The Department will strive as a whole to protect and insure the safety and well-being of all inmates entrusted to our custody. Also, as renovations and new construction progress, we will consistently assess plans and changes in view of PREA requirements to ensure the new areas will provide appropriate provisions to be sure it will be safe as well as practical for all inmates and staff.