



**THE COMMONWEALTH OF MASSACHUSETTS
ESSEX COUNTY CORRECTIONAL FACILITY
&
SHERIFF'S HEADQUARTERS**



TO: Frank G. Cousins, Jr.
Sheriff
FROM: Jason R. Ebacher *REF Y6L*
Assistant Superintendent
DATE: July 6, 2016
RE: PREA Annual Report (June 1, 2015 to June 30, 2016)

National PREA Standards require the Essex County Sheriff's Department to prepare an annual report with regard to PREA incidents. It is further required that the report be placed on the Essex County Sheriff's Department website for public access. The attached report was designed to incorporate the elements of obligation to publish in efforts to comply with the relevant standards.

This report will be placed on the Essex County Sheriff's Department website following your review. Please feel free to contact me with any questions or concerns.

Respectfully,

A.S. Jason R. Ebacher

CC: Joseph Furnari, Special Sheriff
Michael Marks, Superintendent
Aaron Eastman, Superintendent
Kim Murtagh, Assistant Superintendent
Karen Paluzzi, Lieutenant
Jamie Forcino, Lieutenant
Kerri Patterson, Assistant Superintendent
PREA Standard files 115.88, 115.89, 115.288, and 115.289

**The Essex County Sheriff's Department
Prison Rape Elimination Act (PREA)
Annual Report – June 1, 2015 to June 30, 2016**

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Introduction

The United States Department of Justice, pursuant to National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination Act (PREA) requires our department to collect a defined set of data for every allegation of sexual abuse. Through what will be referred to in this report as “standards”, PREA further requires 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. Standards related to the collection of data include § 115.87 & §115.287 Data Collection, §115.88 & §115.288 Data Review for Corrective Action, §115.89 & §115.289 Data Storage, Publication, and Destruction. For reference purposes, they are included within this report.

§ 115.87 & § 115.287 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 & § 115.288 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 & § 115.289 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.

PREA Data Collection Capabilities

Through use of our Intranet, a uniformed set of data (and definitions) for each allegation investigated at every facility is collected and recorded. PREA standard 115.87 and 115.287 requires collection, at a minimum, the data necessary to answer questions contained in annual "Survey of Sexual Violence" reports conducted by the United States Department of Justice. The Essex County Sheriff's Department PREA Database was, in part, designed to provide the department with that capability and, in fact, exceeds those requirements. The PREA Database also provides an ability to draw comparisons on various aspects of sexual assault and harassment.

Aggregated Data on Sexual Abuse Allegations

The Essex County Sheriff's Department has a Zero Tolerance policy for sexual abuse and sexual harassment that is covered in detail in policy **103 ECSD 981.00 Prison Rape Elimination Act Policy**. As such, every allegation, report and/or discovery of sexual activity is investigated as if a PREA event occurred. Only after a full investigation is completed is an event defined as a PREA violation or otherwise sexual activity that does not qualify as a PREA violation.

The following charts reflect aggregated data from June 1, 2015 to June 30, 2016 absent are any events investigated that did not constitute a PREA violation.

Definitions

The PREA Standards provide definitions that guide us in determining the outcome of cases we investigate. The following are a few of those key definitions:

Evidentiary Standards:

The department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Substantiated:

Substantiated means any allegation that was investigated and determined to have occurred.

Unsubstantiated:

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Unfounded:

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Department Overview for June 1, 2015 to June 30, 2016

Category	Investigative Outcomes				Line Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
Inmate or Resident/Inmate or Resident Sex Acts	0	0	0	0	0
Inmate or Resident/Inmate or Resident Sexual Abuse	2	0	9	0	11
Inmate or Resident/Inmate or Resident Sexual Harassment	0	0	4	0	4
Staff/Inmate or Resident Sexual Misconduct	0	0	9	1	10
Staff/Inmate or Resident Sexual Harassment	0	0	0	0	0
Grand Total	2	0	22	1	25

Incident Overview by Facility for June 1, 2015 to June 30, 2016

Facility	Investigative Outcomes				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
Middleton	2	0	22	1	25
ECPRC	0	0	0	0	0
WIT	0	0	0	0	0
Grand Total	2	0	22	1	25

Identified Problem Areas and 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, the Substantiated victimization rate within the Essex County Sheriff's Department is low. There are no obvious problem areas that are not already being addressed through our efforts to achieve compliance with PREA standards. This includes improved inmate/resident education, data collection, staff training and investigative capabilities, and improved relationships with stakeholders.