

Prison Rape Elimination Act Maine Department of Corrections

2019 Annual Report



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I. Purpose

The Prison Rape Elimination Act (PREA) requires that each facility collect and review data “in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training” per Standard 115.88/115.388. The standard requires that each agency identify problem areas and take corrective action to address those concerns. This report is intended to be publicly available through the Maine Department of Corrections website (<https://www.maine.gov/corrections/prea/index.html>).

This report will examine aggregate allegation data from the Maine Department of Correction’s adult and juvenile facilities both individually and collectively. This report will also review reporting channels, partnerships with community agencies, goals for the next audit cycle, and outline ongoing efforts to eliminate sexual violence in Maine prisons.

II. Background

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.” (Prison Rape Elimination Act, 2003).

In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems. The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009 and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

The PREA Standards and the Final Rule can be viewed on the PREA Resource Center’s website [here](#).

III. Maine Department of Corrections Facilities and Audit Schedule

Facility	Date of Last Audit	Result of Last Audit	Date of Next Audit	Report
Maine State Prison	June 2019	Pass – Corrective Action Taken	Summer 2022	MSP Final Report
Bolduc Correctional Facility	June 2019	Pass – No Corrective Action Needed	Summer 2022	BCF Final Report
Mountain View Correctional Facility	April 2018	Pass – No Corrective Action Needed	Summer 2021	MVCF Final Report
Maine Correctional Center	June 2017	Pass – No Corrective Action Needed	June 2020	MCC Final Report
Long Creek Youth Development Center	September 2017	Pass – Corrective Action Taken	March 2020	LCYDC Final Report

IV. Governor’s Certification

The Prison Rape Elimination act requires every Governor to certify that all facilities in the State under the operational control of the State’s executive branch, including facilities operated by private entities on behalf of the State’s executive branch are in compliance or working towards compliance with the PREA Standards.

Governor Janet T. Mills signed the certification for Audit Year 3 of Cycle 2 in October 2019. The Bureau of Justice acknowledged receipt of the Governor’s certification in November 2019.

V. Facility Data

Definitions

The Bureau of Justice provides definitions for the types of PREA allegations made as well as the outcomes of the investigation. The definitions are provided below.

Outcomes of investigations

Substantiated allegation means the event was investigated and determined to have occurred, based on a preponderance of the evidence.

Unfounded allegation means the investigation determined that the event did not occur.

Unsubstantiated allegation means the investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Sexual victimization as reported by adult correctional authorities

Inmate-on-inmate or youth-on-youth sexual victimization involves non-consensual sexual acts or abusive contact with a victim without his or her consent or with a victim who cannot consent or refuse.

Non-consensual sexual acts are the most serious victimizations and include—

- contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- contact between the mouth and the penis, vulva, or anus
- penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Abusive sexual contact is less serious and includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Incidents in which the contact was incidental to a physical altercation are excluded.

Sexual harassment by another inmate involves repeated and/or serious patterns of behavior which includes—

- repeated and unwelcome sexual advances
- requests for sexual favors
- verbal comments, gestures, or actions of a derogatory or offensive sexual nature.

Staff-on-inmate or staff-on-youth sexual victimization includes any acts perpetrated on an inmate by staff. Staff includes an employee, volunteer, contractor,

official visitor, or other agency representative. Family, friends, and other visitors are excluded.

Staff sexual misconduct includes any consensual or non-consensual behavior or act of a sexual nature directed toward an inmate by staff, including romantic relationships. Such acts include—

- intentional touching, either directly or through the clothing, 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
- completed, attempted, threatened, or requested sexual acts
- occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff sexual harassment includes repeated verbal comments or gestures of a sexual nature to an inmate by staff. Such statements include—

- demeaning references to an inmate's sex or derogatory comments about his or her body or clothing
- repeated profane or obscene language or gestures.

Staff include Department employees, contract staff, volunteers, and any other person providing services in Department facilities or offices.

Allegations are categorized under the year which the allegation was reported, not necessarily when the incident occurred.

Maine State Prison

Facility Information

Warden: Matthew Magnusson

PREA Monitor: Nicole Elliot

Population Capacity: 1118

Current Population: 984

Custody level of Prisoners: Close, Medium and Special Management

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	1	0	3	4
Abusive Sexual Contact	0	2	3	5
Sexual Harassment	1	3	1	5
Staff Sexual Misconduct	0	0	2	2
Staff Sexual Harassment	0	3	6	9
Total	2	8	15	25

2018 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	2	7	9
Abusive Sexual Contact	2	2	6	10
Sexual Harassment	0	1	7	8
Staff Sexual Misconduct	1	0	4	5
Staff Sexual Harassment	1	1	3	5
Total	4	6	27	37

2017 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	3	5	8
Abusive Sexual Contact	1	0	3	4
Sexual Harassment	2	0	3	5
Staff Sexual Misconduct	1	0	3	4
Staff Sexual Harassment	0	0	1	1
Total	4	3	15	22

Improvements in PREA Compliance

[2019 PREA Audit Report for Maine State Prison](#)

The facility identified in February of 2019 that the screenings were not being completed in a consistently timely manner. The screenings and reassessments provide information to staff about an inmate's likelihood to be a sexual aggressor or be sexually victimized while incarcerated. MDOC policy requires that an initial screening take place within 24 hours of the inmate's arrival at the facility. A reassessment is required between 5 and 14 days after the initial screening. Approximately 1 in 5 screenings were late, and approximately 1 in 4 reassessments were late.

The PREA Monitor and Deputy Warden of Programs were tasked with checking the screenings and reassessments daily until the completion of the Audit, where the Unit Managers would then continue to monitor for compliance. The final PREA Audit report was submitted on August 10, 2019. As a condition of

achieving 100% compliance with the standards, the facility was required to send screenings and reassessments for June and July.

In addition to the screenings and reassessments, Maine State Prison identified that elements of its response to allegations did not align with policy. Namely, inmates were not being notified of actions taken against perpetrators in substantiated cases. Notification had been made to inmates that the case was referred to the district attorney's office, but decisions to prosecute were not being communicated to the Department of Corrections. In response, Standard Operating Procedures were updated to include that the facility PREA Monitor would follow up with the district attorney's office 30 days after the referral to determine prosecution decisions. Information would then be forwarded to the victim in a written letter. To ensure continuing compliance with notifications, the Office of Victim Services is notified of the prosecution decisions. The victim is then added to their service caseload.

The facility also was not documenting its efforts to monitor for retaliation against victims of sexual abuse or reporters of sexual abuse. [Policy 6.11.3](#) states "The Chief Administrative Officer, or designee, shall ensure that a prisoner or resident or staff, volunteer or student intern who reports sexual misconduct and the prisoner or resident who is alleged to have been the victim of the sexual misconduct is monitored for ninety (90) days, and longer if appropriate, for any signs of possible retaliation..." and that this monitoring would take place on the Retaliation Monitoring form. The PREA Coordinator trained all Unit Managers in the use of the form and emphasized that the policy requires monitoring for retaliation from both inmates and staff. The PREA Coordinator also now signs all finalized retaliation monitoring forms to verify no retaliation was observed, or it was appropriately addressed.

All appropriate notifications and documentation were updated in early 2019 and had been in effect for six full months prior to the onsite phase of the audit.

Bolduc Correctional Facility

Director: Russel Worcester

PREA Monitor: Sgt. Dale Tobey

Population Capacity: 222

Current Population: 219

Custody level of Prisoners: Minimum/Community (Less than 3 years remaining on sentence)

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	0	0	0
Staff Sexual Misconduct	0	1	0	1
Staff Sexual Harassment	0	0	0	0
Total	0	1	0	1

2018 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	0	0	0
Staff Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	0	0	0
Total	0	0	0	0

2017 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	0	1	1
Staff Sexual Misconduct	1	0	0	1
Staff Sexual Harassment	0	0	0	0
Total	1	0	1	2

Improvements in PREA Compliance

[2019 PREA Audit Report for Bolduc Correctional Facility](#)

BCF did not require any corrective action to attain 100% compliance with the PREA Standards. The auditor did not have the opportunity to review the facility's responsiveness to allegations because no allegations for the last two years existed at the time of the on-site phase of the audit. However, staff demonstrated knowledge of the appropriate protocols that need to be followed.

Mountain View Correctional Facility

Warden: Jeff Morin

PREA Monitor: Cheryl Preble

Population Capacity: 394 Male Adult Beds

Current Population: 395

Custody level of Prisoners: Medium/Minimum Security

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	1	2*
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	0	0	0
Staff Sexual Misconduct	0	0	0	0
Staff Sexual Harassment	0	1	0	1
Total	0	1	1	3

*1 pending investigation

2018 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	1	0	0	1
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	0	0	0
Staff Sexual Misconduct	0	0	1	1
Staff Sexual Harassment	0	0	0	0
Total	1	0	1	2

2017 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	1	0	0	1
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	1	2	3
Staff Sexual Misconduct	0	1	2	3
Staff Sexual Harassment	1	0	0	1
Total	2	2	4	8

Improvements in PREA Compliance

An internal audit of Mountain View Correctional Facility took place in November 2019. The audit confirmed that staff are knowledgeable of their responsibilities as part of the response to a sexual assault. Furthermore, the investigations at Mountain View continue to demonstrate a high degree of organization and thoroughness, as originally reported by the auditor in 2018.

Two areas of improvement were identified: juveniles entering during night hours were not receiving timely screenings due to the officer's lack of security permissions in the offender management database. This issue is currently being resolved through the State's Office of Internet Technology. Second, communication between Mountain View and Rape Response Services has not been occurring per the Memorandum of Understanding. The agency is currently working towards assuring that access to outside support services from Mountain View is freely available.

Maine Correctional Center

Warden: Amanda Woolford (Women's Center & SMRC) / Scott Landry (Male Population)

PREA Monitor: Vicki Burbank

Population Capacity: 650 incarcerated men and women as well as a 96-bed Minimum and Community custody facility for women.

Current Population: 433 Men, 96 Women in Women's Center, 86 in Southern Maine Women's Reentry Center

Custody level of Residents: Medium/Minimum Security facility and houses both male and female prisoners

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	3	2	5
Abusive Sexual Contact	0	2	3	5
Sexual Harassment	4	7	5	16
Staff Sexual Misconduct	0	0	2	2
Staff Sexual Harassment	0	1	2	3
Total	4	13	14	31

2018 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	3	0	1	4
Sexual Harassment	0	1	8	9
Staff Sexual Misconduct	1	0	1	2
Staff Sexual Harassment	2	1	0	3
Total	6	2	10	18

2017 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	0	3	1	4
Sexual Harassment	3	11	7	21
Staff Sexual Misconduct	1	2	4	7
Staff Sexual Harassment	0	0	1	1
Total	4	16	13	33

Improvements in PREA Compliance

Inmate Handbooks were updated to remove reference to an outdated number for the PREA Hotline. Inmates had previously been given two alternate numbers to call, but those alternative numbers had been removed.

Ongoing staff training around responses to sexual assaults have been ongoing within the facility.

Improvements have been made around cross-gender announcements when opposite gender staff enter a housing area.

Long Creek Youth Development Center

Superintendent: Caroline Raymond

PREA Monitor: Tom Olson

Population Capacity: 163 Male and Female Resident Beds

Current Population: 41 Boys, 8 Girls

Custody level of Prisoners: Community, Minimum, Medium, Close

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	0	0	1	1
Sexual Harassment	2	1	0	3
Staff Sexual Misconduct	0	0	2	2
Staff Sexual Harassment	0	0	0	0
Total	2	1	3	6

2018 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	0	0
Abusive Sexual Contact	1	1	0	2
Sexual Harassment	0	1	0	1
Staff Sexual Misconduct	0	2	0	2
Staff Sexual Harassment	0	0	0	0
Total	1	4	0	5

2017 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	1	2	1	4
Abusive Sexual Contact	0	0	0	0
Sexual Harassment	0	1	0	1
Staff Sexual Misconduct	0	5	2	7
Staff Sexual Harassment	0	0	0	0
Total	1	8	3	12

Improvements in PREA Compliance

Long Creek Youth Development Center staff created new educational materials around reporting sexual abuse and harassment. These materials were updated in order to reflect best practice around accessibility for residents with physical and cognitive disabilities. Leadership at Long Creek continues to support a culture of zero tolerance of sexual victimization. This culture is supported through continuous staff training, monitoring all residents who make a report of victimization for retaliation, and an expectation that security supervisors will conduct unannounced rounds in order to deter staff sexual abuse.

Agency Data

Commissioner: Randall Liberty

PREA Coordinator: Conner McFarland

Agency Highlights

- Cari Gerlicher from the PREA Resource Center provided a three-day training for correctional investigators across the state. The training was an advanced training for investigators to conduct investigations on sexual victimization inside a correctional facility.
- Conner McFarland was promoted to PREA Coordinator for the agency.
- Nicole Elliot has assumed the role of PREA Monitor at Maine State Prison as of January 2020.
- The agency has restructured its Compliance Division to better empower facilities to comply with the PREA Standards. The role of PREA Compliance Manager has been created at every facility in order to provide additional ground level support to compliance efforts. PREA Compliance Managers will oversee training, investigations, and corrective actions efforts at a facility level with guidance from the PREA Coordinator. PREA Monitors will continue to serve in a support role to ensure all allegations are referred for investigation, monitoring PREA Screenings and Assessments, providing notifications to inmates, forwarding retaliation monitoring forms, and other support as needed.
- [Inmate](#) and [Resident Handbooks](#) have been updated to make PREA information more accessible to inmates and residents with disabilities and who speak English as a second language. The new handbook language was provided by the Maine Coalition Against Sexual Assault.
- MDOC partnered with MECASA to develop educational videos inmates on their right to be free from sexual violence. The video can be viewed here: <https://www.youtube.com/watch?v=Q2nqaXjJUDM>

Methods of Reporting

Standard 115.51 requires the agency to provide “multiple internal ways for inmates to privately report sexual abuse and sexual harassment” as well as provide a method to make a report to someone outside the agency. Below are the methods used during 2019 to make a report of sexual victimization. Note that not all facilities collected this information for 2019.

Allegation Source	Number
Grievance from Client	3
Letter from Client	8
Mental Health referral	4
Other	2
Outside Agency	4
PREA Hotline	9
Report by Citizen	1
Sick Call Slip from Client	2
Verbal report by Client	25
Verbal report by Staff	3
Written report from Staff	2

Investigative Process

Standard 115.22 states “The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations...” The Maine Department of Corrections utilized three classes of investigators to investigate all allegations of sexual victimization. They include:

Special Intelligence and Investigations (SII) – Investigate allegations of inmate-on-inmate sexual abuse and harassment.

Criminal Detectives – Each facility employs a criminal detective who reports to the Director of Security in Central Office. If an allegation includes any possible criminal conduct, the investigation is referred to the Detective.

Office of Professional Review (OPR) Captains – OPR Investigators conduct administrative investigations into staff who have allegedly sexually victimized an inmate. This administrative investigation takes place alongside a criminal investigation by the detective if possible criminal conduct has occurred.

All MDOC security staff have been trained on making a referral to the appropriate investigators for follow up.



Contributors to this report:

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The mission of the Department of Corrections is to reduce the likelihood that juvenile and adult offenders will re-offend, by providing practices, programs and services which are evidence-based and which hold the offenders accountable.