

Prison Rape Elimination Act Maine Department of Corrections

2020 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.

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 on 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	2022	MSP Final Report
Bolduc Correctional Facility	June 2019	Pass – No Corrective Action Needed	2022	BCF Final Report
Mountain View Correctional Facility	April 2018	Pass – No Corrective Action Needed	May 10-12, 2021	MVCF Final Report
Maine Correctional Center	July 2020	Pass – No Corrective Action Needed	2023	MCC Final Report
Long Creek Youth Development Center	July 2020	Pass – No Corrective Action Needed	2023	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 1 of Cycle 3 in November 2020.

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

Resident-on-resident 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 resident 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-resident or staff-on-youth sexual victimization includes any acts perpetrated on an resident 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 resident 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 resident by staff. Such statements include—

- demeaning references to an resident'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: 760

Custody level of Prisoners: Close, Medium and Special Management

2020 Allegation Data

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

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

Bolduc Correctional Facility

Director: Russel Worcester

PREA Monitor: Sgt. Dale Tobey

Population Capacity: 225

Current Population: 146

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

2020 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

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

Mountain View Correctional Facility

Warden: Jeff Morin

PREA Monitor: Cheryl Preble

Population Capacity: 448 Male Adult Beds

Current Population: 297

Custody level of Prisoners: Medium/Minimum Security

2020 Allegation Data

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

*One pending investigation of Staff Sexual Misconduct

2019 Allegation Data

	Substantiated	Unsubstantiated	Unfounded	Total
Non-Consensual Sex Act	0	0	2	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

2018 Allegation Data

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

Correction: The 2019 Annual PREA Report mistakenly counted one allegation of a substantiated non-consensual sexual act in the 2018 data. This allegation had occurred in 2017.

Maine Correctional Center

Wardens: Amanda Woolford (Women's Center & SMRC) / Scott Landry (Maine Correctional Center)

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: 345 Men, 54 Women in Women's Center, 69 in Southern Maine Women's Reentry Center

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

2020 Allegation Data

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

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

Long Creek Youth Development Center

Superintendent: Caroline Raymond

PREA Monitor: Noah Boucher

Population Capacity: 163 Male and Female Resident Beds

Current Population: 24 Boys, 4 Girls

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

2020 Allegation Data

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

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

Agency Data

Commissioner: Randall Liberty

PREA Coordinator: Conner McFarland

Agency Highlights

- Tom Olson, Correctional Compliance Specialist and PREA Monitor for Long Creek, has retired after over thirty years of state service.
- Noah Boucher was hired as the Correctional Compliance Specialist and PREA Monitor for Long Creek. Noah has seven years of correctional experience serving in multiple roles. Most recently, he served as a Correctional Case Manager at Maine Correctional Center.
- Long Creek Youth Development Center and Maine Correctional Center passed their triennial PREA Audits with no corrective action required.
- The Maine Department of Corrections continues to strengthen its partnership with the Maine Coalition Against Sexual Assault and its statewide sexual assault support centers. Sexual Assault advocates delivered training to over 120 new officers in the Maine Criminal Justice Academy's Basic Corrections Program in 2020. MECASA has also expanded the Department's PREA educational material by translating the Department's PREA Hotline and Sexual Assault Helpline materials in Somali

Analysis of 2020 Data

The COVID-19 pandemic brought significant changes to facility operations in 2020. Every facility in the Department had at least one positive case, while the two most extensive facilities, MCC and MSP, experienced outbreaks. Quarantine measures were in place for months, which led to widespread resident movement restrictions within the facility and limited direct contact between staff and residents. These restrictions may have resulted in far fewer allegations of sexual harassment and abuse being made by residents, as fewer opportunities for sexual violence to occur.

This year, 8 of the 11 allegations of staff sexual abuse were classified as staff voyeurism. Voyeurism by staff is defined as the viewing of residents' genitals, breasts, or buttocks for reasons unrelated to the performance of the officer's official duties. Six allegations were determined to be unfounded by investigators, as viewing residents' in a state of undress incidental to regular security rounds is permissible. In two cases, the allegations were found to be unsubstantiated. In these instances, the residents were in a state of undress due to strip searches being done in an area where they could have possibly been viewed by cross-gender staff. No cross-gender viewing occurred in person or through cameras, but the facilities' corrective action ensured those areas would not be used again for visual strip searches.

Residents made eighteen allegations of abuse by other residents in total across all facilities. Five of these allegations occurred at Long Creek, where all allegations were demonstrably false reports. Nearly all of the allegations made by adult residents were allegations against other residents living in close quarters with them, such as a cell or pod. Most of these were determined to be an effort to have the alleged perpetrator removed from the cell or pod by staff for reasons unrelated to their safety. All but four of these allegations were proven to be made in bad faith. The four unsubstantiated allegations resulted in housing and work changes for the

victim and perpetrators to separate the alleged victims and perpetrators. However, investigators could not substantiate the abuse to a preponderance of the evidence.

Major Construction Projects

The Department is undertaking major construction projects at two of its facilities – the Maine Correctional Center and Downeast Correctional Facility. Both these projects are constructing new resident housing and programming areas. The Department's Central Office compliance staff have regularly been involved in both facilities' design and construction. Monitoring of construction efforts through completion of the sites remains ongoing.

Architects and engineers of the sites have given special considerations to the sexual safety of the residents who will be living in these new facilities. Areas have been designed to minimize blind spots in camera monitoring. Layouts have been designed to give officers excellent lines of sight of living areas, closets, stalls, and other common areas where abuse might occur. These considerations have been reviewed and approved by Department compliance staff

Contracts with Outside Agencies for the Confinement of Residents

The Maine Department of Corrections contracts with the [Maine Coastal Regional Re-Entry Center](#) to house community custody residents. Per the Department's agreement with the Center, the facility must comply with the PREA Standards and complete their triennial PREA Audit by a Bureau of Justice Certified auditor. The Center last participated in an audit in January 2018 and met all applicable standards. Their next PREA Audit is currently scheduled for June 2021.

PREA Standard § 115.12 Contracting with other entities for the confinement of residents states:

Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

Contract monitoring activities for 2020 have determined the Reentry Center's continuing compliance with the PREA Standards. An onsite visit was conducted in February 2020 with Ryan Andersen (MDOC Manager of Correctional Compliance Operations), Will Teer (ACA Manager), Major Raymond Porter (MCRRC), and Captain Robert Walker (MCRRC). The visit included a comprehensive tour of the facility and interviews with both staff and residents. Staff and residents all reported that the facility is exceptionally safe and knew how to report sexual abuse or harassment if they learned any. PREA Posters were prominently displayed throughout the facility. It was determined that certain phones in the facility could not access the PREA Hotline, but the technical issue was resolved within a week of the onsite visit.



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.