**PREA AUDIT: AUDITOR’S SUMMARY REPORT**

**JUVENILE LOCKUP**

**INTERIM** **FINAL**

****

|  |  |  |
| --- | --- | --- |
| **AUDITOR INFORMATION** | | |
| **Certified Auditor:** | **Kurt Pfisterer** | |
| **Address:** | **98 Fox Hollow, Rensselaer, NY 12144** | |
| **Email:** | [**kurtpfisterer@gmail.com**](mailto:kurtpfisterer@gmail.com) | |
| **Telephone:** | **(518) 860-5764** | |
| **Dates of on-site audit:** | **May 13, 2015** | |
| **FACILITY INFORMATION** | | |
| **Name of Facility:** | **North East Alternative Lockup Program** | |
| **AGENCY INFORMATION** | | |
| **Name of Agency:** | **Massachusetts Department of Youth Services** | |
| **Governing Authority or Parent Agency:** | **Massachusetts Department of Youth Services** | |
| **Address:** | **600 Washington St. 4th. Floor, Boston, MA** | |
| **Telephone Number:** | **(617) 727-7575** | |
| **AGENCY CHIEF EXECUTIVE OFFICER** | | |
| **Name:** | Peter Forbes | Title: Commissioner |
| **Email Address: peter.j.forbes@state.ma.us** | | **Telephone: (617) 727-7575** |
| **AGENCY WIDE PREA COORDINATOR** | | |
| **Name:** | **Monica King** | Title: State-wide PREA Coordinator |
| **Email Address: monica.l.king@state.ma.us** | | **Telephone: (617) 727-7575** |

**NARRATIVE:** The North East Alternative Lockup Program (ALP) is a staff-secure 8 bed overnight detention facility for female and male adolescents operated by Key under contract for the Massachusetts Department of Youth Services (DYS). The on-site portion of the PREA Audit took place May 13, 2015 and covered the audit period of May 13, 2014 to May 13, 2015. On the morning of May 13, 2015 this auditor entered the facility for purposes of conducting an on sight tour of the facility and interviewing youth, staff, volunteers and contractors. The facility provided a list of all staff by shift and employee job categories. Prior to arrival this auditor reviewed pertinent agency policies, procedures, and related documentation used to demonstrate compliance with the Juvenile Facility PREA Standards. The pre-audit review of documents contained in the Pre-Audit Questionnaire submitted by the facility prompted no questions. There were no youth at the program on the date of the audit. Youth are only housed at the program until the courts open for business in the morning.

During the tour, additional questions were answered by executive and upper-level management staff. Staff and youth interviews followed and were conducted privately in a room with a large observation window. There are no SANE or SAFE staff employed at the facility. These services are available at the local hospital through a state-wide Memorandum of Understanding (MOU). This auditor reviewed the MOU to provide SANE and SAFE services, and crisis counseling. This auditor interviewed members of the incident review team and the staff member charged with monitoring retaliation. Administrative investigations (sexual harassment only) are conducted by trained DYS staff and criminal investigations are conducted exclusively by the Massachusetts State Police. There were no volunteers or contractors interviewed as none were at the facility or available during the audit. The agency Executive Director had been previously interviewed by this auditor.

**DESCRIPTION OF FACILITY CHARACTERISTICS:** The Key Program, Inc. (Key) Alternative to Lock-up or ALP provides a placement alternative for juveniles delinquently arrested who would otherwise be held for over six hours in police lock-ups across Essex and Middlesex Counties, as well as throughout the Commonwealth. If police departments hold children who are under the age of 18 and under arrest for delinquency for more than six hours in a locked cell, it violates the Juvenile Justice Delinquency Prevention Act (JJDPA), section 123, (a)(14). Key’s Northeast ALP is a DEEC licensed, eight bed program of temporary shelter (1-4 days), for either males or females, at Key’s site at 10 Favor Street, Lowell. This staff secure site is fully licensed by the Department of Early Education and Care (Department of EEC) and is well known by Police Departments across Essex and Middlesex Counties.

Clients are referred to the ALP at 10 Favor Street, Lowell by various police departments throughout Essex and Middlesex Counties. ALP supervisors market and train police departments on the ALP’s availability and hours of operation. A bed can be accessed during non-court hours by contacting the program. The Key staff person receiving the call will determine the availability of a bed and conduct an initial telephone screening. If a bed is not available, Key staff will assist the referral source in locating a placement. If a bed is available, the police department will transport the youth to the program. Upon arrival, the Key staff person will complete a receiving screening form which, in part, ensures the youth has no medical or mental health problems necessitating immediate treatment or screening. At the intake, the client face-sheet, which contains pertinent demographic data, is completed, along with a Lamb Warning and Intake Assessment. The client is searched and then completes the necessary documentation with the staff person. The client may then make appropriate telephone calls to parents, guardians, social worker, attorney or clergy person and the staff person will answer any questions that they might have at that time. The youth is then oriented to the facility and invited to participate in ongoing program activities which include in-house recreation, situational informal counseling, meal preparation, clean-up chores, etc. The client’s length of stay will be from 1-4 days. A youth will be terminated from the program, when s/he is released to attend a court hearing or released to an appropriate parent/guardian or social worker. Youth are transported to court by police, with assistance from Key in an emergency. Key is prepared to give the court a verbal report on the youth’s behavior and attitude while at the ALP.

North East ALP maintains supervisory coverage as well as an On-Call Administrator whenever youth are in the program.

**SUMMARY OF AUDIT FINDINGS:** Auditor arrived at the facility the morning of May 13, 2015. An entrance meeting was held with the Key Program Regional Director, Program Director (who also serves as the PREA Compliance Manager), and the DYS PREA Coordinator.

A complete tour of the facility took approximately 15 minutes. All areas were well maintained. The facility has a no video surveillance system. The program will be installing a video surveillance system in June. That system will provide coverage of the front and rear doors, as well as the intake area. The program is staffed with two employees at all times and if more than one youth is in the program there are three staff on duty. The bathroom is designed for one user at a time. Youth always shower and use the bathroom alone. Sight lines are good throughout the program (there are no unmitigated blind spots on the housing units).

Due to the nature of the program (short-term overnight holds) and the extremely unpredictable nature of admissions, no youth were available for interview. Documentation was provided for the last youth admitted, having been screened and provided with information on their rights to be free from sexual abuse, sexual harassment and sexual assault.

The PREA screening for risk is conducted by trained staff on the date of admission, and documented. All youth acknowledge being screened on the date of admission via signature.

Administrative investigations regarding allegations of sexual harassment are conducted by trained DYS investigators. A review of investigators’ reports confirmed an aggressive response to all allegations of harassment. Criminal investigations of sexual abuse and assault are conducted by the Massachusetts State Police. Telephone and email contact with the DYS General Counsel confirm that there were no incidents of sexual abuse or assault during this audit period. Forensic examinations and evidence collection are performed at Boston Children’s Hospital. A state-wide MOU is in place to provide forensic examinations and victims’ services.

This auditor interviewed the following staff titles (number in parentheses indicates more than one staff in that title was interviewed):

* Key Program Regional Director
* Program Director
* DYS PREA Coordinator
* Facility PREA Compliance Manager

Random direct-care staffs were not interviewed as there are no staff present when youth are not in the program and there is no way to predict when youth will be there. All employees that were interviewed presented as very knowledgeable about their jobs and highly dedicated to keeping youth safe. The agency’s commitment to PREA was also very evident during interviews. Staff members were not only aware of their agency’s policies and procedures, but were able to discuss PREA and how it related to the overall mission of the program and the agency’s mission as a whole.

All interviewees knew their obligations as mandated reporters and first responders. All felt well supported by DYS, and had no fear regarding retaliation for reporting abuse. All staff have received PREA specific training as first responders and all knew what to do if they were a first responder. All felt empowered to proactively address issues related to sexual violence and were able to describe actions they would take to prevent and/or deter potential and/or imminent threats of sexual violence. Documentation of training for all employees was provided.

As previously stated, there were no youth in the program at the time of the audit. All references to youth being interviewed in this report are a compilation of information gleaned from the youth satisfaction surveys and information documented in JJEMS. All youth admitted to the program complete an exit interview in the form of a satisfaction survey at the end of their stay. There were no youth currently at the facility that had made an allegation of abuse that occurred at the facility. There were no youth currently at the facility who had reported an allegation of sexual harassment that occurred at the facility. There were no youth at the program who identified as LGBTI or had been identified as gender non-conforming in appearance. All youth acknowledged being asked about sexual orientation upon admission (documented in JJEMS). All youth signed for receipt of written information on their right to be free from sexual abuse, assault or harassment, and the multiple methods for reporting abuse. All youth acknowledge via signature being screened upon admission. Over the course of one year only 1.2% (of 450 admissions) of youth reported ever having fear for their safety while at the facility (confirmed via exit survey database). This is extraordinary considering the number of youth North East ALP serves that have never been locked up before (over 50% of the 450 admissions).

The quality and organization of the documentation provided to this auditor was outstanding. The pre-audit questionnaire completed by the DYS State-Wide PREA Coordinator is one of the better ones I have ever received. The referenced documents in the questionnaire were provided electronically.

**STANDARDS DETERMINATION TOTALS:**

**Exceeds Standard – 2 (Two) Standards or approximately 6% of total standards.**

**Meets Standard - 31 (Thirty One) Standards or approximately 94% of total standards.**

**Does Not Meet Standard – 0 (Zero) Standards or 0% of total standards**

**AUDITOR CERTIFICATION**

This auditor certifies that no conflict of interest exists with respect to his ability to conduct an audit of the Massachusetts Department of Youth Services or the North East ALP Center.

\_\_**Kurt Pfisterer/s/**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_ May 20, 2015

Kurt Pfisterer, Dual Certified PREA Auditor Date