

## Prison Rape Elimination Act (PREA) Audit Report Juvenile Facilities

Interim       Final

**Date of Interim Audit Report:** Click or tap here to enter text.       N/A

If no Interim Audit Report, select N/A

**Date of Final Audit Report:**      December 3, 2020

### Auditor Information

**Name:**      Farooq Mallick      **Email:**      afarooq.mallick@gmail.com

**Company Name:**      PREA Juvenile Auditors of America, LLC

**Mailing Address:**      79 Jansen Road      **City, State, Zip:**      New Paltz, NY 12561

**Telephone:**      845-594-8161      **Date of Facility Visit:**      October 27, 2020

### Agency Information

**Name of Agency:**      Department of Youth Services

**Governing Authority or Parent Agency (If Applicable):**      Massachusetts Department of Youth Services (DYS)

**Address:**      600 Washington Street, 4th floor      **City, State, Zip:**      Boston, MA 02111

**Mailing Address:**      600 Washington Street      **City, State, Zip:**      Boston, MA 02111

**The Agency Is:**       Military       Private for Profit       Private not for Profit

Municipal       County       State       Federal

**Agency Website with PREA Information:**

<https://hhsvglapps01.hhs.state.ma.us/ehsintranet/community/department-of-youth-services>

### Agency Chief Executive Officer

**Name:**      Peter Forbes

**Email:**      peter.j.forbes@mass.gov      **Telephone:**      617-960-3304

### Agency-Wide PREA Coordinator

**Name:**      Monica King

**Email:**      monica.l.king@mass.gov      **Telephone:**      617-960-3254

**PREA Coordinator Reports to:**

Nancy Carter

**Number of Compliance Managers who report to the PREA Coordinator:**

28

## Facility Information

Name of Facility: Gandara RISE

Physical Address: 1416 Page Blvd.

City, State, Zip: Springfield, MA

Mailing Address: 1416 Page Blvd.

City, State, Zip: Springfield, MA

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Website with PREA Information:

<https://hhsvglapps01.hhs.state.ma.us/ehsintrnet/community/department-of-youth-services>

Has the facility been accredited within the past 3 years?  Yes  No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

ACA

NCCHC

CALEA

Other (please name or describe: [Click or tap here to enter text.](#))

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:  
NA

### Facility Administrator/Superintendent/Director

Name: Ja'net Smith

Email: ja'net.m.smith@mass.gov

Telephone: 413-731-4901

### Facility PREA Compliance Manager

Name: Kristen Owens

Email: kowens@gandaracenter.org

Telephone: 413-536-5519

### Facility Health Service Administrator N/A

Name: Kate Goshea

Email: kate.m.goshea@mass.gov

Telephone: 413-731-4997

### Facility Characteristics

Designated Facility Capacity:

10

Current Population of Facility:	4	
Average daily population for the past 12 months:	3	
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males	
Age range of population:	14-21	
Average length of stay or time under supervision	90 days	
Facility security levels/resident custody levels	Staff secure/staff secure	
Number of residents admitted to facility during the past 12 months	26	
Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	26	
Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 10 days or more:	26	
Does the audited facility hold residents for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Select all other agencies for which the audited facility holds residents: Select all that apply (N/A if the audited facility does not hold residents for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: <a href="#">Click or tap here to enter text.</a> <input checked="" type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with residents:	21	
Number of staff hired by the facility during the past 12 months who may have contact with residents:	8	
Number of contracts in the past 12 months for services with contractors who may have contact with residents:	2	
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	0 due to COVID	
Number of volunteers who have contact with residents, currently authorized to enter the facility:	0 due to COVID	

## Physical Plant

<p><b>Number of buildings:</b></p> <p>Auditors should count all buildings that are part of the facility, whether residents are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house residents, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	1
<p><b>Number of resident housing units:</b></p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house residents of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows residents to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	0
<p><b>Number of single resident cells, rooms, or other enclosures:</b></p>	4
<p><b>Number of multiple occupancy cells, rooms, or other enclosures:</b></p>	0
<p><b>Number of open bay/dorm housing units:</b></p>	0
<p><b>Number of segregation or isolation cells or rooms (for example, administrative, disciplinary, protective custody, etc.):</b></p>	0
<p><b>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Medical and Mental Health Services and Forensic Medical Exams

<p><b>Are medical services provided on-site?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>Are mental health services provided on-site?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p><b>Where are sexual assault forensic medical exams provided? Select all that apply.</b></p>	<p><input type="checkbox"/> On-site  <input checked="" type="checkbox"/> Local hospital/clinic  <input type="checkbox"/> Rape Crisis Center  <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a>)</p>
<p><b>Investigations</b></p>	
<p><b>Criminal Investigations</b></p>	
<p><b>Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:</b></p>	<p>2</p>
<p><b>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.</b></p>	<p><input type="checkbox"/> Facility investigators  <input type="checkbox"/> Agency investigators  <input checked="" type="checkbox"/> An external investigative entity</p>
<p><b>Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)</b></p>	<p><input type="checkbox"/> Local police department  <input type="checkbox"/> Local sheriff's department  <input checked="" type="checkbox"/> State police  <input type="checkbox"/> A U.S. Department of Justice component  <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a>)  <input type="checkbox"/> N/A</p>
<p><b>Administrative Investigations</b></p>	
<p><b>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</b></p>	<p>2</p>
<p><b>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), ADMINISTRATIVE INVESTIGATIONS are conducted by: <i>Select all that apply</i></b></p>	<p><input type="checkbox"/> Facility investigators  <input checked="" type="checkbox"/> Agency investigators  <input type="checkbox"/> An external investigative entity</p>
<p><b>Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)</b></p>	<p><input type="checkbox"/> Local police department  <input type="checkbox"/> Local sheriff's department  <input type="checkbox"/> State police  <input type="checkbox"/> A U.S. Department of Justice component  <input checked="" type="checkbox"/> Other (please name or describe: <b>Massachusetts Division of Youth Services (DYS)</b>)  <input type="checkbox"/> N/A</p>

# Audit Findings

## Audit Narrative (including Audit Methodology)

*The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-onsite audit, onsite audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.*

The Prison Rape Elimination Act (PREA) audit of the Gandara (here after referred to as simply Gandara RISE) was conducted on October 27, 2020. This is the first PREA audit for this facility.

Gandara RISE is a two story building located in a residential neighborhood. It is a staff secure facility located at 1416 Page Blvd., Springfield, Massachusetts. It is an adolescent facility for males ages 14-21. The average length of stay is ninety (90) days. It has a designated facility capacity of 10 but has maintained an average daily population of three (3) for the past twelve months. RISE provides mental health services, substance abuse services, and education to adolescent males committed to DYS through adjudication as a delinquent. RISE is a ten-bed staff secure facility for male adolescents operated by Gandara Center on behalf of the Massachusetts Department of Youth Services (DYS).

The PREA audit took place on October 27, 2020. Prior to the on-site portion of the audit, this auditor reviewed pertinent policies, procedures, and related documentation used to demonstrate compliance with Juvenile Facility PREA Standards. The pre-site review of documents contained in the Pre-Audit Questionnaire submitted by the PREA Coordinator prompted a few questions. During this pre-audit time period, this auditor communicated with the PREA Coordinator via emails and p regular phone calls. Policies and documents were discussed as well as questions arising from the documents. The PREA Coordinator was very courteous and provided additional information in an expeditious manner.

Notifications of the on-site portion of the audit were posted throughout the facility and accessible to staff, residents, and visitors on July 30, 2020. Photographs were taken of the various sites were emailed to this auditor noting the date and their locations. Emails and phone calls between this auditor and the PREA Coordinator took place on a regular basis in the months leading up to the on-site portion of this audit to review the audit process, schedule, and to request any additional information that was needed to review.

Upon arrival at the facility on October 27, 2020 at approximately 2 pm, this auditor met with the Program Director and PREA Coordinator to discuss the audit schedule and review any questions or concerns anyone had about the on-site portion of the audit. The meeting was followed by a detailed tour of the facility.

The facility was well maintained and clean. During the tour, I observed the audit postings in all the areas that residents and staff have access to, and in every living unit and in all common areas. There were PREA posters in both Spanish and English in all areas, describing sexual abuse and how to report it.

During my tour I observed youth in the day room playing video games and watching television. I spoke to a few youth while on tour and asked them how long they had been at RISE and if they were aware of how to report any type of abuse. The youth were well educated in the PREA education and the grievance process. They were able to articulate the grievance process and how to report abuse. They stated that they received

PREA education on the day of admission. The residents stated they were given information on their right to be free from abuse in any form.

All youth are seen by a licensed medical professional within twelve (12) hours of admission. Youth receive a full range of medical, dental, and ophthalmological services. Medical services available to youth are excellent.

The staffing ratio that the facility maintains is 3:1 waking and 5:1 sleeping. The day of the audit, the facility had a 1:1 staffing ratio which exceeds the PREA requirements.

Administrative investigations regarding allegations of sexual abuse and harassment are conducted by the Massachusetts Division of Youth Services (DYS). The Director of Investigations and two (2) investigators have extensive experience in conducting investigations and extensive training in the conduct of investigations involving juvenile victims in institutional settings. Criminal investigations of sexual abuse, assault and harassment are conducted by the Massachusetts State Police. Forensic examinations and evidence collection are performed at local healthcare facilities through a statewide Memorandum of Understanding (MOU) with the Massachusetts Department of Public Health.

Unannounced rounds are conducted by upper-level administrative staff on all three shifts, on holidays and weekends. The unannounced rounds are documented on unit logs and e-mails to the Program Director. Logs were reviewed by this auditor to verify the unannounced rounds.

A complete tour of the facility took approximately thirty (30) minutes. After the tour, I conducted interviews in the conference room on the first floor. Interviews were also conducted on the second day. The following staff were interviewed:

- DYS Regional Director
- DYS State-wide PREA Coordinator
- Program Director
  - Conducts unannounced rounds
  - Member of the Sexual Abuse Incident Review Team
  - Monitors retaliation
- Assistant Program Director
  - Conducts unannounced rounds
  - Member of the Sexual Abuse Incident Review Team
  - Monitors Retaliation
- Clinical Director
  - Member of the Sexual Abuse Incident Review Team
  - Monitors Retaliation
  - Conducts the Vulnerability Assessment Instrument
- Clinician
  - Conducts the Vulnerability Assessment Instrument
  - Conducts PREA Education
- Facility PREA Compliance Manager

- Shift Supervisor
- Nurse Manager
- Teaching Coordinator
- DYS Investigator
- Contractor
- 10-Direct Care Staff
- 4-Residents

Ten (10) randomly selected Direct Care Workers were interviewed from all three (3) shifts. The Direct Care Workers had eight (8) months to seven (7) years of experience. All staff were knowledgeable about their job and committed to keeping youth safe. All were very knowledgeable about their jobs and committed to keeping youth safe. All were aware of the Agency's Zero Tolerance Policy, how to report and respond to incidents and allegations of sexual abuse, sexual assault, and sexual harassment. Staff members interviewed were professional and committed to PREA. Staff stated they have been trained to take all suspicions, knowledge, or reports of sexual abuse seriously regardless of how the information was received. Staff were aware of their roles as mandated reporters. All staff felt well supported by the administration and had no fear regarding retaliation from reporting abuse. 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 possible acts of sexual violence.

This auditor was provided with the facility resident roster, which included all youth that identified as LGBTI, who disclosed a prior sexual abuse, or who were disabled or non-English speaking. This auditor interviewed all four (4) residents which accounted for 100% of the population. There were no residents who reported abuse. There were no residents in the population who identified as lesbian, gay, or bisexual. There were no transgender or Intersex residents in the current population. There were no residents that were disabled or non-English proficient.

This auditor reviewed the files of twelve (12) staff for required documentation. The twelve (12) files were those of staff that were interviewed. I reviewed files of all four (4) residents for required documentation.

The following MOU's are in effect:

- MOU with Baystate Medical Center
- MOU with State Police
- MOU with Western Region Rape Crisis Center

During the past twelve (12) months, there have been no allegations of sexual abuse or sexual harassment against staff or residents. This auditor confirmed this with the DYS Director of Investigations Unit.

At the conclusion of the on-site audit, a brief Exit Interview was held on October 28, 2020 with the Program Director and the DYS PREA Coordinator. The preliminary results of the audit were discussed.



## Facility Characteristics

*The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.*

R.I.S.E. is a ten (10) bed DYS treatment facility contracted with the Department of Youth Services (DYS) that is committed to Best Practices. Youth care is centered on trauma-informed care practice, a strength-based framework that is grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological and emotional safety to rebuild a sense of control and empowerment.

Within this philosophy, the program implements a positive-based Behavior Modification Incentive System, incorporating Dialectical Behavior Therapy (DBT), through staff, advocates, and clinicians. This system is an evidence-based practice that focuses on helping youth change their thinking patterns and make better choices in their lives. The goal is to employ developmental principles; have a genuine respect for youth; process skills to empower young people to change behavior by helping youth examine the beliefs and thinking patterns that happen before they behave in an inappropriate way.

Staff receives training approved by the Department of Youth Services Training Academy, supplemented with annual training provided by Gandara Mental Health Agency. Staff are supported by clinical team members that are on-site every day, and a strong administrative team that provides regular supervision and assistance.

### Goals and Objectives:

The primary goal of R.I.S.E. is to provide for the care of referred youth in a safe, caring and nurturing atmosphere, while ensuring a return to next scheduled court date, placement, or discharge back to community. This is done through the conjunction of safety and structure provided by well trained staff to youth ratio of 1:4, clinical groups, individual counseling, regular youth empowerment and community meetings, in order to provide a stable and positive peer culture.

The Program has an on-site educational component provided by the Collaborative for Educational Services. Educational services are augmented by after school and school vacation modules: ArtSong and PREP (Personal Responsibility Education Program –a week-long “Making Proud Choices” curriculum that engages students in sexual and reproductive health, communication and adolescent development.)

### Characteristics of Clients Served:

R.I.S.E. serves emotionally and behaviorally dysregulated youth ages 14-21 years old, who are referred by the Department of Youth Services within Massachusetts. Youth of all intellectual abilities as well as those

with physical and/or medical challenges are considered for intake. R.I.S.E. Center is a LGBTQI aware, trained and supportive program, and all gender identities are considered for intake.

All referrals are reviewed on an individual basis, and given a DPI (Detention Placement Instrument) score to determine whether emotional, behavioral, and safety needs can be met by the Program. The Program is equipped to readily meet the needs of the youths with the following issues: violence, self-injurious behavior, assaultive behavior, substance abuse, and family abandonment.

Services:

1. Individual Therapy as needed, with clinical check-in provided to all youth on a weekly-basis
2. PREA (Prison Rape Elimination Act) and Risk Assessments provided at Intake before youth can enter the milieu of the Program
3. Group Therapy
  - a. Substance Abuse Prevention Group
  - b. Dialectical Behavioral Therapy (DBT)

## Summary of Audit Findings

*The summary should include the number and list of standards exceeded, number of standards met, and number and list of standards not met.*

**Auditor Note:** *No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.*

### Standards Exceeded

**Number of Standards Exceeded:** 4  
**List of Standards Exceeded:** 115.313, 115.322, 115.333, 115.341

### Standards Met

**Number of Standards Met:** 39

### Standards Not Met

**Number of Standards Not Met:** 0  
**List of Standards Not Met:** NA

Gandara RISE is a ten bed DYS treatment facility that has implemented Massachusetts DYS Policy and Procedures 01.05.07(b), Prevention of Sexual Abuse and Sexual Harassment of Youth. This policy comprehensively addresses this facility’s approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment. This policy contains necessary definitions, sanctions, and descriptions of the facility’s strategies and responses to sexual abuse, and sexual harassment; and forms the foundation for the facility’s training efforts with youth, staff, volunteers, contractors, and interns.

The agency has a designated PREA Coordinator. The PREA Coordinator’s interview, during the on-site portion of this audit, demonstrated that DYS is committed to the sexual safety of the youth. All staff members and youth interviewed demonstrated they not only received but understood the PREA education and training that was offered to them.

The facility has a video surveillance system that consists of twenty-one (21) interior cameras and two (2) exterior camera, which have a thirty (30) day retention period. The system provides 95% coverage of all program areas. Every door in the facility is covered by a camera view. There are no cameras in bathrooms or youth bedrooms. There is robust staffing (3:1 waking and 5:1 sleeping), significantly above the standards and excellent supervision practices fully mitigate any concerns regarding blind spots. There are two bathrooms for individual use only and located on the first and second floors. This was confirmed by all staff and youth interviewed and verified by this auditor during the tour. Visual observation lines were good on the housing unit. The designated posts for staff are located to facilitate sight and sound supervision. Interactions observed by this auditor during the on-site portion of the audit were very positive and appropriately professional.

The PREA education program for youth and screening for risk are conducted by clinical staff on the date of admission, and documented in a data base known as the DYS Juvenile Justice Enterprise Management System (JJEMS). Youth are seen by a licensed medical professional within twelve (12) hours of admission.

Cross-gender strip searches and pat searches are prohibited by policy. All staff and youth interviewed confirmed that cross-gender searches are not conducted. One youth stated that he had been in a few facilities and that none of the facilities conducted cross-gender searches.

Room confinement, segregation and isolation are not used. This was confirmed via interviews with youth and staff.

A total of four (4) residents, for a total of 100% of the population, were interviewed. There were no youth currently at the facility that had made an allegation of abuse, assault or harassment. There were no youth at the program who identified as LGBTI (all youth acknowledged being asked about sexual orientation upon admission). All youth interviewed had extensive knowledge of the right to be free from sexual abuse, assault or harassment. All youth acknowledged being screened upon admission and receiving information upon admission on their right to be free from abuse in any form. All youth knew multiple ways to report abuse (including Third Party) and felt very confident that any complaint they made would be properly addressed. None of the youth interviewed have ever reported abuse while committed to DYS. None of the youth reported ever having fear for their safety while at any program in the DYS continuum of care. All youth stated that the staff cared for them and they felt safe at the facility.

All staff receive training on the following critical subjects:

1. DYS Policy 01.05.07(b)-Prevention of Sexual Abuse and Sexual Harassment of Youth.
2. How employees should fulfill their responsibilities under agency's sexual misconduct, prevention, detection, reporting, and response policies and procedures.
3. Youth's right to be free from sexual abuse.
4. The right of the residents and employees to be free from retaliation for reporting sexual misconduct.
5. The dynamics of sexual misconduct in confinement.
6. The common reactions of sexual misconduct victims.
7. How to detect and respond to signs of threatened and actual sexual misconduct.
8. How to avoid inappropriate relationships with youth.
9. How to communicate effectively and professionally with the youth, including gay, bi-sexual, transgender, intersex, or gender non-conforming youth.
10. How to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities.
11. Relevant laws regarding the applicable age of consent.

All staff had completed their training, child abuse and criminal history clearance. This auditor reviewed twelve (12) random staff files and found them to be in compliance. All four (4) youth files were complete for

timely PREA education, administration of the Vulnerability Assessment Instrument, Medical and Mental Health follow-up, and documentation of risk-based housing decisions.

The quality and organization of the documents provided to this auditor was outstanding. The PREA Coordinator was very responsive to all of the requests that were made.

Massachusetts Department of Youth Services continues to invest its efforts and resources into its PREA compliance program. This was evident by the way Gandara RISE operates its program and by the knowledge youth and staff had pertaining to safety and awareness of PREA procedures.

## PREVENTION PLANNING

### Standard 115.311: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

#### 115.311 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?  Yes  No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?  Yes  No

#### 115.311 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator?  Yes  No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy?  Yes  No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?  Yes  No

#### 115.311 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)  Yes  No  NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Massachusetts Department of Youth Services (DYS) Policy and Procedures 01.05.07(b), page 1, comprehensively addresses the facility's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment. This policy contains the necessary definitions, procedures, and the facility's strategies and responses to sexual abuse and sexual harassment. This policy also outlines the facility's training and education of its youth, staff, volunteers, and contractors. The youth received detailed information about their rights, grievances, and reporting within 24 hours of admission. Interviews with the PREA Coordinator and Compliance Manager proved their knowledge of the PREA standards and their commitment to the implementation of the PREA standards. Notice of the PREA compliance audit was posted on all living units and other prominent locations throughout the facility.

The following information was utilized to verify compliance with this standard:

- DYS Policy 01.05.07(b)-Prevention of Sexual Abuse and Sexual Harassment of Youth
- Agency and Facility Organizational Chart
- Youth acknowledgement of PREA orientation video
- Pre-audit Questionnaire

Interviews:

- Interview with the Program Director
- Interview with the PREA Coordinator
- Interview with the PREA Compliance Manager

## Standard 115.312: Contracting with other entities for the confinement of residents

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.312 (a)

- If this agency is public and it contracts for the confinement of its residents with private agencies

or other entities including other government agencies, has the agency included the entity's obligation to adopt and comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents.)  Yes  No  NA

### 115.312 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Gandara RISE does not contract for the confinement of its youth with other private agencies/entities. This was confirmed during an interview with the Program Director.

The following information was utilized to verify compliance with this standard:

- Pre-Audit Questionnaire

Interviews:

- Interview with Program Director
- Facility PREA Compliance Manager

## Standard 115.313: Supervision and monitoring

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.313 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse?
  - Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted juvenile detention and correctional/secure residential practices?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or residents may be isolated)?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the resident population?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Institution programs occurring on a particular shift?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse?  Yes  No
  
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?  Yes  No

### 115.313 (b)

- Does the agency comply with the staffing plan except during limited and discrete exigent circumstances?  Yes  No
- In circumstances where the staffing plan is not complied with, does the facility document all deviations from the plan? (N/A if no deviations from staffing plan.)  Yes  No  NA

### 115.313 (c)

- Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  
 Yes  No  NA
- Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Does the facility ensure only security staff are included when calculating these ratios? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph?  Yes  No

### 115.313 (d)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?  Yes  No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: Prevailing staffing patterns?  Yes  No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility’s deployment of video monitoring systems and other monitoring technologies?  Yes  No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?  Yes  No

### 115.313 (e)



- Has the facility implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (N/A for non-secure facilities)  Yes  No  NA
- Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities)  Yes  No  NA
- Does the facility have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? (N/A for non-secure facilities)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) requires the facility to have a staffing plan in compliance with the PREA standards and the plan is reviewed annually. The staffing plan was reviewed by the Program Director on August 20, 2020. The plan addresses prior incident findings from external and internal monitoring, judicial findings, technology and staffing needs. DYS Policy 03.02.02(c) requires unannounced rounds. This auditor was provided documentation of the unannounced rounds. Interview with supervisory staff confirmed that the unannounced rounds occur. Unannounced rounds are supplemented with mandatory video reviews by supervisors. Unannounced rounds are documented in unit logs and emails to the Program Director. This auditor observed staffing ratios of 3:1 during the on-site audit. This exceeded the standard during program hours. Overnight staffing in compliance with the standard was documented on staffing schedules and housing unit logs. This was confirmed during the interviews with staff and youth. There were no instances of deviations from the staffing plan due to training, vacations, or other type of leave. Overtime is paid to maintain staffing ratios.

Review of documentation to determine compliance:

- Massachusetts DYS Policy 01.05/07 (b)-Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 03.02.02 (c)-Security Checks and Inspections Within Residential Locations
- Staff schedules

- Logs of Unannounced Rounds
- Documentation of annual review of staff schedules

Interviews:

- Interview with Program Director
- Interview with PREA Coordinator
- Interviews with random staff on all three (3) shifts
- Interviews with random youth

## Standard 115.315: Limits to cross-gender viewing and searches

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.315 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?  
 Yes  No

#### 115.315 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances?  Yes  No  NA

#### 115.315 (c)

- Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No
- Does the facility document all cross-gender pat-down searches?  Yes  No

#### 115.315 (d)

- Does the facility have policies that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?  Yes  No
- Does the facility have procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?  Yes  No
- Does the facility require staff of the opposite gender to announce their presence when entering a resident housing unit?  Yes  No

- In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units)  Yes  No  NA

### 115.315 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?  Yes  No
- If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?  Yes  No

### 115.315 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?  Yes  No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 03.01.02 (a)-Searches in Secure Facilities states that youth may only be searched by staff of the same gender. The facility does not conduct full strip searches. The facility conducts pat searches and clothing searches; the youth is never completely naked. All searches must be conducted with a witness. All youth interviewed confirmed that they are only pat

searched by staff of the same gender. All random staff that were interviewed also confirmed that cross-gender searches do not occur. DYS “Guidelines for Practices with LGBTQI-GNC Youth” prohibits searching youth for the purpose of determining if the youth is transgender or intersex. All of the youth that were interviewed denied ever being searched for this purpose. According to the Pre-Audit Questionnaire, there were no cross-gender strip searches or cross-gender pat searches during the past twelve (12) months. All Staff have received training regarding the search of a transgender or intersex resident in a respectful and dignified manner. There were no transgender or intersex residents in the current population.

Massachusetts DYS Policy and Procedure 03.04.09, Prohibition of Harassment and Discrimination Against Youth enables all resident to shower, perform bodily functions, and change without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia. There are no cameras in the bathrooms, showers, youth rooms, or anywhere youth are permitted to change clothes. All youth interviewed acknowledged that they have privacy when showering, using the bathroom and changing their clothes. All staff interviewed stated that their presence is announced when they enter a housing unit of the opposite gender youth. There are signs at the entrances to the housing units requiring opposite gender staff to announce their presence upon entering the unit. All youth interviewed acknowledged that the opposite gender staff announce their presence when entering the housing units. This auditor observed this practice throughout the on-site audit.

Reviewed documentation to confirm compliance:

- Massachusetts DYS Policy 03.03.02(a) Searches in Secure Facilities
- Massachusetts DYS Policy 03.04.09 Prohibition of Harassment and Discrimination Against Youth
- Staff Training Curriculum
- Staff Training Logs

Interviews:

- Interview with the Program Director
- Interview with the Facility PREA Compliance Manager
- Random staff interviews
- Resident interviews

## **Standard 115.316: Residents with disabilities and residents who are limited English proficient**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.316 (a)**

- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who are deaf or hard of hearing?  Yes  No

- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who are blind or have low vision?  Yes  No
- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who have intellectual disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who have psychiatric disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who have speech disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other? (if "other," please explain in overall determination notes.)  Yes  No
- Do such steps include, when necessary, ensuring effective communication with residents who are deaf or hard of hearing?  Yes  No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have intellectual disabilities?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have limited reading skills?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Are blind or have low vision?  Yes  No

### 115.316 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient?  Yes  No

- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?  
 Yes  No

### 115.316 (c)

- Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations?  
 Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that all residents that are admitted with disabilities (physical or mental) will be instructed on the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The policy further states that use of youth-to-youth interpreters is prohibited. The facility has Spanish speaking staff. This auditor received copies of intake material in Spanish. Special Education teachers are available for youth with learning disabilities. A language interpretation service is available for other languages should the need arise. There were no youth currently at the facility that required the service of an interpreter. There were no youth at the facility that had disabilities that would require them to receive special services to understand their rights under PREA. All of this was confirmed via interviews with youth, staff, and clinicians.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- English and Spanish Posters
- Language Interpretation Services

Interviews:

- Interview with Program Director
- Interview with Clinical Director
- Interviews with clinicians
- Interviews with random staff
- Interviews with youth

## Standard 115.317: Hiring and promotion decisions

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.317 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?  Yes  No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?  Yes  No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No

#### 115.317 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with residents?  Yes  No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with residents?  Yes  No

#### 115.317 (c)

- Before hiring new employees, who may have contact with residents, does the agency perform a criminal background records check?  Yes  No
- Before hiring new employees, who may have contact with residents, does the agency consult any child abuse registry maintained by the State or locality in which the employee would work?  Yes  No
- Before hiring new employees who may have contact with residents, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?  Yes  No

#### 115.317 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents?  Yes  No
- Does the agency consult applicable child abuse registries before enlisting the services of any contractor who may have contact with residents?  Yes  No

#### 115.317 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees?  Yes  No

#### 115.317 (f)

- Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?  Yes  No
- Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?  Yes  No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?  Yes  No

#### 115.317 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?  Yes  No

#### 115.317 (h)



- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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The Massachusetts DYS CORI regulations embodied in CMR 12.00 et. seq. require background checks every three years for State employees and every two years for contracted vendor employees. These checks include clearance through the Commonwealth's Child Abuse Registry. Material omissions of sexual abuse or harassment incidents or the provision of materially false information are grounds for termination. Documentation of CORI clearances were provided to this auditor. Interviews with the Program Director, and the DYS State-wide PREA Coordinator confirmed the practice.

Reviewed documentation to determine compliance:

- DYS CORI Regulations
- CMR 12.00 et seq.
- CORT Clearance Forms

Interviews:

- Interview with DYS Regional Director
- Interview with Program Director
- Interview with Agency PREA Coordinator

## Standard 115.318: Upgrades to facilities and technologies

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.318 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)  
 Yes  No  NA

### 115.318 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)  
 Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Gandara RISE develops a Staffing Plan on an annual basis (updated on August 20, 2020 by the Program Director). The 2019-2020 Staffing Plan was reviewed by this auditor prior to the on-site portion of this audit and was confirmed during the interview with the Facility Compliance Manager.

There have been no physical plant upgrades or renovations during this audit period. The facility has one (1) camera which is located at the entrance door. All staff carry hand-held radios and communicate and document all movements. Staff also maintain eye sight vision of each other. This auditor observed these procedures during the on-site portion of the audit. The Annual Review of Staffing, Monitoring Technology and Facility Resources Report clearly addresses the use of technology to improve the safety of youth.

Reviewed documentation to determine compliance:

- 2019-2020 Staffing Plan

- Monitoring Technology and Facility Resources Report
- Tour of the facility
- Video monitoring work stations

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager

## RESPONSIVE PLANNING

### Standard 115.321: Evidence protocol and forensic medical examinations

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

#### 115.321 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  
 Yes    No    NA

#### 115.321 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes    No    NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes    No    NA

#### 115.321 (c)

- Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate?  Yes    No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes    No

- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?  Yes  No
- Has the agency documented its efforts to provide SAFEs or SANEs?  Yes  No

#### 115.321 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?  Yes  No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.)  Yes  No  NA
- Has the agency documented its efforts to secure services from rape crisis centers?  Yes  No

#### 115.321 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?  Yes  No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?  Yes  No

#### 115.321 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)  Yes  No  NA

#### 115.321 (g)

- Auditor is not required to audit this provision.

#### 115.321 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth addresses the availability of Rape Crisis Centers and DCF Child at Risk Hotline services to youth and that services will be provided to the youth at no cost. The Memorandum of Understanding with Massachusetts Department of Early Education and Care; and the Memorandum of Understanding with the Massachusetts State Police were reviewed by this auditor. The MOU clearly stated that the Emergency Department at Baystate Medical Center will provide a forensic examination conducted by a Sexual Assault Nurse Examiner (SANE) or other similarly credentialed forensic examiner, collect and maintain the integrity of evidence collected during the examination for law enforcement. Physical evidence collection of criminal acts and forensic examinations are not conducted by facility staff. All staff are trained to preserve incident scenes and measures to prevent evidence from being destroyed. This was confirmed via interviews with staff. Criminal investigations are conducted by the Massachusetts State Police. There is a state-wide MOU for evidence collection and forensic examinations in place. There were no reported incidents of sexual abuse or sexual assault during this audit period. This was confirmed via interview with the DYS Investigator.

This auditor spoke to the nurse in the Emergency Department at Baystate Medical Center and confirmed SAFE/SANE at Baystate Medical Center. This auditor also spoke to a representative from the Western Region Rape Crisis Center and confirmed the services stated in the MOU.

There were zero (0) allegations of sexual abuse or sexual harassment during the past twelve (12) months. There were no residents to interview who reported an incident of sexual abuse.

Reviewed documentation to determine compliance:

- DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- MOU with Baystate Medical Center
- MOU with Massachusetts State Police
- MOU with Western Region Rape Crisis Center

Interviews:

- Interview with Agency PREA Coordinator
- Interviews with random staff
- Interview with Nurse Manager

- Phone interview with a representative from the Western Region Rape Crisis Center prior to on-site audit

## Standard 115.322: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.322 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?  Yes  No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?  Yes  No

### 115.322 (b)

- Does the agency have a policy and practice in place 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, unless the allegation does not involve potentially criminal behavior?  Yes  No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?  Yes  No
- Does the agency document all such referrals?  Yes  No

### 115.322 (c)

- If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.321(a).)  Yes  No  NA

### 115.322 (d)

- Auditor is not required to audit this provision.

### 115.322 (e)

- Auditor is not required to audit this provision.

## Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) states that any reports (direct, indirect, third party) received involving sexual abuse and sexual harassment shall be reviewed by the Program Director and either the PREA Compliance Manager or one of the members from the administrative team. It requires that the allegations, that may be criminal in nature, be referred to law enforcement and provides clear guidance for when DYS may conduct an administrative investigation once a referral to law enforcement has been made. All DYS staff are mandated reporters of abuse and all staff interviewed were aware of their obligations to report abuse under Massachusetts law. The facility reported no allegations of abuse during this audit period. There were no allegations to refer to the law enforcement for investigation. There were no allegations of sexual harassment reported by the program. DYS policy requires reporting of sexual harassment allegations that do not rise to the level of sexual harassment as defined by the PREA standards (the standard specifically state "repeated" as a condition of the definition). DYS, as a whole, is intentionally reporting and investigating single occurrences of sexual harassment in order to improve the conditions of confinement at the facility as they relate to PREA compliance. This practice clearly exceeds the requirement of this standard.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- MOU with Massachusetts State Police
- Massachusetts Department of Early Education and Care

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interview with DYS Investigator
- This auditor attempted to speak to a representative from the Massachusetts State Police

## TRAINING AND EDUCATION

### Standard 115.331: Employee training

## All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.331 (a)

- Does the agency train all employees who may have contact with residents on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with residents on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?  Yes  No
- Does the agency train all employees who may have contact with residents on residents' right to be free from sexual abuse and sexual harassment  Yes  No
- Does the agency train all employees who may have contact with residents on the right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with residents on the dynamics of sexual abuse and sexual harassment in juvenile facilities?  Yes  No
- Does the agency train all employees who may have contact with residents on the common reactions of juvenile victims of sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with residents on how to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to avoid inappropriate relationships with residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  Yes  No
- Does the agency train all employees who may have contact with residents on relevant laws regarding the applicable age of consent?  Yes  No

### 115.331 (b)

- Is such training tailored to the unique needs and attributes of residents of juvenile facilities?  Yes  No



- Is such training tailored to the gender of the residents at the employee's facility?  Yes  No
- Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?  Yes  No

### 115.331 (c)

- Have all current employees who may have contact with residents received such training?  Yes  No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?  Yes  No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?  Yes  No

### 115.331 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth, 01.05.08 Sexual Harassment Policy for Commonwealth of Massachusetts Employees, and 03.04.09 Prohibition of Harassment and Discrimination Against Youth meet all aspects of this standard and are incorporated into the DYS power-point training received by all staff. All staff interviewed reported that they received training on all areas noted in this standard. All staff interviewed were aware of their obligations related to the PREA policies, their obligations as mandated reporters of abuse, their duties as first responders, and the facility protocols related to evidence collection. Documentation was provided to this auditor confirming staff completes a post-training test to confirm understanding of the

material presented. Contract employees and volunteers complete the training. The training curriculum utilized by the facility meets all aspects of this standard as follows:

1. Agency's zero tolerance policy for sexual abuse and sexual harassment –01.05.07(b); pg. 1-2.
2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detecting, reporting, and response policies and procedures –01.05.07(b); pg.1-2.
3. Youth's right to be free from sexual abuse and sexual harassment –01.05.07(b); pg. 5-6.
4. The right of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment –01.05.07(b); pg. 1.
5. The dynamics of sexual abuse and sexual harassment in juvenile facilities –01.05.07(b); pg. 3-5.
6. The common reactions of sexual abuse and sexual harassment juvenile victims—01.05.07(b); pg. 5-9.
7. How to detect and respond to signs of threatened and actual abuse – Throughout the slides.
8. How to avoid inappropriate relationships with youth –01.05.07(b); pg. 2, and pg. 12-13.
9. How to communicate effectively and professionally with youth, including those who identify as lesbian, gay, transgender, intersex, or gender non-conforming youth –01.05.07(b); pg. 13.
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities – 01.05.07(b); pg. 5.
11. Relevant laws regarding the applicable age of consent – 01.05.07(b); pg. 1.

During the on-site portion of this audit, it was noted that posters were posted throughout the facility to educate both the staff and youth on PREA policies. Brochures noting PREA requirements are given to residents, staff, volunteers, and contractors.

The Pre-Audit Questionnaire documented that all staff currently employed were trained and retained on the PREA requirements during the past year. The facility provided documentation that indicated staff members were, and are, trained as stated and required. These training records for all employees were reviewed by this auditor.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 01.05.08 Sexual Harassment Policy for Commonwealth of Massachusetts Employees
- Massachusetts DYS Policy 03.04.09 Prohibition of Harassment and Discrimination Against Youth
- PREA Training Curriculum
- Mandated Reporter Curriculum
- Random Employee files

Interviews:

- Interview with Facility PREA Compliance Manager
- Interviews with random staff

## **Standard 115.332: Volunteer and contractor training**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

**115.332 (a)**

- Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures?  Yes  No

**115.332 (b)**

- Have all volunteers and contractors who have contact with residents been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents)?  Yes  No

**115.332 (c)**

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?  Yes  No

**Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

**Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) pg.14 states that volunteers and interns who have contact with youth shall receive training on this policy either through Basic Training or on the Volunteer Orientation Training. The PREA training is a review of the DYS PREA policy. They shall receive instruction regarding facility policy, prohibited conduct, prevention, detection, response, and reporting of sexual misconduct prior to assuming responsibilities that include contact with youth. Volunteers and interns must sign an acknowledgement that they received and understood the training. Documentation of contractors or volunteers training and signed acknowledgements were provided to this auditor. Contract education staff members attend the DYS PREA training.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Volunteer Orientation Training Curriculum
- Signed Training Acknowledgement of a contracted employee
- Signed Training Acknowledgement of a volunteer

Interviews:

- Interview with contracted employee

## Standard 115.333: Resident education

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.333 (a)

- During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?  Yes  No
- During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?  Yes  No
- Is this information presented in an age-appropriate fashion?  Yes  No

#### 115.333 (b)

- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?  Yes  No
- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?  Yes  No
- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents?  Yes  No

#### 115.333 (c)

- Have all residents received the comprehensive education referenced in 115.333(b)?  Yes  No
- Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility?  Yes  No

### 115.333 (d)

- Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are deaf?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills?  Yes  No

### 115.333 (e)

- Does the agency maintain documentation of resident participation in these education sessions?  Yes  No

### 115.333 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b)--Prevention of Sexual Abuse and Sexual Harassment of Youth states that within 24 hours of arrival at the facility, during the DYS Intake Process, employees shall notify every youth of the protections contained in this policy, using the youth orientation materials. The information shall address:

1. DYS policy pertaining to zero-tolerance for sexual misconduct
2. What constitutes sexual misconduct
3. Facility's program for prevention of sexual misconduct
4. Methods of self-protection
5. How to report sexual misconduct and retaliation
6. Protection from retaliation
7. Treatment and counseling

This is documented in the youth's electronic case file, copies of all youth's signed acknowledgements were provided to this auditor. This document is available in English and Spanish. This initial handout is reviewed with youth by intake staff and the youth signs an acknowledgement that they understood the material presented. All youth interviewed were aware of the right to be free from abuse and multiple means of reporting abuse. All youth entering any DYS operated or contracted facility receives the education. All youth interviewed reported having received the education slideshow on multiple occasions. Posters in both English and Spanish were clearly visible on all housing units and throughout the facility.

Reviewed documentation:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Youth Education Program Curriculum
- Youth PREA Orientation Acknowledgement Form
- Youth 24 hour Education Sign Off
- Posters for Reporting and Education in Spanish and English
- Four (4) youth files

Interviews:

- Interview with Facility PREA Compliance Manager
- Interview with Intake staff
- Interview with clinician who performs PREA Education
- Interviews with random residents

## Standard 115.334: Specialized training: Investigations

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.334 (a)

- In addition to the general training provided to all employees pursuant to §115.331, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  
 Yes    No    NA

### 115.334 (b)

- Does this specialized training include techniques for interviewing juvenile sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA

#### 115.334 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA

#### 115.334 (d)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment does not conduct criminal investigations for allegations of sexual abuse and assault. Criminal investigations are conducted by the Massachusetts State Police and the Department of Early Education and Care (EEC). A Memorandum of Understanding (MOU) is in place with the EEC and the MOU specifically

requests that the agency comply with the relevant PREA standards. Documentation was provided of efforts to enter into a MOU with the State Police. Documentation of training for DYS Investigators was provided to this auditor. DYS Investigators have completed a variety of trainings regarding investigations as well as specific training related to interviews and interrogations of juveniles in institutional settings.

There have been zero (0) cases of allegations during the past twelve (12) months.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- MOU with the Department of Early Education and Care (EEC)

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interview with Representative from Early Education and Care (EEC)
- Interview with DYS Investigator

## Standard 115.335: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.335 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  
 Yes  No  NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  
 Yes  No  NA

### 115.335 (b)



- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)  
 Yes  No  NA

### 115.335 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA

### 115.335 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.331? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  
 Yes  No  NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that DYS shall ensure its investigators receive specialized training in conducting sexual abuse investigations to the extent such investigations are done by these investigators. Such training includes:

- Techniques for interviewing juvenile sexual abuse victims
- Proper use of Miranda and Garrity warnings

- c. Criteria and evidence required to substantiate a case for administrative action or prosecutorial referral

This was confirmed during interview with DYS Investigator. The Investigator stated that they have received extensive training in these areas.

Documentation of this training, including training for contract providers was provided to this auditor. Multiple clinical and medical staff members have been interviewed by this auditor and all acknowledge receiving specialized training. Facility medical staff do not conduct forensic examinations or collect evidence. These are conducted at Baystate Medical Center by SAFE/SANES. The agency's protocol is to preserve/avoid destruction of evidence and then transport to the designated medical facility.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- MOU with Baystate Medical Center
- Employee Training Curricula
- Training logs

Interviews:

- Interview with DYS Investigator
- Interview with Nurse Manager
- Interview with clinician

## SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

### Standard 115.341: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.341 (a)

- Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident?  Yes  No
- Does the agency also obtain this information periodically throughout a resident's confinement?  Yes  No

#### 115.341 (b)

- Are all PREA screening assessments conducted using an objective screening instrument?  Yes  No

### 115.341 (c)

- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (1) Prior sexual victimization or abusiveness?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (3) Current charges and offense history?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (4) Age?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (5) Level of emotional and cognitive development?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (6) Physical size and stature?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (7) Mental illness or mental disabilities?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (8) Intellectual or developmental disabilities?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (9) Physical disabilities?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (10) The residents' own perception of vulnerability?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents?  Yes  No

### 115.341 (d)

- Is this information ascertained through conversations with the resident during the intake process and medical mental health screenings?  Yes  No
- Is this information ascertained during classification assessments?  Yes  No
- Is this information ascertained by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files?  Yes  No

## 115.341 (e)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth and DYS Policy and Procedure 03.01.04 Searches in Community Programs addresses the standards related to screening youth for risk of victimization and abusiveness. These address the use of the Vulnerability Assessment Instrument, Risk of Victimization, and/or Sexually Aggressive Behavior in that it shall be administered within seventy-two (72) hours of intake to obtain information about each resident's personal history and behavior to reduce the risk of sexual abuse by or toward a resident. The Vulnerability Assessment Instrument is used to obtain victimization or abusiveness, current charges, mental health and/or developmental status, and placement history. Living units and room assignments are made accordingly. The two practices utilized by DYS far exceeds the seventy-two (72) hours allotted to the standard. Youth are administered the "Dialogue Tree" immediately upon admission by intake staff. Within twenty-four (24) hours, but usually on the day of admission, clinical staff perform the full screening of youth using the Vulnerability Assessment Instrument. The Management System (JJEMS). JJEMS is a state-wide database of information on all youth committed to DYS and is available to contract vendors as well as state operated programs. Access to screening information is limited to clinical staff and a limited number of upper level administrators.

Interviews with youth confirmed the screening assessment has been completed as noted in the above-mentioned policies, as well as the youth stated they were asked questions when they first arrived as to whether they had ever been sexually abused, if they had any disabilities, or if they were fearful of sexual abuse at the facility. Four (4) resident files were reviewed for documentation verifying the risk of assessments were being completed well within the seventy-two (72) hours of intake.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 03.01.04 Searches in Community Programs
- Vulnerability Assessment Instrument: Risk of Victimization and/or Sexually Aggressive Behavior
- Completed Vulnerability Assessment Instruments for six (6) youth
- Review of youth files

Interviews:

- Interview with Facility PREA Compliance Manager
- Interviews with clinicians who complete the Vulnerability Assessment
- Interviews with youth

## Standard 115.342: Use of screening information

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.342 (a)

- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Housing Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Bed assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Work Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Education Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Program Assignments?  Yes  No

#### 115.342 (b)

- Are residents isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- During any period of isolation, does the agency always refrain from denying residents daily large-muscle exercise? (N/A if the facility *never* places residents in isolation for any reason.)

Yes  No  NA

- During any period of isolation, does the agency always refrain from denying residents any legally required educational programming or special education services? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- Do residents in isolation receive daily visits from a medical or mental health care clinician? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- Do residents in isolation also have access to other programs and work opportunities to the extent possible? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA

#### 115.342 (c)

- Does the agency always refrain from placing lesbian, gay, and bisexual (LGB) residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from placing transgender residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from placing intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from considering lesbian, gay, bisexual, transgender, or intersex (LGBTI) identification or status as an indicator or likelihood of being sexually abusive?  Yes  No

#### 115.342 (d)

- When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?  Yes  No
- When making housing or other program assignments for transgender or intersex residents, does the agency consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?  Yes  No

#### 115.342 (e)

- Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident?  Yes  No

#### 115.342 (f)

- Are each transgender or intersex resident's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?  Yes  No

#### 115.342 (g)

- Are transgender and intersex residents given the opportunity to shower separately from other residents?  Yes  No

#### 115.342 (h)

- If a resident is isolated pursuant to provision (b) of this section, does the facility clearly document: The basis for the facility's concern for the resident's safety? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- If a resident is isolated pursuant to provision (b) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA

#### 115.342 (i)

- In the case of each resident who is isolated as a last resort when less restrictive measures are inadequate to keep them and other residents safe, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? (N/A if the facility *never* places residents in isolation for any reason.)  
 Yes  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 02.02.01(b) Treatment Plans, and DYS Policy and Procedures 03.04.09 Prohibition of Harassment and Discrimination Against Youth pertains to screening/assessing residents at intake states that youth who are determined as a potential risk will not be singled out, however will be closely monitored by the staff and their behavior will be evaluated throughout their stay. Housing

decisions for each youth will be based on the risks determined by the intake screen and Assessment Instrument, as well as any information ascertained through conversations during the intake process and medical and mental health screenings with the goal of keeping all youth safe and free from sexual abuse.

- a. Youth shall not be placed in particular housing based on identification alone or status. Nor shall identification or status be used as an indicator of possible sexual abusiveness.
- b. All housing placements will be made with the sole intention of ensuring the youths' health and safety.
- c. Transgender or Intersex resident's safety evaluation shall be reassessed every thirty (30) days to review any threats to safety and each transgender or intersex's own views, with respect to his or her own safety, shall be given serious consideration.
- d. Transgender or Intersex resident shall follow the standard detention center operating procedures in regards to showering separately.

Isolation, as it relates to this standard, is not authorized under DYS policy and was not used during this audit period. There is a policy, DYS Policy and Procedure 03.03.01(a) in place to cover this standard. Involuntary room confinements, as isolation referred to in DYS, is not authorized for the purposes described in this standard. DYS Policy and Procedure 03.04.09 prohibits youth from being assigned to a housing unit based solely on gender identity and sexual orientation from being used as a risk factor for abusiveness. DYS has a policy in place that allows for youth to be assigned to male and female facilities regardless of birth gender. Interviews with youth and staff confirmed compliance with this standard.

There were no youth in the facility during the audit that identified themselves as LGBTI. All four (4) youth files this auditor reviewed, none of the residents were identified as sexually vulnerable from the Vulnerability Assessment Instrument.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 02.02.01(b) Treatment Plans
- Massachusetts DYS Policy 03.03.01(a) Involuntary Room Confinement
- Massachusetts DYS Policy 03.04.09 Prohibition of Harassment and Discrimination Against Youth
- Vulnerability Assessment of four (4) youth
- Housing Logs

Interviews:

- Interview with Facility PREA Compliance Manager
- Interviews with clinicians who conduct risk screening
- Interviews with youth

## REPORTING

### Standard 115.351: Resident reporting



## All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.351 (a)

- Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for residents to privately report: Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?  Yes  No

### 115.351 (b)

- Does the agency also provide at least one way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?  Yes  No
- Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials?  Yes  No
- Does that private entity or office allow the resident to remain anonymous upon request?  Yes  No
- Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment? (N/A if the facility *never* houses residents detained solely for civil immigration purposes.)  Yes  No  NA

### 115.351 (c)

- Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?  Yes  No
- Do staff members promptly document any verbal reports of sexual abuse and sexual harassment?  Yes  No

### 115.351 (d)

- Does the facility provide residents with access to tools necessary to make a written report?  Yes  No
- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents?  Yes  No

## Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth has established procedures for allowing multiple internal ways for youth to report privately to officials regarding sexual abuse, sexual harassment, and staff neglect. The documentation showed several ways for youth to report sexual abuse, sexual harassment, or retaliation. These are:

- Verbally to any employee
- In writing through a grievance form using the Youth Grievance Process
- In writing or verbally to any third party who may file a grievance in accordance with the Youth Grievance Process
- Verbally through the DCF Child at Risk Hotline
- Parents

All youth interviewed confirmed they have received information instructing them on how to report allegations of sexual abuse, sexual harassment, or retaliation. Additionally they understood the grievance process. All knew where to find the DCF Hotline number to report abuse outside of the agency. None of the youth interviewed had ever reported sexual harassment sexual abuse, or any form of abuse while in DYS custody. Youth receive a handout at admission regarding how to report abuse and there are posters throughout the facility and on all housing units in English and Spanish with the information.

There was a PREA box located in the dining room for parents, visitors, contractors and staff to submit a form pertaining to any abuse allegations. Forms are available in English and Spanish. This PREA box is checked on a daily basis.

Staff members interviewed were also knowledgeable of the various ways youth and staff can report incidents of sexual abuse, sexual harassment, or retaliation. All staff members interviewed stated they are mandated reporters of abuse per DYS Policy and Procedure 01.05.04(d), and the laws of the Commonwealth of Massachusetts. All staff interviewed were aware of their obligations as mandated reporters.

There were no youth at the facility solely for civil immigration purposes. However, during the interview with the Program Director, it was determined they would provide the youth information on how to contact relevant officials at the Department of Homeland Security to report sexual abuse and/or harassment.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 03.04.01 Youth Grievance Process
- Massachusetts DYS Policy 03.04.04(c) Residential Visitation Policy Incorporating Family Engagement Principles
- Telephone Policy
- Posters in facility

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interviews with randomly selected staff
- Interviews with youth

## Standard 115.352: Exhaustion of administrative remedies

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.352 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.  Yes  No

#### 115.352 (b)

- Does the agency permit residents to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency always refrain from requiring a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.352 (c)

- Does the agency ensure that: A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)  Yes  No  NA

- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.352 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time [the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)], does the agency notify the resident in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)  Yes  No  NA
- At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.352 (e)

- Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Are those third parties also permitted to file such requests on behalf of residents? (If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- If the resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Is a parent or legal guardian of a juvenile allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile? (N/A if agency is exempt from this standard.)  Yes  No  NA
- If a parent or legal guardian of a juvenile files a grievance (or an appeal) on behalf of a juvenile regarding allegations of sexual abuse, is it the case that those grievances are not conditioned upon the juvenile agreeing to have the request filed on his or her behalf? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.352 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response and final agency decision document the agency's determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA

### 115.352 (g)

- If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 03.04.01 complies in full with this standard. There were no incidents of sexual abuse, sexual harassment, or retaliation filed using the grievance process in the past twelve (12) months. No grievances by youth or third-parties were filed alleging sexual abuse, harassment, or retaliation. Although the policy complies with the standard, a grievance filed that alleges that sexual abuse occurred or alleges an imminent threat would immediately trigger the agency's PREA response procedures. A review of grievance records and interview with the PREA Compliance Manager confirms that there were no grievances filed related to sexual abuse during this audit period.

All youth interviewed were aware of the grievance procedures. Youth have been informed of the multiple ways they can report an allegation of sexual abuse, assault, or harassment. If a youth filed a grievance regarding sexual abuse, assault, or harassment, that report would be handled in the way it is prescribed in the policy. All youth interviewed could describe the steps they would take to protect a youth from threatened sexual abuse.

All staff interviewed were able to describe steps they would take to protect a youth from threatened abuse.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 03.04.01 Youth Grievance Process
- Grievance Form
- Files of four (4) youth

Interviews:

- Interview with Facility PREA Compliance Manager
- Interviews with randomly selected staff
- Interviews with youth

## Standard 115.353: Resident access to outside confidential support services and legal representation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.353 (a)

- Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making assessable mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?  Yes  No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.)  Yes  No  NA
- Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible?  Yes  No

### 115.353 (b)

- Does the facility inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?  Yes  No

### 115.353 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse?  Yes  No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?  Yes  No

### 115.353 (d)

- Does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation?  Yes  No
- Does the facility provide residents with reasonable access to parents or legal guardians?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedure 03.04.04 (c) Residential Visitation Policy Incorporating Family Engagement Principles addresses access to these services. A statewide Memorandum of Understanding exists for the provision of these services. The policy outlines that the facility will provide youth with access to confidential emotional support services. Information is provided to youth via Department of Public Health posters that are on display in all living units and common areas throughout the facility. These display the telephone number and mailing address for juveniles to contact.

Interviewed youth were aware of how to access outside agencies through hotlines; and all of them stated they would have access to a telephone if they needed to report anything. All youth interviewed

acknowledged ready access to contact with their families (free telephone calls) and the ability to contact their lawyer if they so desired.

All staff interviewed were aware of how youth can access outside agencies through the hotlines.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 03.04.04 (c) Residential Visitation Policy Incorporating Family Engagement Principles
- MOU with the Massachusetts Department of Public Health
- Telephone Policy
- Department of Public Health posters
- Youth PREA Intake Brochure

Interviews:

- Interview with Facility PREA Compliance Manager
- Interviews with randomly selected staff
- Interviews with youth

## Standard 115.354: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.354 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?  Yes  No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*



Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth describes third-parties, including fellow residents, staff members, volunteers, contractors, family members, attorneys shall be accepted reporters of any sexual abuse and/or sexual harassment reports. There were no reported instances of third-party reporting during this audit period. DYS's public record website lists the Department of Child and Families (DCF) hotline number to call if sexual abuse or harassment is suspected.

A PREA box is located in the front entrance for parents, visitors, contractors, volunteers, and staff to report any sexual abuse or sexual harassment. Forms are in English and Spanish and located next to the box. The PREA box is checked on a daily basis.

Interviews with residents confirmed they are aware of who third-parties are. They were also aware that these individuals can report allegations or incidents of sexual abuse or sexual harassment on their behalf.

All staff interviewed acknowledged that they would accept a third-party of abuse and respond in the same manner as if they had witnessed the abuse themselves.

Reviewed documentation to determine compliance:

- DYS public website
- PREA posters
- PREA box

Interviews:

- Interviews with randomly selected staff
- Interviews with youth

## OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

### Standard 115.361: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.361 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?  Yes  No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment?  Yes  No

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?  Yes  No

#### 115.361 (b)

- Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws?  Yes  No

#### 115.361 (c)

- Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?  Yes  No

#### 115.361 (d)

- Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws?  Yes  No
- Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services?  Yes  No

#### 115.361 (e)

- Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office?  Yes  No
- Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified?  Yes  No
- If an alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of the parents or legal guardians?  Yes  No
- If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation?  Yes  No

#### 115.361 (f)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?  Yes  No

## Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that all staff must, immediately report any known or suspected act or allegation of sexual misconduct or retaliation to the administration. They must treat all reported incidents or prohibited conduct seriously and ensure that known or suspected acts or allegations of sexual misconduct are reported immediately. All staff and volunteers receive training as to how to fulfill their obligations as mandated reporters (what to report and how to report it). All staff interviewed were aware of their obligations as mandated reporters.

There have been no incidents or reports of sexual abuse or sexual harassment in the past twelve (12) months.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Training Logs
- PREA posters

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interviews with randomly selected staff
- Interview with the Nurse Manager
- Interview with clinician

## Standard 115.362: Agency protection duties

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.362 (a)

- When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedure 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth addresses the requirements of this standard. The policy and the facility's institutional plan require an immediate response should a youth be determined to be at imminent risk of sexual abuse or assault; it shall take immediate action to protect the youth. There were zero (0) youth that the facility determined was subject to substantial risk of sexual abuse during the past twelve (12) months; where a youth was at substantial risk of imminent sexual abuse. All staff members interviewed were able to articulate what immediate means that they would use to protect youth should this occur. These included immediately calling for a supervisor to respond to the location; keeping the youth under arms-length supervision until the supervisor arrives; and, if necessary, based on the imminent nature of the threat, securing the youth alone in a room. All staff member stated they would act immediately. If the aggressor was a staff member, interview confirmed that the staff member would be removed or terminated.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Institutional Plan for Alleged Sexual Abuse, Gandara

Interviews:

- Interview with the Program Director
- Interview with Facility PREA Compliance Manager
- Interviews with randomly selected staff

## Standard 115.363: Reporting to other confinement facilities

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.363 (a)

- Upon receiving an allegation that a resident was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?  Yes  No
- Does the head of the facility that received the allegation also notify the appropriate investigative agency?  Yes  No

#### 115.363 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?  Yes  No

#### 115.363 (c)

- Does the agency document that it has provided such notification?  Yes  No

#### 115.363 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedure 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that any DYS state or contracted provider, employee, intern, or volunteer in an Overnight Arrest (ONA), residential or community placement who learns of or suspects alleged sexual boundary violations, sexual abuse, or sexual harassment within an ONA or residential placement shall immediately report the information to the Program Director and either the PREA Compliance Manager or one of the members from the administrative team where the allegation occurred. Such initial report may be verbal, but

the reporter must also complete a written incident report prior to the end of the shift. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. All allegations will be reported to the Department of Children and Families (DCF).

The facility advised that it did not receive any reports of youth being sexually abused at another confinement facility during the audit period and therefore had no documentation to show this auditor regarding such actions.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Pre-Audit Questionnaire

Interviews:

- Interview with Agency PREA Coordinator
- Interview with the Facility PREA Compliance Manager

## Standard 115.364: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.364 (a)

- Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?  
 Yes  No
- Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?  Yes  No
- Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?  Yes  No
- Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?  Yes  No

### 115.364 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedure 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that upon learning of an allegation that a resident was sexually abused, the first staff member to respond shall act in accordance with the policy. The first staff member to respond to the scene shall be required to:

1. Separate the victim and alleged abuser
2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence
3. Request that alleged victim not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, swimming, drinking, or eating
4. Take steps to prevent the alleged abuser from destroying evidence, such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating
5. Notify the Program Director or designee and document the incident
6. Transport to Baystate Medical Center

All staff interviewed could articulate the steps they would take as a first responder. Their responses were consistent with the Prevention of Sexual Abuse and Sexual Harassment of Youth Policy.

There were no reported incidents of sexual assault during the past twelve (12) months therefore there is no documentation of staff performing these duties.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth

Interviews:

- Interview with the Program Director
- Interview with the Facility PREA Compliance Manager

- Interviews with randomly selected staff

## Standard 115.365: Coordinated response

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.365 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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There have been no incidents in the past twelve (12) months that require the use of the Coordinated Response. A copy of the facility's Institutional Plan was provided to this auditor. The plans provide clear and concise directions for response to any alleged PREA violation. Interviews with the Program Director, Direct Care Staff, medical staff, and mental health staff indicated that each is knowledgeable of his/her responsibilities in regards to an incident or allegation of sexual assault. All staff interviewed were aware of their program's Institutional Plan and where to locate the document.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Facility Institutional Plans

Interviews:

- Interview with Program Director
- Interview with the Nurse Manager
- Interview with Mental Health Staff
- Interviews with randomly selected staff



## Standard 115.366: Preservation of ability to protect residents from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.366 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?  Yes  No

### 115.366 (b)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedure 01.05.04(d) Code of Employee Conduct states that effective August 20, 2012, DYS will not renew or enter into a collective bargaining unit agreement that limits the ability of the facility to remove alleged staff sexual abusers from contact with any youth pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted. The current collective bargaining agreement was reviewed by this auditor. There is nothing in the collective bargaining agreement that would violate this standard. DYS Policy and Procedure 01.05.04(d) specifically authorizes DYS to protect youth from contact with alleged abusers up to and including staff without pay.

During the interview the Program Director stated that any time there is an allegation, a safety plan for the specific youth, and all the youth, is put into place; and this always includes removing the staff person from contact with the youth or all youth depending upon the allegation.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy and Procedure 01.05.04(d) Code of Employee Conduct
- Union Contract with AFSCOME, NAGE, MNA, SEIU

Interview:

- Interview with DYS Regional Director
- Interview with the Program Director

## Standard 115.367: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.367 (a)

- Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff?  Yes  No
- Has the agency designated which staff members or departments are charged with monitoring retaliation?  Yes  No

### 115.367 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services, for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations,?  Yes  No

### 115.367 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: The conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: The conduct and treatment of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?  Yes  No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: Any resident disciplinary reports?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: Resident housing changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: Resident program changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: Negative performance reviews of staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: Reassignments of staff?  Yes  No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?  Yes  No

#### 115.367 (d)

- In the case of residents, does such monitoring also include periodic status checks?  
 Yes  No

#### 115.367 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?  
 Yes  No

#### 115.367 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Massachusetts DYS Policy and Procedure 01.05.07(d) Prevention of Sexual Abuse and Sexual Harassment of Youth shall protect all residents and staff who report sexual abuse or sexual harassment or cooperate with investigations pertaining to sexual abuse and harassment from retaliation by other staff or residents.

Protective measures may include unit changes or transfers for residents, victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting abuse, sexual abuse, and/or sexual harassment or for cooperating with investigations. The Program Director is the person responsible for monitoring retaliation against staff or youth. Monitoring at the facility will continue for at least ninety (90) days following a report of sexual abuse. Items that will be monitored include any youth disciplinary reports, housing or programming changes, negative performance reviews, and reassignments of staff. The facility shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.

There were no reported allegations of sexual abuse or assault thus there were zero (0) incidents of retaliation, known or suspected, during the past twelve (12) months. This was confirmed via phone with the DYS Investigator.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Pre-Audit Questionnaire

Interview:

- Interview with Program Director
- Phone interview with DYS Investigator

## Standard 115.368: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.368 (a)

- Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

**Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 03.04.09 Prohibition of Harassment and Discrimination Against Youth states segregated housing of youth to keep them safe from sexual misconduct is not used and is prohibited. The facility did not use segregation or isolation for the purpose of this standard during this audit period. There were no reported instances of sexual abuse during this audit period. Interviews with the Program Director confirmed the prohibition of segregated housing for this purpose. During the tour of the facility, this auditor did not notice any places where a youth could be segregated or isolated.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 03.04.09 Prohibition of Harassment and Discrimination Against Youth
- Tour of the facility

Interview:

- Interview with Program Director

**INVESTIGATIONS**

**Standard 115.371: Criminal and administrative agency investigations**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

**115.371 (a)**

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.321(a).]  Yes  No  NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.321(a).]  Yes  No  NA

#### 115.371 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations involving juvenile victims as required by 115.334?  Yes  No

#### 115.371 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?  Yes  No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?  Yes  No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?  Yes  No

#### 115.371 (d)

- Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation?  Yes  No

#### 115.371 (e)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?  Yes  No

#### 115.371 (f)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as resident or staff?  Yes  No
- Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?  Yes  No

#### 115.371 (g)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?  Yes  No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?  Yes  No

#### 115.371 (h)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?  Yes  No

#### 115.371 (i)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?  Yes  No

#### 115.371 (j)

- Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention?  Yes  No

#### 115.371 (k)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?  Yes  No

#### 115.371 (l)

- Auditor is not required to audit this provision.

#### 115.371 (m)

- When an outside agency investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.321(a).)  Yes  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states the DYS Director of Investigations or his/her designee shall investigate all allegations of sexual boundary violations, sexual abuse and/or sexual harassment and retaliation for reporting such allegations or cooperating with an investigation. The investigation will include an effort to determine whether employee's actions or omissions contributed to the allegations. DYS investigators completed PREA training and follow the protocols therein when conducting investigations related to allegations of sexual abuse and harassment. Substantiated allegations of conduct that appear criminal in nature, including alleged sexual abuse, shall be referred to the Massachusetts State Police. DYS has made documented efforts to advise the Massachusetts State Police of the requirements of this standard.

If the allegation of sexual abuse was determined to be substantiated or unsubstantiated an Incident Review would also be conducted after the investigation was completed. Investigations are not to be terminated should the source of the allegation recant the allegation. DYS Investigators will investigate all allegations, even if the victim recants or if the staff is no longer employed at the facility.

There were zero (0) allegations of sexual abuse or sexual harassment during the past twelve (12) months. Interviews with the Program Director and DYS Investigator confirmed the protocols in place for criminal and administrative investigations.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- MOU with Massachusetts State Police

Interviews:

- Interview with Program Director
- Interview with the Agency PREA Coordinator
- Interview with DYS Investigator

## **Standard 115.372: Evidentiary standard for administrative investigations**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.372 (a)**

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?  Yes  No

### **Auditor Overall Compliance Determination**



- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states DYS Investigators shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. There were no administrative investigative reports for alleged sexual harassment to confirm the evidentiary standard is being followed. Reports from other DYS investigations confirm compliance by DYS investigators.

Reviewed documentation to determine compliance:

- Pre-Audit Questionnaire

Interviews:

- Interview with Program Director
- Interview with the Agency PREA Coordinator
- Interview with DYS Investigator

## Standard 115.373: Reporting to residents

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.373 (a)

- Following an investigation into a resident's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?  Yes  No

### 115.373 (b)

- If the agency did not conduct the investigation into a resident's allegation of sexual abuse in the agency's facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)  Yes  No  NA

### 115.373 (c)

- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident's unit?  Yes  No
- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?  Yes  No
- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?  Yes  No
- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?  Yes  No

### 115.373 (d)

- Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?  
 Yes  No
- Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?  
 Yes  No

### 115.373 (e)

- Does the agency document all such notifications or attempted notifications?  Yes  No

### 115.373 (f)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that the DYS Director of Investigations or his/her designee shall notify the youth who is the subject of the allegations of decisions on the merits of the allegations being investigated by the DYS Investigations Unit and law enforcement and any time extensions for the completion of the decision and document such notifications in JJEMS progress notes. Such notification shall include whether the:

- i. Allegation has been determined to be substantiated, unsubstantiated, or unfounded
- ii. Employee or youth alleged to have committed the sexual abuse is no longer within the youth's program or facility; and
- iii. Employee of youth alleged to have committed the sexual abuse is indicated and/or convicted on a charge related to sexual abuse due to the youth's allegation.

The Program Director and the Agency PREA Coordinator stated that the youth would be continually informed as to the ongoing status of the investigation, whether it was youth on youth or staff on youth.

The facility had no allegations of sexual abuse or sexual harassment during the past twelve (12) months.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.01(b) Prevention of Sexual Abuse and Sexual Harassment of Youth

Interview:

- Interview with the Program Director
- Interview with the Agency PREA Coordinator
- Interview with DYS Investigator

## DISCIPLINE

### Standard 115.376: Disciplinary sanctions for staff

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.376 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?  Yes  No

### 115.376 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?  Yes  No

### 115.376 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?  Yes  No

### 115.376 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states staff are prohibited from engaging in sexual boundary violations, sexual abuse, sexual harassment and retaliation for reporting such conduct. Sexual misconduct perpetrated by staff is contrary to the policies of the facility and professional ethical principles that all employees are

bound to uphold. Any such conduct is cause for disciplinary action up to and including termination. There is no consensual sex in a custodial or supervisory relationship as a matter of law. A sexual act with a youth by a person in a position of authority over the youth is a felony subject to criminal prosecution. Retaliation against a resident who refuses to submit to sexual activity, or retaliation against individuals because of their involvement in the reporting or investigation of sexual misconduct, is also prohibited and possible grounds for disciplinary action including termination and criminal prosecution. Failure of employees to report incidents of sexual misconduct is cause for disciplinary action up to and including termination.

The Pre-Audit Questionnaire indicated that there were no staff that were terminated (or resigned prior to termination) for violating the facility's sexual abuse or sexual harassment policies during the past twelve (12) months. Additionally, there were no staff disciplined for violations of the PREA Policy. This was confirmed during the interview with the Program Director and the DYS Regional Director.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Pre-Audit Questionnaire

Interview:

- Interview with DYS Regional Director
- Interview with the Program Director

## Standard 115.377: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.377 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?  Yes  No

### 115.377 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with residents?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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Massachusetts DYS Policy and Procedures 01.10.01(a) Volunteer and Intern Services states that DYS shall immediately prohibit youth contact by a contractor, intern or volunteer, and/or discontinue an volunteer or intern activity, that threatens the security or the safety of a youth, employee, and/or the volunteer including acts that are in violation of this policy; or fail to follow applicable training. The Pre-Audit Questionnaire indicated that there were no contractors, interns, or volunteers reported to law enforcement for engaging in sexual abuse or sexual harassment of residents during the past twelve (12) months.

The Program Director stated that the facility would immediately remove the contractor, intern, or volunteer from the facility and would not allow them to return until the completion of an investigation. There were no reported instances of sexual assault or sexual harassment by the approved contractors, interns, or volunteers during the past twelve (12) months; therefore, there was no documentation to review regarding this standard.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.10.01(a) Volunteer and Intern Services
- Pre-Audit Questionnaire
- Signed training acknowledgement of a contractor

Interview:

- Interview with the Program Director
- Interview with the Agency PREA Coordinator
- Interview with a contractor

## Standard 115.378: Interventions and disciplinary sanctions for residents

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.378 (a)

- Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may

residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process?  
 Yes  No

#### 115.378 (b)

- Are disciplinary sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied daily large-muscle exercise?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied access to any legally required educational programming or special education services?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident receives daily visits from a medical or mental health care clinician?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the resident also have access to other programs and work opportunities to the extent possible?  Yes  No

#### 115.378 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior?  Yes  No

#### 115.378 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to offer the offending resident participation in such interventions?  Yes  No
- If the agency requires participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, does it always refrain from requiring such participation as a condition to accessing general programming or education?  Yes  No

#### 115.378 (e)

- Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact?  Yes  No

#### 115.378 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an

incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?  Yes  No

### 115.378 (g)

- If the agency prohibits all sexual activity between residents, does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that after investigation, if it is determined that a youth intentionally made false allegations and did not act in good faith based upon a reasonable belief, program behavior management systems should be utilized to address the youth's behavior. Consideration will be taken into the nature and circumstances of the incident, resident history, mental health or disabilities, and precedent of sanctions imposed under similar circumstances. Disciplinary action must be administered in a fair, impartial, and expeditious manner. Consideration must also be given to providing the offending resident therapy, counseling, or other interventions for the abuse.

Interviews with the Program Director and PREA Compliance Manager confirmed that there were no reported incidents of youth on youth sexual abuse or assault. The facility has a handbook that outlines the behavioral treatment program response for such violations. Based upon the therapeutic nature of these programs, the general approach of responses are therapeutic in nature. Behavioral change is the goal of the facility versus punitive actions.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Youth Handbook

Interview:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager



- Interview with Clinical Director
- Interview with clinician

## MEDICAL AND MENTAL CARE

### Standard 115.381: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.381 (a)

- If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?  Yes  No

#### 115.381 (b)

- If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening?  Yes  No

#### 115.381 (c)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?  Yes  No

#### 115.381 (d)

- Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that youth admitted to the facility are seen by medical staff within twenty-four (24) hours of arrival. Staff performing a youth's intake utilize a standard screening tool to determine if a youth has any immediate and/or emergency medical or mental health needs. If the youth experienced any prior sexual victimization or has perpetrated sexual abuse, whether it occurred in an Overnight Arrest (ONA), residential, or community placement, the youth will be offered a follow-up meeting with a clinical staff or a medical staff. Any time an allegation of sexual abuse occurs, the youth will be taken to Baystate Medical Center to be seen by a SANE nurse without financial cost to the youth. Upon return from the hospital, the medical staff is to assess for any lingering, acute, or on-acute physical injuries, as well as any psychological impact of the victimization.

During interviews with the Program Director and intake staff, all indicated they are aware that youth reporting prior sexual victimization or prior sexual aggression are to be referred for a follow-up meeting with medical and mental health staff. They related that services that are offered include evaluations, developing a treatment plan, and offering on-going services. Interview with medical staff confirmed that screening includes history of sexual abuse. Per medical staff interview, youth have access to all medical services available to youth in the community.

All youth interviewed confirmed that they were seen by medical staff shortly after arrival at the facility. A review of four (4) youth files noted there were no current youth who have disclosed prior victimization during screening.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Vulnerability Assessment Instrument
- Log of Admissions
- Secondary Medical Documentation
- Files of four (4) residents

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interview with the Nurse Manager
- Interview with Mental Health staff
- Interview with Intake Staff
- Interviews with youth

## Standard 115.382: Access to emergency medical and mental health services

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.382 (a)

- Do resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?  Yes  No

#### 115.382 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do staff first responders take preliminary steps to protect the victim pursuant to § 115.362?  Yes  No
- Do staff first responders immediately notify the appropriate medical and mental health practitioners?  Yes  No

#### 115.382 (c)

- Are resident victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?  Yes  No

#### 115.382 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does*

*not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth requires that any youth who requires emergency services will be taken to Baystate Medical Center for a Forensic Medical Exam. As part of the response, staff would first protect the resident and then immediately to medical. Medical staff would assess the situation and determine the extent and nature of services needed based on their professional judgement. This would be done immediately and would be free of charge to the youth. The facility's Institutional Plan fully addresses the requirements of this standard.

There were no incidents of sexual abuse or sexual assault during the past twelve (12) months.

Interviews with the Program Director and the Facility PREA Compliance Manager confirmed that youth victims of sexual abuse are provided timely and unimpeded access to emergency services at no cost to the victim.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Facility Institutional Plans
- MOU with Baystate Medical Center

Interviews:

- Interview with Program Director
- Interview with Facility PREA Compliance Manager
- Interview with Nurse Manager
- Interview with Clinical Director
- Interviews with randomly selected staff

## **Standard 115.383: Ongoing medical and mental health care for sexual abuse victims and abusers**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.383 (a)**

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?  Yes  No

### **115.383 (b)**

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?  Yes  No

### 115.383 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care?  Yes  No

### 115.383 (d)

- Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  Yes  No  NA

### 115.383 (e)

- If pregnancy results from the conduct described in paragraph § 115.383(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be residents who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  Yes  No  NA

### 115.383 (f)

- Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?  Yes  No

### 115.383 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?  Yes  No

### 115.383 (h)

- Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that youth will be offered a follow-up meeting with mental health staff. Victims of sexual abuse, while at the facility, are offered tests for transmitted diseases as medically appropriate treatment services shall be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.

There were no incidents of sexual abuse or sexual assault occurring at the facility during the past twelve (12) months. In the event that an incident was to occur, the victim would receive services from the community provider as outlined in the state-wide MOU. All on-going medical care beyond the scope of facility medical staff would be provided by community providers.

Interview with the Clinical Director confirmed the above-mentioned process occurs as detailed in this standard. In addition, the Clinical Director stated that level of the care that a resident receives is consistent with the community level of care.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth

Interviews:

- Interview with Program Director
- Interview with Nurse Manager
- Interview with Clinical Director

## DATA COLLECTION AND REVIEW

### Standard 115.386: Sexual abuse incident reviews

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

#### 115.386 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?  Yes  No

#### 115.386 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation?  
 Yes  No

#### 115.386 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?  Yes  No

#### 115.386 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?  Yes  No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?  Yes  No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?  Yes  No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts?  Yes  No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?  Yes  No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.386(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?  
 Yes  No

#### 115.386 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states within thirty (30) days of the conclusion of a sexual abuse investigation, the facility shall conduct a Sexual Abuse Incident Review of all allegations (Substantiated or Unsubstantiated), unless the allegation has been determined to be Unfounded. Reviews must be completed by upper-level management officials and must include input from shift administrators, investigators, health services and clinical employees. In addition, the Review Team must:

1. Consider whether the allegation or investigation indicated a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
2. Consider whether the incident or allegation was motivated by perceived race, ethnicity, sex, gender identity, sexual orientation, status, gang affiliation, or motivated by other group dynamics at the facility.
3. Examine the area of the facility where the incident allegedly occurred to assess whether the physical layout may enable abuse.
4. Assess the adequacy of staffing levels in that area during different shifts.
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to this section, and any recommendations for improvement and submit such a report to the Location Manager, Program Director, PREA Compliance Manager, and PREA Coordinator.
7. The facility must implement the recommendations for improvement or must document its reasons for not doing so.

The Facility PREA Coordinator stated the Incident Review Team consists of upper level management officials. A member of the Incident Review Team was interviewed during the on-site portion of this audit and was able to describe the review process that would take place in the event an allegation of sexual abuse was either Substantiated or Unsubstantiated. Staff stated the Incident Review Team would convene within thirty (30) days upon the completion of an investigation. Recommendations would include examining the need to change a policy or practice to better prevent, detect, or respond to sexual abuse or sexual harassment.

There were no incidents within the past twelve (12) months that have required an incident review.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Sexual Abuse Incident Review Template

Interviews:

- Interview with the PREA Coordinator
- Interview with Facility PREA Compliance Manager
- Interview with Incident Review Team member



## Standard 115.387: Data collection

### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.387 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?  Yes  No

#### 115.387 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually?  Yes  No

#### 115.387 (c)

- Does the incident-based data 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?  Yes  No

#### 115.387 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?  Yes  No

#### 115.387 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents? (N/A if agency does not contract for the confinement of its residents.)  Yes  No  NA

#### 115.387 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that the Director of Investigations in coordination with the PREA Coordinator shall collect uniform data for all allegations of sexual abuse based on incident reports, investigation files, and incident reviews. The PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually. The incident-based data collected shall include, at 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. Upon request, the facility shall provide all such data from the previous calendar year to the Department of Justice no later than June 30<sup>th</sup>.

An interview with the PREA Coordinator indicated that she keeps detailed records to generate her annual report and/or data required by the United States Department of Justice. There were no allegations of sexual abuse during the past twelve (12) months. The facility has submitted the Annual Sexual Violence form and has it posted on its website.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- 2019 Annual PREA Report
- DOJ 2019 Annual Survey

Interview:

- Interview with PREA Coordinator
- Interview with Facility PREA Compliance Manager

## **Standard 115.388: Data review for corrective action**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.388 (a)**

- Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response

policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?  Yes  No

#### 115.388 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse  Yes  No

#### 115.388 (c)

- Is the agency's annual report 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?  Yes  No

#### 115.388 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth states that the facility shall meet, no less than annually, to review information collected from all Sexual Abuse Incident Reviews and aggregated data included on the Survey of Sexual Violence Summary in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training including:

1. Identifying problem areas
2. Taking corrective action on an on-going basis
3. Preparing an annual report of its findings and corrective actions for Gandara

Such a report shall include a comparison of the current year's data and corrective actions with those from the prior years and shall provide an assessment of Gandara's progress in addressing sexual abuse.

The annual report shall be approved by the Commissioner of DYS and made readily available to the public through the DYS website. Specific material is redacted from the reports when publication would present a clear and specific threat to the safety and security of the program but must indicate the nature of the material redacted.

Upon request, DYS provides all program specific data from the previous calendar year to the Department of Justice in the form of the Survey of Sexual Victimization. This survey was completed by the PREA Coordinator and posted on the DYS website (most recent survey from November 26, 2019). The DYS website was reviewed by this auditor. Massachusetts DYS Policy and Procedures 01.08.02 Information Security Policy addresses the retention requirements of this standard.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 01.08.02 Information Security Policy
- PREA Annual Report (2019)
- DYS website

Interviews:

- Interview with Program Director
- Interview with PREA Coordinator

## Standard 115.389: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.389 (a)

- Does the agency ensure that data collected pursuant to § 115.387 are securely retained?  
 Yes  No

### 115.389 (b)

- Does the agency 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?  Yes  No

### 115.389 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?  Yes  No

### 115.389 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Massachusetts DYS Policy and Procedures 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth requires that aggregated sexual abuse data is made readily available to the public at least annually through the DYS website. Data collected is retained for ten (10) years after the initial collection, unless Federal, State, or local law requires otherwise.

The facility's Annual PREA Report is reviewed and approved by the Commissioner of DYS and made available to the public through its website. The PREA Coordinator noted that no personally identifiable information is included in the report. The most recent Annual PREA Report (2019) is posted on the DYS website and was reviewed by this auditor. The Massachusetts DYS Policy and Procedures 01.08.02 Information Security Policy addresses the data requirements of this standard.

Reviewed documentation to determine compliance:

- Massachusetts DYS Policy 01.05.07(b) Prevention of Sexual Abuse and Sexual Harassment of Youth
- Massachusetts DYS Policy 01.08.02 Information Security Policy
- PREA Annual Report (2019)
- DYS website

Interviews:

- Interview with Program Director
- Interview with PREA Coordinator

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

#### All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

##### 115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*)  Yes  No

##### 115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*)  Yes  No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.)  Yes  No  NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.)  Yes  No  NA

##### 115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?  Yes  No

##### 115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?  Yes  No

##### 115.401 (m)

- Was the auditor permitted to conduct private interviews with residents?  Yes  No

##### 115.401 (n)

- Were residents permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This is the first PREA audit of Gandara RISE. This PREA audit occurred during the first year of the 3<sup>rd</sup> three-year PREA cycle on October 28, 2020.

The facility provided all requested information via e-mail. The audit notification was posted more than six (6) weeks prior to the on-site portion of this audit (posted on July 30, 2020), and pictures of the notifications posted in all common areas, living units, and the front entrance were submitted to this auditor via e-mail. During the tour of the facility, the notifications were still posted and viewed by this auditor. This auditor did not receive any correspondence from staff or youth. This auditor was permitted to and did tour all areas of the facility; and was provided a confidential area of the facility to complete interviews of youth and staff.

The facility has met this standard by having its facility audited during the first 3-year cycle. The report is posted on the DYS website.

Reviewed documentation to determine compliance:

- Pre-Audit Questionnaire
- Tour of facility
- DYS website

## Standard 115.403: Audit contents and findings

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.)  Yes  No  NA

## Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The final PREA report will be posted within ninety (90) days of issuance by the auditor. This was confirmed by an interview with the facility PREA Coordinator.

Reviewed documentation to determine compliance:

- DYS website

Interview:

- Interview with PREA Coordinator

## AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any resident or staff member, except where the names of administrative personnel are specifically requested in the report template.



## Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.<sup>1</sup> Auditors are not permitted to submit audit reports that have been scanned.<sup>2</sup> See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Farooq Mallick

December 3, 2020

**Auditor Signature**

**Date**

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<sup>1</sup> See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c110>.

<sup>2</sup> See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.