



Department of State Police

Massachusetts State Police Prison Rape Elimination Act (PREA) Annual Report 2020

PREA was established in 2003 to address sexual abuse and sexual harassment of persons in the custody of U.S. correctional prisons. Major provisions of PREA included the development of standards for detections, prevention, reduction and punishment of sexual abuse and sexual harassment in confinement settings. The Act applies to all public and private institutions that house adult or juvenile offenders. On August 20, 2012, the PREA standards final rule became effective. The Massachusetts State Police has a zero tolerance policy on issues pertaining to sexual abuse and sexual harassment involving detainees and is working continuously to develop and implement policies to prevent, detect, and respond to sexual misconduct allegations. Whenever an agency employee is alleged to have engaged in criminal conduct, the matter will be investigated by State Police Detective Unit assigned to the District Attorney's Office of jurisdiction. It is the policy of Massachusetts State Police to thoroughly investigate all complaints of alleged employee misconduct to properly determine whether or not the allegations are substantiated or unfounded and to take appropriate follow up action.

PREA further requires the Massachusetts State Police to aggregate and review that data in order to assess and improve the Department's effectiveness as an agency at preventing, detecting and responding to PREA. Standards related to the collection of data include § 115.87 & § 115.287 Data Collection, § 115.88 & § 115.288 Data Review for Corrective Action, § 115.89 & § 115.289 Data Storage, Publication, and Destruction. For reference purposes, they are included within this report.

The Department policy (DET-07A) mandates that the Department shall annually review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including: identifying problem areas; taking corrective action on an on-going basis; and preparing an annual report of its findings from its data review and any corrective actions for each lockup, as well as the agency as a whole. The PREA coordinator's annual report shall 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. Upon approval of the Colonel, said report shall be made publically available upon request subject to redaction if appropriate.

The Department now employs the use of body worn cameras (BWC) which the Department anticipates will capture officer-detainee interactions which will provide useful and accurate depiction of events during any PREA related investigations.

For purposes of this report, the following definitions apply:

Unfounded- Complaint or incident is false and not factual.

Exonerated - Incident occurred, but employee's action was lawful and proper.

Not Sustained - Insufficient evidence to prove or disprove the complaint.

Sustained - The complaint or incident is supported by sufficient evidence to prove employee misconduct.

Statistics 2016-2020

2016	2017	2018	2019	2020
<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Non Sustained: 0 Exonerated: 0 Pending:	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Non Sustained: 0 Exonerated: 0 Pending:

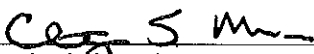
2016	2017	2018	2019	2020
<u>Staff on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Staff on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Staff on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending:	<u>Staff on</u> <u>Detainee:</u> Reported: 3* Sustained: 0 Unfounded: 1 Not Sustained: 0 Exonerated: 0 Pending: 2	<u>Staff on</u> <u>Detainee:</u> Reported: 2 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 2

PREA Data Collection Summary 2020

*There were three (3) alleged PREA related incidents which allegedly occurred in 2019. The first alleged a staff-on-detainee violation. In that case, the PREA investigator determined, after investigating the complaint, it was her opinion, as a trained PREA investigator, that the alleged act was neither a PREA violation nor was it criminal in nature. The complaint was unfounded. Two other cases alleged misconduct during roadside searches/arrests and remain under investigation. These cases were not included on the 2019 annual report and the Department hereby amends the 2019 Report.

The Massachusetts State Police continues to show careful consideration for detainees held in its facility when addressing sexual abuse. The Department is committed to investigate all reports of sexual abuse or harassment and to full compliance with PREA.

APPROVED:



 Colonel Christopher S. Mason
 Superintendent
 Massachusetts State Police