



# *The Commonwealth of Massachusetts*

Executive Office of Health and Human Services

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### **ANNUAL REPORT**

**TO:** Cecely A. Reardon, Commissioner  
**FROM:** The Investigations Unit  
**SUBJECT:** PREA Annual Report for January 2023 - December 2023  
**DATE:** April 4, 2025

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The Prison Rape Elimination Act (PREA), enacted in 2003, prohibits sexual misconduct in correctional settings such as prisons, jails, and lockups, and includes juvenile facilities. Pursuant to 28 C.F.R. Part 115, the *National PREA Standards to Prevent, Detect, and Respond to Prison Rape* took effect on August 20, 2012; however, the Department of Youth Services (DYS) began implementing the standards in 2005, while they were still in draft form, and has been an active participant in the development and modifications of the standards.

This report aims to provide an accounting of the PREA-related incidents processed by DYS in 2023, including corrective action undertaken to improve the effectiveness of our response policies and practices. This is the eleventh annual PREA report by DYS. It includes a summary of new incidents, proposed corrective actions, and an assessment of progress made toward any corrective actions identified in last year's report. This allows us to continually gauge our progress and improve the effectiveness of our prevention, detection, and response policies, practices, and training.

Any policy or programmatic corrective actions identified in the 2022 report were resolved and did not require follow-up, and DYS has continued its training and monitoring regarding PREA and the reporting process.

The definitions relied on in the report are from PREA, 28 C.F.R. Part 115, and the Survey of Sexual Victimization prepared by the U.S. Department of Justice, Bureau of Justice Statistics ("the Survey").

**Sexual abuse** by staff is comprised of two categories under 28 C.F.R. §115.6: staff sexual misconduct and staff sexual harassment.

**Staff sexual misconduct** by program staff under 28 C.F.R. §115.6 is defined as:

Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family or other visitor).

Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include-

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR

- Completed, attempted, threatened, or requested sexual acts;

OR

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism reasons unrelated to official duties or for sexual gratification.

**Staff sexual harassment** under 28 C.F.R. §115.6 is defined as:

Repeated verbal comments or gestures of a sexual nature to a youth by an employee, contractor, official visitor, volunteer, or other agency representative (exclude family, friend, or other visitors) including:

- Demeaning references to gender, sexually suggestive or derogatory comments about body or clothing;
- Repeated profane or obscene language or gestures.

The Survey defines sexual abuse by other youths as comprising three categories: nonconsensual sexual acts, abusive sexual contact, and sexual harassment.

**Nonconsensual sexual acts** are defined as:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

OR

Contact between the mouth and the penis, vulva, or anus;

OR

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

**Abusive sexual contact** by one youth against another youth is defined by the Survey as:

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

EXCLUDE incidents in which the contact was incidental to a physical altercation.

Finally, the Survey defines **sexual harassment of a youth by another youth** as:

Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

### **Reportable Incidents Involving Staff and Youth**

In 2023, DYS received four reports from youths alleging sexual abuse by program staff and six reports from youths alleging sexual abuse by other youths, for a total of ten (10) reports implicating PREA.

Regarding the specific types of incidents reported involving staff, two allegations of staff sexual misconduct were reported: one matter remains open and ongoing, and one allegation was determined to be unfounded.<sup>1</sup> There were two allegations of staff sexual harassment reported; one allegation was unfounded, and the second matter was determined to be unsubstantiated.

The following section is a summary of the investigation activity regarding the four allegations<sup>2</sup> of staff sexual abuse.

#### **Staff Sexual Misconduct Allegations**

**Hardware Secure Detention Programs – 0 reported allegations**

#### **Staff Sexual Misconduct Allegations**

**Hardware Secure Assessment/Treatment Program – 0 reported allegations**

#### **Staff Sexual Misconduct Allegations**

**Staff Secure Detention Program – 0 reported allegations**

#### **Staff Sexual Misconduct Allegations**

**Staff Secure Assessment/Treatment Program – 2 reported allegations**

**Response Description #1:** A youth reported an allegation of sexual misconduct by a staff member to staff. The allegation was reported to the Department of Children and Families (DCF) pursuant to M.G.L. c. 119, section 51A (“51A”). The DYS Investigations Unit investigated the report.

**Findings:** DCF screened in the report for investigation pursuant to M.G.L. c. 119, section 51B (“51B”). The DCF 51B report did not support the allegations of sexual abuse but did support allegations of neglect. This matter is part of a larger investigation that has been referred to law enforcement and remains open and ongoing.

**Corrective Actions:** Whereas this matter remains open, no policy or programmatic issues requiring corrective action have been identified at this time.

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<sup>1</sup> An unfounded allegation means an allegation that was investigated and determined not to have occurred. *Id.*

<sup>2</sup> Program name and location have been redacted to preserve the confidentiality of the involved parties as well as maintain safety and security of the specific facility.

**Response Description #2:** Two youths reported allegations of sexual misconduct by a staff member to staff. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was unfounded.

**Corrective Actions:** No policy or programmatic issues requiring corrective action were identified.

#### **Staff Sexual Harassment Allegations**

##### **Hardware Secure Detention Program – 1 reported allegation**

**Response Description #1:** A youth reported allegations of sexual harassment by a staff member to staff. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** This incident was reviewed by the Director of Investigations, who determined that the allegation was unfounded.

**Corrective Actions:** No policy or programmatic issues requiring corrective action were identified.

#### **Staff Sexual Harassment Allegations**

##### **Hardware Secure Assessment/Treatment Program – 1 reported allegation**

**Response Description #1:** A youth reported allegations of sexual harassment by a staff member to staff. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was unsubstantiated.

**Corrective Actions:** No policy or programmatic issues requiring corrective action were identified.

#### **Staff Sexual Harassment Allegations**

##### **Independent Living Program – 0 reported allegations**

#### **Staff Sexual Harassment Allegations**

##### **Staff Secure Detention Program – 0 reported allegations**

### **Reportable Incidents Involving Youth Only**

With respect to the specific types of incidents reported involving youth and other youth, six (6) allegations of nonconsensual sexual acts, or abusive sexual contact were reported: three were substantiated, two were determined to be unsubstantiated, and one incident was reported to Law Enforcement and remains open and on-going. There were seventeen (17) allegations of youth-initiated sexual harassment reported: six were substantiated, one was unfounded, and ten were determined to be unsubstantiated.

The following section is a summary of investigation activity regarding the nine reports of youth upon youth abusive sexual contact.

### **Allegations of Youth on Youth Abusive Sexual Contact**

#### **Hardware Secure Detention Program – 1 reported allegation**

**Response Description #1:** The allegation of abusive sexual contact by means of touching a thigh area and pinching of a breast by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was substantiated.

**Corrective Actions:** Disciplinary action was taken against staff, and the staff member was re-trained on the DYS Preventing and Responding to Sexual Abuse, Sexual Exploitation, and Sexual Harassment of Youth Policy.

### **Allegations of Youth on Youth Abusive Sexual Contact**

#### **Hardware Secure Revocation Program – 0 reported allegations**

### **Allegations of Youth on Youth Abusive Sexual Contact**

#### **Hardware Secure Treatment Program – 1 reported allegation**

**Response Description #1:** The allegation of abusive sexual contact by a youth indicating that another youth had touched his buttocks was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was substantiated.

**Corrective Actions:** A review of general and situational awareness best practices and proper supervision procedures was conducted with staff.

### **Allegations of Youth on Youth Abusive Sexual Contact**

#### **Staff Secure Detention Program – 1 reported allegation**

**Response Description #1:** The allegation of abusive sexual contact described as a youth poking another youth's buttocks with a broom was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

## **Allegations of Youth on Youth Abusive Sexual Contact**

### **Staff Secure Treatment Program – 3 reported allegations**

**Response Description #1:** The allegation of abusive sexual contact described as a violation of sexual boundaries by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**Response Description #2:** The allegation of abusive sexual contact described as a youth giving another youth a “wedgie” as well as possible exposure of genitalia was reported by a youth to a staff member. The Director of Investigations assigned this matter to DYS Investigator.

**Findings:** A DYS Investigator investigated this matter and determined that the allegations were substantiated.

**Corrective Actions:** The Preventing and Responding to Sexual Abuse, Sexual Harassment and Sexual Exploitation Policy was reviewed with all staff.

**Response Description #3:** The allegation of abusive sexual contact by a youth was reported by a youth to a staff member. The Director of Investigations assigned this matter to DYS Investigator.

**Findings:** This matter was referred to Law Enforcement and remains open and ongoing.

**Corrective Actions:** This matter is ongoing. Therefore, no corrective actions have been identified at this time.

The following section is a summary of investigation activity regarding the seventeen reports of youth upon youth sexual harassment.

## **Allegations of Youth on Youth Sexual Harassment**

### **Staff Secure Treatment Programs – 6 reported allegations**

**Response Description #1:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was substantiated.

**Corrective Actions:** The Preventing and Responding to Sexual Abuse, Sexual Harassment and Sexual Exploitation Policy was reviewed with the youth, and a change was made to separate the sleeping areas of the youths involved.

**Response Description #2:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**Response Description #3:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was substantiated.

**Corrective Actions:** Situational awareness procedures were reviewed with all staff.

**Response Description #4:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** This matter was assigned to the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**Response Description #5:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** This matter was assigned to the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**Response Description #6:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** This matter was assigned to the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

### **Allegations of Youth on Youth Sexual Harassment**

#### **Staff Secure Detention Programs – 3 reported allegations**

**Response Description #1:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted An Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was substantiated.

**Corrective Actions:** The Preventing and Responding to Sexual Abuse, Sexual Harassment and Sexual Exploitation Policy was reviewed with the youth.

**Response Description #2:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program submitted an Internal Review, and this report was reviewed by the Director of Investigations, who determined that the allegation was substantiated.

**Corrective Actions:** The Preventing and Responding to Sexual Abuse, Sexual Harassment and Sexual Exploitation Policy was reviewed with the youth.

**Response Description #3:** The allegation of sexual harassment by a youth was reported by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** This matter was assigned to the Director of Investigations, who determined the allegation to be unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

### **Allegations of Youth on Youth Sexual Harassment**

#### **Staff Secure Revocation Programs – 1 reported allegation**

**Response Description #1:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.



### **Allegations of Youth on Youth Sexual Harassment**

#### **Hardware Secure Assessment/Treatment Program – 2 reported allegations**

**Response Description #1:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was unfounded.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**Response Description #2:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

### **Allegations of Youth on Youth Sexual Harassment**

#### **Hardware Secure Detention Program – 4 reported allegations**

**Response Description #1:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was substantiated.

**Corrective Actions:** The youths were separated during programming.

**Response Description #2:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was substantiated.

**Corrective Actions:** Staff were provided additional training for line of sight best practices when multiple groups of youth are in programming as well as a review of the Preventing and Responding to Sexual Abuse, Sexual Harassment and Sexual Exploitation Policy.

**Response Description #3:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The program has not yet submitted its Internal Review report, and this matter remains open at this time.

**Corrective Actions:** This matter is ongoing. Therefore, no corrective actions have been identified at this time.

**Response Description #4:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** An Internal Review was submitted by the program and reviewed by the Director of Investigations who determined that the allegation was unsubstantiated.

**Corrective Actions:** A community meeting was held to discuss PREA, horseplay, and boundaries. Staff advised on methods to prevent physical horseplay.

### **Allegations of Youth on Youth Sexual Harassment**

#### **Hardware Secure Revocation Program – 1 reported allegation**

**Response Description #1:** A youth reported the allegation of sexual harassment by a youth to a staff member. The Director of Investigations requested that the program complete an Internal Review of the allegation.

**Findings:** The incident report was reviewed by the Director of Investigations who determined that the allegation was unsubstantiated.

**Corrective Actions:** No other policy or programmatic issues requiring corrective action were identified.

**DEPARTMENT OF YOUTH SERVICES-PREA INVESTIGATION SUMMARY**  
**Report for: January 2023-December 2023**  
\*see legend

<b>Date</b>	<b>Method of Report*</b>	<b>Type of Program</b>	<b>Status</b>
<b>January</b>	<b>S, V</b>	<b>HWS</b>	<b>Closed</b>
<b>January</b>	<b>S, V</b>	<b>SS</b>	<b>Closed</b>
<b>February</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>
<b>February</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>March</b>	<b>S, V</b>	<b>SS</b>	<b>Open</b>
<b>March</b>	<b>S, V</b>	<b>SS</b>	<b>Closed</b>
<b>March</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>March</b>	<b>Y, W</b>	<b>HWS</b>	<b>Closed</b>
<b>March</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>March</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>
<b>March</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>April</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>
<b>April</b>	<b>S, W</b>	<b>HWS</b>	<b>Closed</b>

<b>April</b>	<b>Y, V</b>	<b>SS</b>	<b>Open</b>
<b>May</b>	<b>Y, V</b>	<b>SS</b>	<b>Open</b>
<b>May</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>
<b>June</b>	<b>Y, V</b>	<b>SS</b>	<b>Open</b>
<b>June</b>	<b>Y, V</b>	<b>SS</b>	<b>Open</b>
<b>July</b>	<b>S, W</b>	<b>SS</b>	<b>Closed</b>
<b>August</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>August</b>	<b>Y, V</b>	<b>SS</b>	<b>Open</b>
<b>October</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>
<b>October</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>October</b>	<b>Y, V</b>	<b>HWS</b>	<b>Open</b>
<b>November</b>	<b>S, V</b>	<b>SS</b>	<b>Open</b>
<b>November</b>	<b>Y, GB</b>	<b>HWS</b>	<b>Closed</b>
<b>December</b>	<b>Y, V</b>	<b>HWS</b>	<b>Open</b>
<b>December</b>	<b>Y, V</b>	<b>HWS</b>	<b>Closed</b>

<b>December</b>	<b>Y, V</b>	<b>SS</b>	<b>Closed</b>
<b>December</b>	<b>S, W</b>	<b>SS</b>	<b>Closed</b>

<b>Legend for Method of Report</b>
<b>Y: resident reported</b>
<b>S: staff reported</b>
<b>P: parent</b>
<b>W: written</b>
<b>V: verbal</b>
<b>GB: grievance box</b>
<b>A: anonymous report, other than via grievance box</b>

<b>Legend for Type of Program</b>
<b>HWS: Hardware Secure</b>
<b>SS: Staff Secure</b>
<b>ONA: Overnight Arrest</b>
<b>RC: Reception Center</b>
<b>TP: Transition to Independent Living</b>