



# Department of State Police

## **Massachusetts State Police Prison Rape Elimination Act (PREA) Annual Report 2023**

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.

All complaints received by the State Police involving allegations of sexual abuse or harassment by an officer are subject to criminal and/or administrative review and investigation(s). The PREA regulations and standards specifically apply to instances of reported sexual abuse or harassment by a detainee in a State Police lock-up facility. Moreover, any complaint submitted by a detainee alleging sexual abuse or harassment which reportedly occurred after the detainee has been (1) arrested upon probable cause and/or valid legal process, (2) handcuffed or otherwise restrained, and (3) placed into a State Police cruiser for transport to a State Police lock-up, is also subject to the protocols set forth in DET-07 and DET-7A (PREA Policies) as well as all other applicable Department policies.

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 reports cases for the year in which the complaint is received.

The Department continues to employ the use of body worn cameras video (BWCV) which have rendered useful and outcome determinative evidence in several investigations of DET-07 investigations.

For purposes of this report, the following definitions apply:

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

Unfounded - Complaint or incident is false and not factual

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 2019-2022

2019	2020	2021	2022	2023
<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 0	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 0	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 0	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 0	<u>Detainee on</u> <u>Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 0 Pending: 0

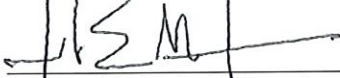
2019	2020	2021	2022	2023
<u>Staff on Detainee:</u> Reported: 3 Sustained: 0 Unfounded: 1 Not Sustained: 0 Exonerated: 2 Pending: 0	<u>Staff on Detainee:</u> Reported: 2 Sustained: 0 Unfounded: 1 Not Sustained: 0 Exonerated: 0 Pending: 1*	<u>Staff on Detainee:</u> Reported: 0 Sustained: 0 Unfounded: 0 Not Sustained: Exonerated: 0 Pending: 0	<u>Staff on Detainee:</u> Reported: 4 Sustained: 0 Unfounded: 4 Not Sustained: 0 Exonerated: 0 Pending: 0	<u>Staff on Detainee:</u> Reported: 1 Sustained: 0 Unfounded: 0 Not Sustained: 0 Exonerated: 1 Pending: 0

### PREA Data Collection Summary 2023

The Massachusetts State Police continues to exercise zero tolerance for sexual assaults occurring in its facility through annual PREA training for all members as well as through its reporting requirements. The Department is committed to investigating all reports of sexual abuse or harassment in full compliance with the PREA standards. Prior PREA investigation statistics can be located on the Massachusetts State Police Public website at <https://www.mass.gov/orgs/massachusetts-state-police>.

\*This administrative investigation was initiated in 2022 after the complainant filed a civil case in 2022 alleging sexual abuse during her 2019 arrest. The administrative investigation was stayed pending the outcome of the civil case.

APPROVED:



Colonel John E. Mawn Jr.  
Superintendent  
Massachusetts State Police