

## Prison Rape Elimination Act (PREA) Audit Report Lockups

Interim       Final

Date of Report    10/04/2018

### Auditor Information

|  |   |
|--|---|
| Name: Dorothy Xanos                              | Email: dorothy.xanos@ <span style="background-color: black; color: red;">G.L. c. 4, sec. 7 cl. 26(c) Privacy</span> |
| Company Name: TrueCore Behavioral Solutions, LLC |   |
| Mailing Address: P.O. Box 4068                   | City, State, Zip: Deerfield, Florida 33442  |
| Telephone: (813) 918-1088                        | Date of Lockup Visit: 10/03/18  |

### Agency Information

|  |  |
|--|--|
| Name of Agency:<br>Massachusetts State Police  | Governing Authority or Parent Agency (If Applicable):<br>Commonwealth of Massachusetts Executive Office of Public Safety and Security  |
| Physical Address: 450 Worcester Road   | City, State, Zip: Framingham, MA 01702   |
| Mailing Address: Click or tap here to enter text.  | City, State, Zip: Click or tap here to enter text.   |
| Telephone: (508) 820-2300  | Is Agency accredited by any organization? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| The Agency Is:   | <input type="checkbox"/> Military <input type="checkbox"/> Private for Profit <input type="checkbox"/> Private not for Profit<br><input type="checkbox"/> Municipal <input type="checkbox"/> County <input checked="" type="checkbox"/> State <input type="checkbox"/> Federal |
| Agency mission: As the principal statewide law enforcement agency in the Commonwealth, the Massachusetts State Police, in partnership with local communities, shall provide for the public safety by providing quality policing directed at achieving safer roadways, and reducing crime to investigations, education and patrol services, and by providing leadership and resources during natural disasters, civil disorders and critical incidents. |  |
| Agency Website with PREA Information: <a href="http://www.mass.gov/eopss/agencies/msp">http://www.mass.gov/eopss/agencies/msp</a>  |  |

### Agency Chief Executive Officer

|  |                           |
|--|---------------------------|
| Name: Col. Kerry A. Gilpin               | Title: Superintendent     |
| Email: Kerry.Gilpin@massmail.state.ma.us | Telephone: (508) 820-2300 |

### Agency-Wide PREA Coordinator

|   |  |
|---|--|
| <b>Name:</b> Det. Capt. Stephen Gawron                            | <b>Title:</b> Det. Captain   |
| <b>Email:</b> Stephen.Gawron@massmail.state.ma.us                 | <b>Telephone:</b> (508) 820-2300   |
| <b>PREA Coordinator Reports to:</b><br>Lt. Col. Christopher Mason | <b>Number of Compliance Managers who report to the PREA Coordinator</b> Not applicable |

### Lockup Information

|   |
|---|
| <b>Name of Lockup:</b> Massachusetts State Police – Concord (A-3) |
| <b>Physical Address:</b> 906 Elm Street, Concord, MA 01742        |

|  |
|--|
| <b>Mailing Address (if different than above):</b> Click or tap here to enter text. |
|--|

|   |
|---|
| <b>Telephone Number:</b> (978) 369-4100 |
|---|

|                                    |                                   |   |   |
|------------------------------------|-----------------------------------|---|---|
| <b>The Lockup Is:</b>              | <input type="checkbox"/> Military | <input type="checkbox"/> Private for Profit | <input type="checkbox"/> Private not for Profit |
| <input type="checkbox"/> Municipal | <input type="checkbox"/> County   | <input checked="" type="checkbox"/> State   | <input type="checkbox"/> Federal                |

|                     |  |                                  |  |                                |
|---------------------|--|----------------------------------|--|--------------------------------|
| <b>Lockup Type:</b> | <input checked="" type="checkbox"/> Police | <input type="checkbox"/> Sheriff | <input type="checkbox"/> Court Holding | <input type="checkbox"/> Other |
|---------------------|--|----------------------------------|--|--------------------------------|

**Lockup Mission:** As the principal statewide law enforcement agency in the Commonwealth, the Massachusetts State Police, in partnership with local communities, shall provide for the public safety by providing quality policing directed at achieving safer roadways, and reducing crime to investigations, education and patrol services, and by providing leadership and resources during natural disasters, civil disorders and critical incidents.

|  |
|--|
| <b>Lockup Website with PREA Information:</b> <a href="http://www.mass.gov/eopss/agencies/msp">http://www.mass.gov/eopss/agencies/msp</a> |
|--|

|  |   |
|--|---|
| <b>Have there been any internal or external audits of and/or accreditations by any other organization?</b> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

### Director

|  |                                  |
|--|----------------------------------|
| <b>Name:</b> Lt. Richard Hunter              | <b>Title:</b> Station Commander  |
| <b>Email:</b> richard.hunter@pol.state.ma.us | <b>Telephone:</b> (978) 369-4100 |

### Lockup PREA Compliance Manager

|  |  |
|--|--|
| <b>Name:</b> Not applicable                    | <b>Title:</b> Click or tap here to enter text.     |
| <b>Email:</b> Click or tap here to enter text. | <b>Telephone:</b> Click or tap here to enter text. |

### Lockup Health Service Administrator

|  |  |
|--|--|
| <b>Name:</b> Not applicable                    | <b>Title:</b> Click or tap here to enter text.     |
| <b>Email:</b> Click or tap here to enter text. | <b>Telephone:</b> Click or tap here to enter text. |

### Lockup Characteristics

|  |  |   |   |
|--|--|---|---|
| Designated Lockup Capacity: 3  |  | Current Population of Lockup: 0   |   |
| Number of detainees admitted to lockup during the past 12 months   |  |   | 253   |
| Number of detainees admitted to lockup during the past 12 months who were transferred from a different community confinement lockup:   |  |   | 83  |
| Number of detainees admitted to lockup during the past 12 months whose length of stay in the lockup was for 30 days or more:   |  |   | Not applicable                              |
| Number of detainees admitted to lockup during the past 12 months whose length of stay in the lockup was for 72 hours or more:  |  |   | Not applicable                              |
| Number of detainees on date of audit who were admitted to lockup prior to August 20, 2012:   |  |   | Not applicable                              |
| Age Range of Population:   | <input checked="" type="checkbox"/> Adults | <input type="checkbox"/> Juveniles  | <input type="checkbox"/> Youthful detainees |
|  | 18-62                                      | Under 18 years old  | Under 18 years old                          |
| Are youthful detainees housed separately from the adult population   |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA |   |
| Number of juveniles/youthful detainees held in the lockup during the past 12 months:   |  |   | 1   |
| Are detainees housed overnight?  |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                             |   |
| Average length of stay or time under supervision:  |  |   | less than 4 hours                           |
| Lockup Security Level:   |  |   | Locked cells                                |
| Detainee Custody Levels:   |  |   | Locked cells                                |
| Number of staff currently employed by the lockup who may have contact with detainees:  |  |   | [REDACTED]                                  |
| Number of staff hired by the lockup during the past 12 months who may have contact with detainees:   |  |   | [REDACTED]                                  |
| Number of contracts in the past 12 months for services with contractors who may have contact with detainees:   |  |   | 0   |
| <b>Physical Plant</b>  |  |   |   |
| Number of Buildings: 1   |  | Number of Single Cell Holding Areas: 1  |   |
| Number of Multiple Cell Holding Areas:   |  | 1   |   |
| Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room, is retention of video, etc.): |  |   |   |
| The State Police Barracks in Concord (A-3) has one cell block containing (3) three cells. <span style="color: red;">G.L. c. 4, sec. 7 cl. 26(n) Security</span>                        |  |   |   |
| [REDACTED] G.L. c. 4, sec. 7 cl. 26(n) Security [REDACTED]   |  |   |   |
| <b>Medical</b>   |  |   |   |
| Type of Medical Lockup:  |  | Not applicable  |   |
| Forensic sexual assault medical exams are conducted at:  |  | Emerson Hospital  |   |
| <b>Other</b>   |  |   |   |
| Number of contractors and detainees currently working in the lockup:   |  |   | 0   |

|  |    |
|--|----|
| Number of volunteers, who may have contact with detainees, authorized to enter the lockup:       | 0  |
| Number of volunteers and individual contractors currently authorized to enter the lockup:        | 0  |
| Number of investigators the agency currently employs to investigate allegations of sexual abuse: | 51 |

## Audit Findings

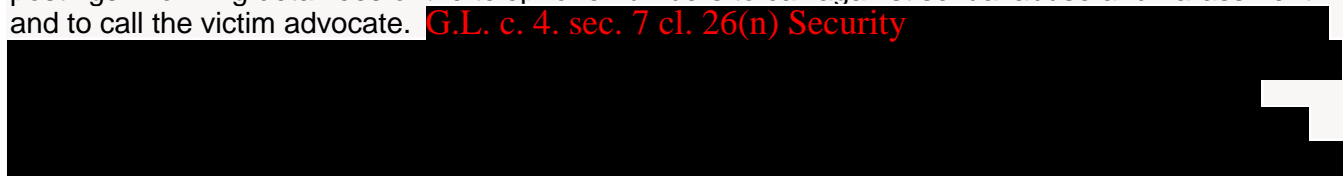
### Audit Narrative

*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 PREA audit of the Massachusetts State Police Barracks in Concord (A-3) was conducted on October 3, 2018 by Dorothy Xanos, US DOJ Dual Certified PREA Auditor. The audit begins with the notification of the on-site audit that was posted by August 30, 2018, five (5) weeks prior to the date of the on-site audit. The posting of the notices were verified during the tour and verified by photographs and an email received on a CD from the MSP Deputy Chief Legal Counsel. The photographs indicated notices were posted in the booking area. This auditor did not receive any communication from the staff, detainees, visitors, contractors, volunteers or interns as a result of the posted notices.

The Pre-Audit Questionnaire, policies, procedures, and supporting documentation for all thirty-three (33) standards were received by September 8, 2018. The documentation was uploaded to a CD but the information was limited. The Pre-Audit Questionnaire and supporting documentation did not sufficiently address eight (8) standards. The supporting documentation for the eight (8) standards was provided to this auditor during the on-site and after the on-site visit to the station/barracks. Also a number of supporting documents were provided during the on-site visit to address the deficiencies and are summarized in this report under the related standards.

The on-site audit was conducted on October 3, 2018. An entrance briefing was conducted with the Station Commander. During the entrance briefing, it was explained the audit process and a tentative schedule for the day to include conducting interviews with the state troopers and detainees and reviewing the documentation. A complete guided tour of the entire station/barracks was conducted including the lobby/reception area, command center, booking area, garage, storage areas, kitchen/dining area, files/report room, administrative offices, conference room, fitness room, male and female dorm/locker areas. Notification of the PREA audit was posted in the booking area as well as postings informing detainees of the telephone numbers to call against sexual abuse and harassment and to call the victim advocate. **G.L. c. 4, sec. 7 cl. 26(n) Security**



All three (3) holding cells were modified after the on-site visit and this auditor was provided with documentation (pictures) confirming the corrections had been completed.

During the on-site visit, there were no detainees brought to this station/barracks. Therefore, this auditor was unable to interview detainees from the targeted groups that are identified as follows: detainees with a physical disability; detainees who are blind, deaf, or hard of hearing; detainees who are Limited English Proficient (LEP); detainees with a cognitive disability; detainees identified as potentially vulnerable to sexual victimization during risk screening and juveniles/youthful detainees.

§ 1.1, c. 4, sec. 7 (1) 2001 Security staff were formally interviewed including § 1.1 state troopers from three § 1.1 shifts (supervisory and staff), Station Commander (retaliation monitor and incident review team), human resources, DIS investigator, (2) risk screening and intake staff, and security staff were interviewed during the day of the on-site visit. Additionally, interviews were conducted via telephone with the MSP Colonel and Detective Captain/PREA Coordinator prior to the on-site visit. Overall, the interviews revealed the staff is knowledgeable of the PREA standards and were able to articulate their responsibilities and their mandated duty to report.

At the end of the day, an exit briefing with a summary of the findings was conducted with the Station Commander. At the exit debriefing, it was discussed that the supporting documentation that was missing from the CD of the identified standards and the additional documentation required for one (1) standard would be sent to this auditor within the next three (3) weeks to be in compliance with all the PREA standards. The requested information was sent to this auditor by the MSP Detective Captain/PREA Coordinator and MSP Deputy Chief Legal Counsel prior to the submission of this report. This auditor reviewed all requested information and this facility is in full compliance with the PREA Standards.

## Lockup Characteristics

*The auditor's description of the audited lockup should include details about the lockup type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the lockup, 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.*

The Massachusetts State Police (MSP) is the statewide law enforcement agency for the Commonwealth of Massachusetts executive office of Public Safety and Security responsible for criminal law enforcement and traffic vehicle regulation across the state. There are five (5) operational divisions: Field Services, Investigative Services, Standards and Training, Homeland Security and Administration and Finance. These facilities are staffed and maintained with investigative, tactical and support units throughout the state. Massachusetts is divided into six (6) different troop areas for State Police. This station/barracks is located in the northeast section of the Commonwealth known as Troop "A". The Troop "A" headquarters is located in the Danvers Station and has primary law enforcement responsibilities in many municipalities that lack local police department Northeast Massachusetts.

The Massachusetts State Police Barracks in Concord (A-3) located between two (2) prisons and on Rt. 2, with a coverage area of over 237 square miles in fourteen (14) cities and towns. This structure is a three (3) story brick Colonial built during the 1930's. The barracks was constructed as part of the WPA program, a program developed as part of President Franklin D. Roosevelt's "New Deal" plan to rescue the United States from the Great Depression. The station is comprised of a lobby/reception area, command center, booking area, garage, fitness room, files/report room, court office, storage areas, kitchen/dining area, on the second floor - Commercial Motor Vehicle Enforcement Section offices, certification unit, administrative offices, and third floor - male and female dorm/locker areas. There are no showers in the station/barracks and detainees are provided a washbasin for cleaning up in the event

a detainee is held for a long time overnight. The booking area has a cuffing rail/bench and three (3) holding cells adjacent to the booking area each containing a bench and toilet. Located in the booking area is a placard mounted on the wall with the PREA information/zero tolerance (SEXUAL ASSAULT IS AN ACT OF VIOLENCE). The average booking hold is less than four (4) hours and rarely does a detainee ever be placed in a holding cell. The posting informs detainees that they can report sexual assault or harassment by telling any state trooper or staff, by submitting a written complaint, or by having a friend or relative report the incident for the detainee. It also informs the detainee that they, or someone on their behalf, can anonymously report any alleged incident to the Massachusetts Attorney General's Office (AGO) at (617) 963-2800, and that the AGO is a third party entity not affiliated with the State Police.

Concord (A-3) Station is staffed with [REDACTED] sworn police personnel. MSP shares space in this station with the Commercial Motor Vehicle Enforcement Section or "Truck Team"; a national model for enforcement agencies. Also, this station assists Hanscom Air Force Base with security and law enforcement and assists Park Rangers at the historic Minuteman National Park. During the on-site visit, the staffing pattern was a [REDACTED] and [REDACTED] officers on the mid-shift; [REDACTED] officers on the day shift; and [REDACTED] officers on the evening shift.

## Summary of Audit Findings

*The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.*

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

|  |                       |
|--|-----------------------|
| <b>Number of Standards Exceeded:</b>         | 2 (115.117 & 115.131) |
| <b>Number of Standards Met:</b>              | 31                    |
| <b>Number of Standards Not Met:</b>          | 0                     |
| <b>Summary of Corrective Action (if any)</b> | NA                    |

## PREVENTION PLANNING

### Standard 115.111: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

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

### 115.111 (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

### 115.111 (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 lockups?  
 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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; Article #1 Rules and Regulations (Regulations for the Governance of the State Police) and Article #4 (Title and Rank, Payroll and Promotions) effective January 31, 2001 provided details and mandates the agency's zero-tolerance policy toward all forms of sexual abuse and sexual harassment. This includes a code of ethics that reflects the organizational values of MSP that will not tolerate any fraternization or sexual misconduct including the organization's definitions of prohibited behaviors as well as sanctions for staff, contractors, and volunteers who had violated those prohibitions.

Also, a review of MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017 and # 17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and the policy mentioned above details the agency's implementation and approach to preventing, detecting and responding to all approaches of sexual abuse and harassment. There is a



training foundation for implementing zero-tolerance policy towards reducing and preventing sexual abuse or harassment and sexual misconduct of detainees. The policy reflects the stations' specification of how they will respond to sexual allegations and the notification procedures followed for reports of sexual accusations. The policy clearly states that a staff determined to have engaged in sexual abuse and harassment of detainees shall be subject to discipline and this presumptive sanction for having engaged in prohibited behavior is termination.

Massachusetts State Police (MSP) General Order #PRI-07, the agency's organizational chart and Deputy Chief Legal Counsel's memorandum dated September 28, 2018 identifies the designation of a PREA Coordinator, his official title is Detective Captain and reports directly to the Superintendent/Colonel. He is a member of the Colonel's command staff and is responsible for the oversight and implementation of the Department's on-going efforts to comply with all PREA Standards. The Detective Captain is responsible for coordinating comprehensive PREA responses including technical and administrative guidance, creation of supporting policies and practices, interpretation relative to PREA implementation, design and modification of training, programming, investigation and analysis, ensuring proper reporting, trend evaluation and provision of recommendations for improvement and compliance.

MSP's PREA Coordinator during his interview indicated he had sufficient time and authority to develop, implement and oversee all the barracks' PREA compliance efforts to comply with the PREA standards. Both the agency's organizational chart and Deputy Chief Legal Counsel's memorandum supports the requirement of this standard. The commitment was evident in the Concord Station. Interviews with the Concord Station Commander (Lieutenant) and randomly selected state troopers were well-versed on the agency's PREA related policies and requirements. Also, the Station Commander has created a PREA reference binder that contains the reporting process, general orders and forms for the state troopers in the event of an incident.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.112: Contracting with other entities for the confinement of detainees**

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

#### **115.112 (a)**

- If this agency is law enforcement and it contracts for the confinement of its lockup detainees in lockups operated by 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 law enforcement agency does not contract with private agencies or other entities for the confinement of detainees.)  Yes  No  NA

#### **115.112 (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 detainees OR the response to 115.112(a)-1 is "NO".)  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) mutual agreements with the Essex County Sheriff's Department and Norfolk County Sheriff's Department described the obligations for detention or arrestees or for courtesy pre-arraignment holding and describes the contractor's obligations to adopt and comply with the PREA Standards.

Interview with the MSP PREA Coordinator and a review of the contracted documentation confirmed the contractor's obligations to adopt and comply with the PREA Standards. Therefore, based on the review of the agency policy and procedures, observations and information obtained through the interview and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.113: Supervision and monitoring

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

#### 115.113 (a)

- Does the agency ensure that it has developed for each lockup a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect detainees against sexual abuse?  Yes  No
- Does the agency ensure that it has documented for each lockup a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect detainees against sexual abuse?  Yes  No
- Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The physical layout of each lockup?  Yes  No
- Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the detainee population?  Yes  No

- Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?  Yes  No
- Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors?  Yes  No

#### 115.113 (b)

- In circumstances where the staffing plan is not complied with, does the lockup document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)  
 Yes  No  NA

#### 115.113 (c)

- In the past 12 months, has the lockup 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 lockup assessed, determined, and documented whether adjustments are needed to prevailing staffing patterns?  Yes  No
- In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to the lockup's deployment of video monitoring systems and other monitoring technologies?  Yes  No
- In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to the resources the lockup has available to commit to ensure adequate staffing levels?  Yes  No

#### 115.113 (d)

- If vulnerable detainees are identified pursuant to the screening required by § 115.141, does security staff provide such detainees with heightened protection, to include: Continuous direct sight and sound supervision?  Yes  No
- If vulnerable detainees are identified pursuant to the screening required by § 115.141, does security staff provide such detainees with heightened protection, to include: Single-cell housing or placement in a cell actively monitored on video by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 directs the Station Commanders (Lieutenants) for each station/barracks to develop and document a staffing plan that provides for adequate levels of staffing and where applicable video monitoring to protect detainees against abuse at their facility. Each staffing plan is reviewed yearly for all stations statewide. The station commanders will consider when determining adequate staffing levels the physical layout of the lockup, composition of the detainee population and the prevalence of sexual abuse instances. Also, a review of MSP's General Order #PRI-02 (Custodial Inventory) and #PRI-06 (Prisoner Monitoring) effective May 5, 2017 established and defined in the processing of detainees who come under the care and custody of the department and requires the desk officer on each shift to conduct the monitoring of the booking area and cells which are the only areas where detainees may be held. The policies contained information identifying the stations shall comply with staffing requirements including exigent circumstances and supervisory staff conducting unannounced rounds on a weekly basis documenting the information in the daily administrative journal.

An interview with the Station Commander confirmed there is an agreement between the agency and the state trooper's union indicating there is a base mandatory staffing level at each barracks and there is no deviation from the minimum staffing level of the station. The Concord Station had <sup>G.L. c. 4, sec. 7 cl. 26(n) Security</sup> state troopers assigned to the barracks, which currently operates a shift pattern of a <sup>G.L. c. 4, sec. 7 cl. 26(n) Security</sup> officers on the mid-shift, <sup>G.L. c. 4, sec. 7 cl. 26(n) Security</sup> officers on the day shift and <sup>G.L. c. 4, sec. 7 cl. 26(n) Security</sup> officers on the evening shift.

Detainees are rarely placed in a holding cell and the average hold is less than four (4) hours. In the past twelve (12) months, two hundred and fifty-three (253) individuals were held at the station/barracks and eighty-three (83) were held overnight. If the state trooper determines during the intake screening that the detainee may be at risk, the detainee shall be housed alone in the holding cell until transported in a Department vehicle to the jail, prison or another agency. Interviews with the Station Commander and randomly selected state troopers indicated that juveniles are never held at this facility. There have been no allegations of sexual abuse or sexual harassment at this station/barracks in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.114: Juveniles and youthful detainees

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

### 115.114 (a)

- Are juveniles and youthful detainees held separately from adult detainees? (N/A if the lockup does not hold juveniles or youthful detainees (detainees <18 years old).)  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; General Order #PRI-06 (Prisoner Monitoring) effective May 5, 2017 and General Order #INV-5 (Juvenile operations) effective July 22, 2014 states that juveniles charged with a delinquent or criminal offense may only be held in a detention area which has been approved in writing by the Department of Youth Services (DYS). If a juvenile is held in an approved detention area, the juvenile must be separated by sight and sound from adult prisoners.

Interviews with the Station Commander and randomly selected state troopers confirmed no juveniles under the age of eighteen (18) are detained at the station/barracks. They are transported to the juvenile detention center for processing. Documentation reflected that no juveniles had been detained or placed in a holding cell in the past twelve (12) months at the station/barracks.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

### Standard 115.115: Limits to cross-gender viewing and searches

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

### 115.115 (a)

- Does the lockup 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

### 115.115 (b)

- Does the lockup document all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No

### 115.115 (c)

- Does the lockup implement policies and procedures that enable detainees 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 lockup require staff of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing?  Yes  No

### 115.115 (d)

- Does the lockup always refrain from searching or physically examining transgender or intersex detainees for the sole purpose of determining the detainee's genital status?  Yes  No
- If a detainee's genital status is unknown, does the lockup determine genital status during conversations with the detainee, 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

### 115.115 (e)

- Does the agency train law enforcement 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 agency train law enforcement staff in how to conduct searches of transgender and intersex detainees 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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; General Order #PRI-02 (Custodial Inventory) and #PRI-06 (Prisoner Monitoring) effective May 5, 2017 requires detainees shall be permitted to perform bodily functions without state troopers of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Requires cross gender frisk searches of transgender and intersex offenders will be conducted in a professional and respectful manner and in the least intrusive manner consistent with security needs.

A review of the MSP's General Order #PRI-08 (Gender Identity and Expression) effective July 5, 2017 requires if a transgender or intersex offender shall not be searched or physically examined for the sole purpose of determining the detainee's genital status. If genital status is unknown, it allows for determination through detainee interviews, review of medical records, or if necessary, by learning that information as a part of a broader medical examination conducted in private by a medical practitioner. Transgender and intersex offenders expressing a preference regarding the sex of the state troopers conducting the strip search should request consideration of their preference. Whenever practicable, two (2) state troopers of the sex perform the search and document within the incident report the circumstances for the search, including the individuals preference regarding the sex of the state trooper performing the search.

Also, MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017 and # 17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 requires the state troopers shall announce themselves prior to entering the cell area containing a detainee of the opposite sex. Staff shall not place themselves in a position where they can view the breasts, buttocks, or genitalia of a detainee of the opposite gender.

Random state trooper interviews indicated that staff of the opposite gender entering the booking area would consistently announce themselves. During the facility tour, this auditor observed and reviewed the daily administrative journal and the posting reminding staff of the opposite gender to announce their presence when entering the booking area. Also, this auditor viewed the monitor that is supervised by the Desk Officer and confirmed the toilet area could be seen in both holding cells. An interview with the Station Commander confirmed there is a process in place to ensure the detainee's privacy.

Random state trooper interviews confirmed detainees are able to perform bodily functions and change clothing without non-medical staff of the opposite gender viewing them. Staff interviews could identify the MSP policy on prohibiting staff from searching or physically examining a transgender or intersex inmate for the purpose of determining that detainee's genital status. There are no detainee shower facilities at this station and detainees are rarely placed in a holding cell.

A review of the training documentation (training bulletin and staff rosters) and staff interviews confirmed the annual training on pat down searches, cross-gender pat searches and searches of transgender and intersex detainees are conducted in a respectful and professional manner and prohibiting cross-gender strip or cross-gender visual body cavity searches of detainees. All state trooper interviews were able to describe what an exigent circumstance would be and were knowledgeable of the procedures for securing authorization to conduct such a search as well as the requirements for justifying and documenting those searches. There has been no cross-gender pat down searches, cross-gender strip



or cross-gender visual body cavity searches of detainees conducted at the barracks in the past twelve (12) months. Also, there have been no exigent circumstances of cross-gender pat down, strip or visual body cavity searches of detainees conducted at the facility in the past twelve (12) months.

After the on-site visit, the cameras in all three (3) holding cells were modified G.L. c. 4, sec. 7 cl. 26(n) Security and this auditor was provided with documentation (pictures) confirming the corrections had been completed. The MSP Detective Captain/PREA Coordinator and MSP Deputy Chief Legal Counsel sent the appropriate supplemental documentation to this auditor demonstrating corrective actions had been taken with this standard prior to the submission of this report.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews, review of documentation, and the follow-up documentation, the station has demonstrated compliance with this standard.

## Standard 115.116: Detainees with disabilities and detainees who are limited English proficient

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

#### 115.116 (a)

- Does the agency take appropriate steps to ensure that detainees 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: Detainees who are deaf or hard of hearing?  Yes  No
- Does the agency take appropriate steps to ensure that detainees 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: Detainees who are blind or have low vision?  Yes  No
- Does the agency take appropriate steps to ensure that detainees 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: Detainees who have intellectual disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that detainees 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: Detainees who have psychiatric disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that detainees 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: Detainees who have speech disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that detainees 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 detainees 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 detainees with disabilities including detainees 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 detainees with disabilities including detainees 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 detainees with disabilities including detainees who: Are blind or have low vision?  Yes  No

#### 115.116 (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 detainees 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

#### 115.116 (c)

- Does the agency always refrain from relying on detainee interpreters, detainee readers, or other types of detainee assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the detainee's safety, the performance of first-response duties under §115.164, or the investigation of the detainee'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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 contained procedures to be taken to ensure detainees with disabilities or who are limited English proficient have an equal opportunity to participate in or are provided meaningful access to all aspects of the facility's efforts to prevent, protect and respond to sexual abuse and sexual harassment. Efforts shall include the use of interpreters, written material, or other formats or methods that ensure effective communication with detainees with disabilities, including detainees who have intellectual disabilities, limited reading skills, who are blind or have low vision, deaf, or are Limited English Proficient. Also, the policy prohibits any Station to rely on detainees interpreters, detainees readers or any kind of detainees assistants except in limited circumstances when an extended delay in obtaining interpreter's services could compromise a detainee's safety, the performance of first-responder duties or the investigation of the detainee's allegations.

MSP has established a contract with Century Link Language, a dedicated phone number for language translations for the entire agency, including all Stations. This service will assist the state troopers statewide when arresting detainees who are limited English proficient with various interpreter services on an as needed basis. There are postings in the booking area in English and Spanish. Also, there is a posting "Detainees Special Considerations" with several telephone numbers for any of the state troopers to obtain assistance with disabled detainees at this Station.

Staff training documentation and detainee PREA information contained information on providing appropriate explanations regarding PREA to detainees based upon their individual needs. Random state trooper interviews indicated the PREA education is provided in a manner to ensure the detainee comprehends the material and it is read during the booking process.

Random state trooper interviews confirmed their knowledge of the outside agency providing services to the Station and indicated they would not rely on the use of detainee assistants in relation to reporting allegations of sexual abuse or sexual harassment except in limited circumstances when an extended delay in obtaining interpreter's services could compromise a detainee's safety, the performance of first-responder duties or the investigation of the detainee's allegations. In the past twelve (12) months, the Station did not have any instances of detainee interpreters or readers being used for reporting allegations of sexual abuse or sexual harassment.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.117: Hiring and promotion decisions**

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

#### **115.117 (a)**

- Does the agency prohibit the hiring or promotion of anyone who may have contact with detainees who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement lockup, juvenile lockup, 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 detainees 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 detainees 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 detainees who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement lockup, juvenile lockup, 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 detainees 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 detainees who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No

#### 115.117 (b)

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

#### 115.117 (c)

- Before hiring new employees, who may have contact with detainees, does the agency: Perform a criminal background records check?  Yes  No
- Before hiring new employees, who may have contact with detainees, 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

#### 115.117 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with detainees?  Yes  No

#### 115.117 (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 detainees or have in place a system for otherwise capturing such information for current employees?  Yes  No

#### 115.117 (f)

- Does the agency ask all applicants and employees who may have contact with detainees 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 detainees 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

#### 115.117 (g)

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

#### 115.117 (h)

- Unless prohibited by law, 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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 prohibits MSP staff to hire or promote anyone for a position that may have detainee contact who has been engaged in sexual abuse in a

prison, jail, lockup, community confinement facility, juvenile facility, or other institution; 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; or civilly or administratively adjudicates to have engaged 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. MSP shall consider any incidents of sexual abuse in determining whether to hire or promote anyone who may have contact with detainees. Also, the policy requires all employees to disclose any of the misconduct, relating to sexual assault and sexual harassment; material omissions regarding such misconduct or the provision of materially false information are grounds for termination; and requires a continuing affirmative duty for employees to report any arrests or previous misconduct. Requires that a criminal background records check is completed at least every five (5) years for current employees.

Massachusetts State Police Certification Unit, a Unit under the Division of Standards and Training, requires each applicant to complete a Background Investigation Questionnaire, which contains the three (3) questions as required the PREA standard. The primary function of this unit is conducting background investigations and is comprised of a full-time staff: **G.L. c. 4, sec. 7 cl. 26(n) Security** sergeants, **G.L. c. 4, sec. 7 cl. 26** troopers and **G.L. c. 4, sec. 7 cl. 26** civilians. These investigations are conducted on applicants seeking employment in various law enforcement positions including the Department of State Police Recruit Training Candidates, Department of State Police Civilian Employees, Chiefs of Police, NESPIN, Military, Private Detectives, Watch Guard Patrol Agency, Special State Police, Department of State Police Interns and temporary employees. Also, this Unit conducts background investigations upon request for out-of-state police agencies from across the nation.

MSP has extensive background screening requirements and they are as follows: AFIS (FBI and Fusion Checks); LEAPS (Law Enforcement Processing System); NCIC (National Check); BOP (Probation Check); COP LINK (Information Sharing); Q-5 (Suicide Check); III (Interstate Identification Index); Local Police Department Checks; SOR (Sex Offender Registry), Local Courts Check; Licensing Boards Checks; KQ (Drivers Query); and the WMS (Warrant Management System). During the background investigations, officers verify the information provided by an applicant by researching computer records, conducting neighborhood interviews, performing reference checks and credit checks and verifying past employment. The candidate is also interviewed to provide information and to address any issues regarding their application. Upon completion of the investigation the Unit drafts a report of its findings, which is reviewed by a panel of high ranking officers, and who makes the final decision whether to hire. This process takes approximately six (6) weeks.

An interview with the MSP's HR Director confirmed the process on the facility performing criminal background checks to consider the pertinent civil or administrative adjudications for all newly hired employees who may have contact with detainees, all employees who are considered for promotion and every five (5) years. She advised that personnel staff has established a tracking system to ensure the five (5) year background screening is conducted on all employees. Also, the HR Director stated that the agency does not hire contractors, but utilizes other state agency employees, as needed. She confirmed that the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for who such employee has applied to work.

A sampled review of staff's HR files had documentation on candidates completing varied forms including the questions regarding past misconduct (Background and Investigative Questionnaire) that are completed during the hiring process. The HR staff complete the criminal background information and receive an email on whether an individual is approved or disqualified. Once an individual is approved for hire, the candidate begins training and orientation process. Also, interviews with state troopers were

aware of the requirements and the potential consequences for failure to comply their duty to report any arrests or previous misconduct.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and documentation, the station has demonstrated exceeding this standard.

## Standard 115.118: Upgrades to facilities and technologies

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

#### 115.118 (a)

- If the agency designed or acquired any new lockup 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 detainees from sexual abuse? (N/A if agency/lockup has not acquired a new lockup or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)  
 Yes  No  NA

#### 115.118 (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 detainees from sexual abuse? (N/A if agency/lockup 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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 requires the effect of the station's



design, acquisition, expansion, or modification on the facility's ability to protect the detainee from sexual abuse shall be taken into consideration when designing or acquiring any new stations and in planning any substantial expansion or modification to an existing station. Also the requirement of new installations or updates to existing video monitoring systems, electronic surveillance systems or other monitoring technologies, the station shall take into consideration how such technology may enhance their ability to protect detainees from sexual abuse.

An interview with the Station Commander indicated there had been no modifications or new monitoring technology installed within the past twelve (12) months. Based on the review of the agency policy and procedures, observations and information obtained through the interview and documentation, the station has demonstrated compliance with this standard.

## RESPONSIVE PLANNING

### Standard 115.121: Evidence protocol and forensic medical examinations

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

#### 115.121 (a)

- If the agency is responsible for investigating allegations of sexual abuse in its lockups, 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/lockup is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes  No  NA

#### 115.121 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/lockup 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/lockup is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes  No  NA

#### 115.121 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside lockup, 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

#### 115.121 (d)

- If the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, does the agency permit the detainee to use such services to the extent available, consistent with security needs?  Yes  No

#### 115.121 (e)

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

#### 115.121 (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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; General Order #INV-01 (Criminal Investigations) effective April 23, 2009 and the MSP Forensic Services Group: Evidence Handling and Submission Manual, Version 10.1 requires an administrative or criminal investigation for all allegations of sexual abuse and sexual harassment and requesting the investigating agency follow the requirements of PREA Standards. Also, the policies require, when requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member to accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals. A qualified

mental health/counseling staff member or qualified community-based staff member includes an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. Requires a history be taken by a health care professional who will conduct a forensic medical examination to document the extent of physical injury. There will be no financial cost to the detainee for this examination.

Interviews with the Station Commander and investigator were knowledgeable of the procedures to secure and obtain usable physical evidence when sexual abuse is alleged. Also, the interviews confirmed the use of forensic nurses at the hospital in the event of an alleged sexual abuse occurrence. In the past twelve (12) months, there has been no allegation where a victim required a forensic medical examination at this Station. Also, no detainees were transported to an outside hospital for a forensic examination during the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through the interview and documentation, the station has demonstrated compliance with this standard.

## Standard 115.122: Policies to ensure referrals of allegations for investigations

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

#### 115.122 (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

#### 115.122 (b)

- If another law enforcement agency is responsible for conducting investigations of allegations of sexual abuse and sexual harassment in its lockups, does the agency have a policy in place to ensure that such allegations are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? [N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).]  Yes  No  NA
- Has the agency published such policy, including a description of responsibilities of both the agency and the investigating entity, on its website or, if it does not have one, made the policy available through other means? [N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).]  Yes  No  NA
- Does the agency document all such referrals? [N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).]  Yes  No  NA

#### 115.122 (c)

- Auditor is not required to audit this provision.

#### 115.122 (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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; General Order #INV-01 (Criminal Investigations) effective April 23, 2009 and General Order #INV-01A (Case Management) effective April 23, 2009 requires that all 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, and to document all such referrals. Requires that all investigators shall receive the general PREA training provided to all employees, and specialized training in conducting sexual abuse investigations in confinement settings that includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and criteria and evidence required to substantiate a case for administrative action or prosecution referral. Requires an administrative and/or criminal investigation for all allegations of sexual abuse or sexual harassment.

All staff are required to refer all alleged incidents of sexual abuse and sexual harassment for investigation to the Division of Investigative Services (DIS) for the determination of criminal charges. State trooper interviews reflected and confirmed their knowledge on the reporting, referral process and policy's requirements and who conducts the administrative and criminal investigation in response to an allegation of sexual abuse and sexual harassment. Interviews with the Station Commander and DIS investigator confirmed that the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. Also, any internal investigation that identifies criminal activity or involves a staff member would be immediately referred to the DIS investigator. The PREA policy can be found on the MSP's website. There has been no allegation of sexual abuse and sexual harassment resulting in a criminal investigation and/or an administrative investigation in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interviews and documentation, the station has demonstrated compliance with this standard.

## TRAINING AND EDUCATION

### Standard 115.131: Employee and volunteer training

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

#### 115.131 (a)

- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: Its zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: The dynamics of sexual abuse and sexual harassment in confinement, including which detainees are most vulnerable in lockup settings?  Yes  No
- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment?  Yes  No
- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to detect and respond to signs of threatened and actual sexual abuse?  Yes  No
- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to communicate effectively and professionally with all detainees?  Yes  No
- Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  Yes  No

#### 115.131 (b)

- Have all current employees and volunteers who may have contact with detainees received such training?  Yes  No

- Does the agency provide each employee and volunteer with annual refresher information to ensure that they know the agency's current sexual abuse and sexual harassment policies and procedures?  Yes  No

### 115.131 (c)

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017; #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017; #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 and #16-SO-03 (Distribution of General Order) effective May 20, 2016 requires all state troopers to complete an in-depth mandatory PREA training upon initially becoming an employee (entry level training) as well as refresher training annually to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.

All the PREA training provided to all employees statewide contains all six (6) topics (The agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment; The dynamics of sexual abuse and sexual harassment in confinement settings including which detainees are most vulnerable in lockup settings; The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment; How to detect and respond to signs of threatened and actual sexual abuse; How to communicate effectively and professionally with all detainees and How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities) and is tailored to all Stations with the gender of their lockup detainee populations. Employees are required to document that they understand the training and confirmed through an employee signature. Also, state troopers receives training on conduct/ethics, security, safety, fire, medical, and emergency procedures and the supervision of detainees including training on the current the MSP sexual abuse and sexual harassment policies and procedures.

A review of the training documentation and state trooper interviews confirmed staff receives PREA training during initial training, refresher training and their obligation to report any allegation of the sexual

abuse and/or sexual harassment. It was evident MSP has a commitment to training employees regarding the PREA standards. The course, PREA Training for Lockups (2017), is a mandated comprehensive training that is given at both the Academy and on-line and contains all the topics required by the policy and this standard. Also, MSP has published and distributed to all Stations two (2) training bulletins that state the agency's zero tolerance policy, the dynamics of sexual abuse, officers' duties to prevent and detect sexual abuse, the duty to report sexual abuse and sexual harassment, protection from retaliation, first responders duties, and related topics. These bulletins are maintained on-line and at the Station and readily available to the assigned state troopers. All employees sign the "MSP Acknowledgement of Specific Department Policy and Procedure" form indicating they received the training and understand their responsibilities for all the different training policies and procedures.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and documentation, the station has demonstrated exceeding this standard. The agency requires all staff to receive formal PREA training annually.

## Standard 115.132: Detainee, contractor, and inmate worker notification of the agency's zero-tolerance policy

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

#### 115.132 (a)

- During the intake process, do employees notify all detainees of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?  Yes  No

#### 115.132 (b)

- Does the agency ensure that, upon entering the lockup, all contractors and any detainees who work in the lockup are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*



A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; MSP's Division Commander's Order #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 requires that all volunteers and contractors who have contact with detainees have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detention, and response policies and procedures. The level and type of training provided shall be based on the services they provide and the level of contact they have with detainees, but all volunteers and contractors who have contact with detainees shall be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and be informed how to report such incidents. Also, requires all agency facilities that house detainees to conspicuously post the PREA Rights Notification signage, which explains detainee rights and reporting mechanism under PREA, so that it is visible to all detainees.

An interview with the Station Commander confirmed there are no volunteers, contractors or inmates currently working at this station or in the past twelve (12) months. MSP has created a "Detainee PREA Information" document/brochure that is given to each detainee during the booking process. The information contains the agency's zero-tolerance policy, detainee rights, and how to report allegations, right to report allegations to an outside agency (including contact information for the Office of the Attorney General), the right to make an anonymous report, and a list of supportive services, including sexual assault and rape crisis centers.

During the tour, located in the booking area was posted a placard entitled "SEXUAL ASSAULT IS AN ACT OF VIOLENCE". The posting replicates some of the information contained in the "Detainee PREA Information" document/brochure (zero tolerance, the Attorney General's Office telephone number, website and outside reporting capabilities). Interviews with the state troopers indicated during the booking process, the detainee is provided the information in the brochure, directing their attention to the posted notices (Miranda Warnings and Your Rights) and asked the PREA related questions from a script located at the booking desk.

Based on the review of the agency policy and procedures, observations and information obtained through the staff interviews and documentation, the station has demonstrated compliance with this standard.

## **Standard 115.134: Specialized training: Investigations**

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

#### **115.134 (a)**

- In addition to the general training provided to all employees pursuant to §115.131, 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 115.121(a).]  Yes  No  NA

#### **115.134 (b)**



- Does this specialized training include: Techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.121(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 115.121(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 115.121(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 115.121(a).]  Yes  No  NA

#### 115.134 (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 115.121(a).]  Yes  No  NA

#### 115.134 (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

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #PRI-07A (Detainee Sexual Abuse And Sexual Harassment Investigations, Review And Data Collection) effective May 5, 2017 requires that PREA Investigators shall complete general PREA Training that is provided to all employees and specialized training in conducting sexual abuse investigations in confinement settings. The required

training includes: Techniques for interviewing sexual abuse victims; Proper use of Miranda and Garrity Warnings; Sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative or prosecution referral. Also, the policy requires the Department investigators to receive special training in detainee sexual abuse and sexual harassment investigations according to Code of Federal Regulations (CFR) 28.

All investigators undergo an extensive training this included a comprehensive specialized training course on conducting sexual abuse investigations in confinement settings developed in conjunction with the Massachusetts Department of Corrections. Documentation and an interview with the DIS investigator assigned to this Station confirmed completing the required specialized investigator training as well as the annual PREA education. This investigator indicated the specialized investigation training consisted of interviewing techniques, Miranda warnings, Garrity warnings, sexual abuse evidence collection, and the criteria and evidence to substantiated a case for administrative or prosecution referral.

Based on the review of the agency policy and procedures, observations and information obtained through the investigator interview and documentation, the station has demonstrated compliance with this standard.

## **SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

### **Standard 115.141: Screening for risk of victimization and abusiveness**

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

#### **115.141 (a)**

- If the lockup is not utilized to house detainees overnight, before placing any detainees together in a holding cell do staff consider whether, based on the information before them, a detainee may be at a high risk of being sexually abused? (N/A if the lockup is utilized to house detainees overnight.)  Yes  No  NA
- When appropriate, do staff take necessary steps to mitigate such danger to the detainee? (N/A if the lockup is utilized to house detainees overnight.)  Yes  No  NA

#### **115.141 (b)**

- If the lockup is utilized to house detainees overnight, are all detainees screened to assess their risk of being sexually abused by other detainees or sexually abusive toward other detainees? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA

#### **115.141 (c)**

- In lockups described in paragraph (b) of this section, do staff always ask the detainee about his or her own perception of vulnerability? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA

## 115.141 (d)

- Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: Whether the detainee has a mental, physical, or developmental disability? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA
- Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The age of the detainee? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA
- Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The physical build and appearance of the detainee? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA
- Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: Whether the detainee has previously been incarcerated? (N/A if lockup is NOT used to house detainees overnight.)  Yes  No  NA
- Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The nature of the detainee's alleged offense and criminal history? (N/A if lockup is NOT used to house detainees overnight.)  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017 and #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 requires each detainee during the booking process to be screened with an objective screening instrument for risk of victimization, potential vulnerabilities or sexual abusiveness tendencies to act out with sexually aggressive predatory behavior.

Also, the Massachusetts State Police Academy Training Bulletin 2016-09, Prison Rape Elimination Act of 2003 (PREA) identified the screening to consist of asking the detainee about his or her own perception of vulnerability and assessing the detainee's risk of being sexually abused or sexually abusive by considering the following factors: mental, physical or developmental disabilities, age, physical build, prior incarcerations, criminal history (violent and non-violent), prior convictions for sex offenses against an adult or child, prior acts of sexual abuse, prior convictions for violent offenses, history of prior institutional violence or sexual abuse, prior sexual victimization, perception of vulnerability, and if the detainee is or is perceived to be LGBTI or gender nonconforming. Also the requirement is for all state troopers to take immediate action to protect the detainee from imminent sexual abuse.

Documentation and interviews with state troopers confirmed the risk screening is conducted during the booking process and is documented in the RAMS/Department Records Management System and the "Lock-up Use Log" form. Also, the interviews indicated they follow the screening procedure, even when the detainee is the only detainee in the booking area and there is no plan to place the detainee in a holding cell. During the screening process if the state trooper determines that the detainee may be at risk, the detainee shall be housed alone in a holding cell until transported to the court, jail, prison or other agency. There have been eighty-three (83) detainees held overnight in this station/barracks in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## REPORTING

### Standard 115.151: Detainee reporting

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

#### 115.151 (a)

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

#### 115.151 (b)

- Does the agency also provide at least one way for detainees 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 detainee reports of sexual abuse and sexual harassment to agency officials?  Yes  No

- Does that private entity or office allow the detainee to remain anonymous upon request?  
 Yes  No

### 115.151 (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

### 115.151 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of detainees?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #ADM-29 (Workplace Violence) effective April 23, 2009; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017; #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 requires the department to provide multiple ways for detainees to report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. These various ways of reporting include advising an administrator, a staff member, external reporting, sending a written complaint (SP 340 Citizens Response Form) to MSP, and reporting to a third party (Office of the Attorney General). Requires that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document verbal reports. Requires a detainee method of reporting must include reporting to an outside public or private entity or office that is not part of the agency and is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials, allowing the detainee to remain anonymous upon request.

Also, the department has provided a method for staff to privately report sexual abuse and sexual harassment of detainees by contacting the PREA Coordinator, filing a complaint with the Internal Affairs Section for utilizing the PREA third party contact number posted on MSP's website and on the PREA informational brochure.

MSP has multiple ways for detainees reporting of sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Detainees during the booking process are provided the "Detainee PREA Information" document/brochure that contains the following methods for reporting allegations of sexual abuse or sexual harassment: Complete the SP 340 Citizens Response form, Call the Citizen Response Intake Line and contacting the Office of the Attorney General. The Citizens Response form can be submitted anonymously by a friend or relative on behalf of the detainee, submitted in person, mailed, emailed or faxed to the Massachusetts State police General headquarters.

The Office of the Attorney General is a public/private entity that has no affiliation with the Massachusetts Department of State Police (MSP) which allows the detainee to remain anonymous if so requested. This outside agency upon receiving an alleged incident is able immediately forward detainee reports of sexual abuse and sexual harassment to the MSP PREA Coordinator for investigation.

MSP's website has a dedicated PREA page that contains the following: (Detainees experiencing sexual abuse or harassment may report the behavior to any Massachusetts State Police employee, or to a third party, such as friend or family member, attorney or advocate, who may make the report for them. If you were assaulted as a detainee while in State Police custody, or you know someone who was assaulted while in State Police custody, you can report the incident by calling the Massachusetts State Police Citizen Response Intake Line at (508) 988-7003 and following the prompts, by contacting a State Police facility for instructions; by appearing in person at a State Police facility and completing an SP 340 citizen complaint form, or by downloading the SP 340 form from the State Police external website [www.mass.gov/msp](http://www.mass.gov/msp). When reporting an alleged incident, please identify, as best you can, a description of the incident, the location of the incident, the date, time, identity or ID number of the individual(s) whom you believe assaulted or harassed you, the identity of any witnesses, your name, if you choose, and a telephone number or address where you can be reached. For additional information on how to submit a complaint, please visit the State Police's PREA link at [www.mass.gov/msp](http://www.mass.gov/msp)).

All state trooper interviews confirmed they will accept allegations of sexual abuse or sexual harassment verbally, in writing, anonymously, from third parties and report the information to their supervisor/station commander. State troopers have the option of submitting anonymous reports to the Attorney General's Office or Internal Affairs. Also, the state troopers described various methods that detainees could use to report sexual abuse or sexual harassment. The various methods identified include: the "Detainee PREA Information" document/brochure and the PREA posting placard located in the booking area. During the on-site visit, there were no detainees to interview and therefore this auditor was unable to ask the question on how they would report sexual abuse sexual harassment. However, the reporting information was posted in the booking area.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.154: Third-party reporting**



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

### 115.154 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment in its lockups?  Yes  No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a detainee?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #ADM-29 (Workplace Violence) effective April 23, 2009; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017; #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 identifies the Department's third party reporting process and instruct staff to accept third party reports. MSP's website provides the public with information regarding third-party reporting of sexual abuse or sexual harassment on behalf of a detainee. Also, the department has provided a method for staff to privately report sexual abuse and sexual harassment of detainees by contacting the PREA Coordinator, filing a complaint with the Internal Affairs Section for utilizing the PREA third party contact number posted on MSP's website and on the "Detainee PREA Information" document/brochure.

The Attorney General's Office (AGO) provides the external process for detainees to report sexual abuse or sexual harassment verbally, in writing and anonymously. This outside agency is not affiliated with the Massachusetts Department of State Police (MSP) and upon receiving an alleged incident the AGO's staff is able to immediately forward detainee reports of sexual abuse and sexual harassment to the MSP PREA Coordinator for investigation.

Random state trooper and an investigator interviews confirmed they receive allegations of sexual abuse or sexual harassment from third party reporters and that these are reported to the DIS investigators as if a detainee made the allegation. Third party reporters includes fellow detainees, staff members, family members, attorneys, and outside advocates, shall be permitted to assist detainees in filing requests for



administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of detainees.

This auditor viewed the website, confirmed the information regarding third-party reporting and the link to send an e-mail directly to the MSP PREA Coordinator. The agency website contains a dedicated PREA webpage, the PREA zero-tolerance policy, how to report sexual abuse or sexual harassment, including third-party reporting and links to a list of sexual assault and rape crisis centers, a list of sexual assault nurse examiners and several links to the PREA Resource Center. There are postings that identify a phone number for detainees to call if they wish to report sexual abuse or sexual harassment. This number goes directly to the AGO's office, where the call is referred to the MSP PREA Coordinator for investigation.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## OFFICIAL RESPONSE FOLLOWING A DETAINEE REPORT

### Standard 115.161: Staff and agency reporting duties

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

#### 115.161 (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 an agency lockup?  Yes  No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against detainees or staff who reported such an incident?  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

#### 115.161 (b)

- Apart from reporting to designated supervisors or officials, do staff always refrain 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 and investigation decisions?  Yes  No

#### 115.161 (c)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?  Yes  No

## 115.161 (d)

- Does the agency report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the agency'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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-06 (Prisoner Monitoring) effective May 5, 2017 and #ADM-29 (Workplace Violence) effective April 23, 2009; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017; #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 requires that all employees, volunteers, and contractors shall immediately report to their immediate supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred within a Department lockup, retaliation against detainees or Department employees who reported such an incident and any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation. Information related to a sexual abuse report shall not be released to anyone other than to the extent necessary, as specific in the procedures, to make treatment, investigation, and other security and management decisions. All allegations of sexual abuse, including third party and anonymous reports, shall be reported to a DIS investigator who shall investigate the allegation.

Department employees may privately report sexual abuse and/or sexual harassment by contacting the PREA Coordinator, filing a complaint with the Internal Affairs Section, or utilizing the PREA third party contact number posted on the Department's website and on the PREA informational brochure. Also, the Massachusetts State Police Academy Training Bulletin 2016-09 indicated PREA has mandatory reporting requirements and Department employees have an independent duty to report which is separate from Massachusetts mandatory reporting laws. Department employees must report immediately any information about an incident of sexual abuse that may have occurred at a station/barracks. Also the station temporarily detains but does not hold individuals under the age of 18. There were no juveniles temporarily detained in the booking area in the past twelve (12) months. If a juvenile is 18 and in the booking area temporarily, and not released to a parent, they would be transported to a DYS office or detention facility.

Random state trooper interviews confirmed the requirement to report any knowledge, suspicion or information of sexual abuse or sexual harassment and have received this training annually during in-service. All are mandated reporters and receive information on clear steps on how to report sexual abuse and to maintain confidentiality through the station's protocol and/or training. Station Commander and state trooper interviews indicated there have been no reports on allegations of sexual abuse and sexual harassment in the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.162: Agency protection duties

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

#### 115.162 (a)

- When the agency learns that a detainee is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the detainee?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-06 (Prisoner Monitoring) effective May 5, 2017; MSP's Division Commander's Order #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 and #16-DFS-016 (Prison Rape Elimination Act – PREA) effective March 1, 2016 indicated the requirement of the Station to take immediate action if staff learn that a detainee is at risk of imminent sexual abuse. Also after a risk screening, if the state trooper determines that the detainee may be at risk, the detainee shall be housed alone in a holding cell for the duration of his/her detainment at the station and until the transported to the courthouse, jail, prison or other agency facility.

Interview with the Station Commander indicated any information received that alleges an detainee is at substantial risk of imminent sexual abuse would require immediate action and would be placed in a holding cell until transported to the courthouse, jail, prison or other agency facility. The other randomly selected state trooper interviews indicated if a detainee was in danger of sexual abuse or at substantial

risk of imminent sexual abuse, they would act immediately to ensure the safety of the detainee, separate from the alleged perpetrator and contact their immediate supervisor. There were no incidents that involved an immediate action to protect a detainee that was a substantial risk of imminent sexual abuse in the past twelve (12) months at the station.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.163: Reporting to other confinement facilities

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

#### 115.163 (a)

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

#### 115.163 (b)

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

#### 115.163 (c)

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

#### 115.163 (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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #INV-01 (Criminal Investigations) requires an agency employee who receives an allegation that a detainee was sexually abused and/or sexually harassed while confined at a non-Department facility, shall notify the Colonel/Superintendent and the Department PREA Coordinator. Also, the Colonel/Superintendent will notify the Station Commander or appropriate agency office where the alleged abuse occurred within seventy-two (72) hours after receiving the allegation and it shall be documented. The Department will investigate allegations of sexual abuse and sexual harassment alleged by a detainee while detained at another facility.

Interview with the Station Commander indicated per policy an allegation made whereby the detainee was sexually abused at a non-Department facility is required to be reported to that Station where the alleged sexual abuse occurred, that the notification will be made no later than 72 hours, and shall be documented. Also, the Station Commander indicated there had been no incidents reported that a detainee had been abused or harassed while confined at a non-Department facility during the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.164: Staff first responder duties

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

#### 115.164 (a)

- Upon learning of an allegation that a detainee was sexually abused, is the first law enforcement staff member to respond to the report required to: Separate the alleged victim and abuser?  
 Yes  No
- Upon learning of an allegation that a detainee was sexually abused, is the first law enforcement 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 detainee was sexually abused, is the first law enforcement 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 detainee was sexually abused, is the first law enforcement 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

#### 115.164 (b)

- If the first staff responder is not a law enforcement staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify law enforcement 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

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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #INV-01 (Criminal Investigations) indicated the requirement of the first responding staff is to separate the inmate, protect any physical evidence by requesting that the victim does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating, protect any physical evidence by ensuring the alleged perpetrator does not destroy evidence (through washing, brushing teeth, changing clothing, urinating, defecating, smoking, drinking or eating), if the abuse took place within a time period that still allows for the collection of physical evidence and secure the crime scene. Requires that a victim shall be taken to medical staff as soon as possible or if no medical or mental health are on staff, shall ensure they are notified. Requires a first responder who is not a security staff shall request the victim not to destroy evidence and to notify a security staff.

Random interviews with state troopers validated their technical knowledge of actions to be taken upon learning that a detainee was sexually abused and described all the action steps identified in the MSP policies and procedures of their responsibilities as first responders. A review of the training files confirmed that all staff receives information on how to respond to an allegation of sexual abuse in accordance with the MSP policy and procedure as stated above. There have been no allegations that a detainee was sexually abused and the staff responded as first responders during the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.165: Coordinated response

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



### 115.165 (a)

- Has the agency 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 a lockup incident of sexual abuse?  Yes  No
- If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law and unless the victim requests otherwise, inform the receiving facility of the incident and the victim's potential need for medical or social services?  Yes  No

### 115.165 (b)

- If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law, inform the receiving facility of the incident unless the victim requests otherwise? (N/A if the agency is not permitted by law to inform a receiving facility, where a victim is transferred from the lockup to a jail, prison, or medical facility as a result of an allegation of sexual abuse of the incident and the victim's potential need for medical or social services.)  Yes  No  NA
- If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law, inform the receiving facility of the victim's potential need for medical or social services unless the victim requests otherwise? (N/A if the agency is not permitted by law to inform a receiving facility, where a victim is transferred from the lockup to a jail, prison, or medical facility as a result of an allegation of sexual abuse of the incident and the victim's potential need for medical or social services.)  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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07(Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-07A (Detainee Sexual Abuse And Sexual Harassment Investigations, Review And Data Collection) and M.G.L.A. 41 § 97D (Confidentiality of reports of rape, sexual assault and domestic violence; access victim and certain individuals in performance of their duties; violations; penalties) confirmed the coordinated response plan is located within the policy and identifies detailed directions for the first responder, Desk Officer, Duty Officer, State Police Investigator, Station Commander, Troop Commander, Reviewing Commissioned Officer,

the Field Services Division Commander and victim advocate services. The coordinated response plan clearly identified if the victim is transferred from the lockup to a jail, prison or medical facility, the responsibility to inform the receiving facility of the incident and the victim's potential need for medical or social services (unless the victim requests otherwise), rests with the Desk Officer. Also, the policies contained the conduct of investigations and the confidentiality of sexual assault reports.

Interviews with the Station Commander and state troopers confirmed their technical knowledgeable of their duties to coordinate actions taken in response to an incident of sexual abuse among staff first responders, administration, executive staff, contacting medical facility and outside emotional support sources. The Concord Station's Coordinated Response Plan was reviewed and includes a step-by-step instruction guide on security search/evidence collection, document preparedness and review, and notification of first responder, administration responsibility, medical and mental health staff, PREA Coordinator, DIS investigator and other pertinent staff. There has been no detainee transferred from the Station to a jail, prison or medical facility, as a result of an allegation of sexual abuse within the past twelve (12) months.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.166: Preservation of ability to protect detainees from contact with abusers**

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

#### **115.166 (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 detainees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?  Yes  No

#### **115.166 (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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and MSP's Division Commander's Order #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 the department has entered into six (6) collective bargaining agreements that does not limit the ability to remove an alleged staff sexual abuser from contact with any detainees pending the outcome of an investigation or a determination whether and to what extent discipline is warranted. Also, all six (6) agreements clearly state that employees can be discharged, suspended or demoted for just cause.

This was confirmed with an interview and documentation that collective bargaining is utilized in the Department. Based on the information discovered in the documentation and interview this auditor has determined the facility meets the requirements of the standard

## **Standard 115.167: Agency protection against retaliation**

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

#### **115.167 (a)**

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

#### **115.167 (b)**

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

#### **115.167 (c)**

- Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Monitor the conduct and treatment of detainees or staff who have reported sexual abuse?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Monitor the conduct and treatment of detainees who were reported to have suffered sexual abuse?  Yes  No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Act promptly to remedy any such retaliation?  Yes  No

#### 115.167 (d)

- 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

#### 115.167 (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

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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-06 (Prisoner Monitoring) effective May 5, 2017; MSP's Division Commander's Order #17-DFS-003 (Prison Rape Elimination Act – PREA) effective January 6, 2017 and #17-DFS-034 (Prison Rape Elimination Act – PREA) effective May 4, 2017 indicated the requirement of the Department has zero tolerance toward all forms of retaliation against anyone who report sexual abuse and sexual harassment or cooperate in a sexual abuse investigation. The Department will take appropriate measures to prevent retaliation against individuals who report and/or cooperate with an investigation; ensure that all detainees and staff who report sexual abuse or harassment or cooperate with sexual abuse sexual harassment investigations are protected from retaliation by other detainees or staff shall designate which staff members or departments are charged with monitoring retaliation; a member or employee who has knowledge, suspicion, or information regarding an incident of retaliation against detainees or staff who reported such an incident and any staff neglect that may have contributed to such retaliation, shall immediately report such incident or retaliation to his or her immediate supervisor.

Also, Supervisors who receive reports of retaliation shall employ multiple protection measures, which may include: cell changes or transfers for detainee victims or abusers; removal of alleged staff or detainee abusers from contact with victims; providing emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with

investigations; and/or closely monitoring detainees or staff who fear retaliation. Also, the policy designates the Station Commanders as the Retaliation Monitor and directs Station Commanders to ensure that detainees and staff who report allegations are protected from retaliation.

An interview with the Station Commander is responsible with overseeing the monitoring of the conduct or treatment of detainees or staff who reported the sexual abuse or sexual harassment, to ensure that employees are not subject to retaliatory actions by other employees and of detainees who were reported to have suffered sexual abuse to determine if changes that may suggest possible retaliation exist. Both, the Station Commander and state trooper interviews indicated they had not made any reports of sexual abuse or sexual harassment during the past twelve (12) months, therefore there would have been no monitoring of retaliation staff or detainees.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## INVESTIGATIONS

### Standard 115.171: Criminal and administrative agency investigations

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

#### 115.171 (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/lockup is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.121(a).]  Yes  No  NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/lockup is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.121(a).]  Yes  No  NA

#### 115.171 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.134?  Yes  No

#### 115.171 (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

#### 115.171 (d)

- 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

#### 115.171 (e)

- 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 detainee or staff?  Yes  No
- Does the agency investigate allegations of sexual abuse without requiring a detainee who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?  Yes  No

#### 115.171 (f)

- 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

#### 115.171 (g)

- 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

#### 115.171 (h)

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

#### 115.171 (i)

- Does the agency retain all written reports referenced in 115.171(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?  Yes  No

#### 115.171 (j)



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

### 115.171 (k)

- Auditor is not required to audit this provision.

### 115.171 (l)

- When an outside entity investigates sexual abuse, does the agency 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 115.121(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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #ADM-14 (Personnel Investigation) effective January 6, 2012; #ADM-15 (Internal Affairs) effective June 25, 2008; #ADM-18 (Unlawful Harassment, Sexual Harassment and Discrimination) effective August 1, 2017; #ADM-29 (Workplace Violence) effective April 23, 2009; INV-01 (Criminal Investigations) effective April 23, 2009; ECU-D001 - v10.1 (MSP Forensic Services Group Evidence Handling And Submission Manual) issued October 28, 2015 and ECU-D006 -v03.3 (Sexual Assault Evidence Collection Kit Information Paper) issued March 30, 2016 indicates that the department ensures that an administrative or criminal investigation is completed for all allegations of detainee sexual abuse and/or sexual harassment. Also, the policies confirmed that the Department will investigate allegations of sexual abuse and/or sexual harassment from the Department of Correction or Department of Youth Services; investigate allegations of sexual abuse and sexual harassment from within MSP and investigate allegations of sexual abuse and sexual harassment alleged by a detainee while detained in another facility.

Requires that all investigators shall receive special training in sexual abuse investigations before conducting PREA investigations, and that all investigations of allegations of sexual abuse or sexual harassment shall be done promptly, thoroughly, and objectively for all allegations, including third-party

and anonymous reports. The report shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Requires the gathering and preserving of direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, interviews, and reviews of prior complaints and reports of sexual abuse involving the suspected perpetrator. Requires consultation with prosecutors before conducting compelled interviews and prohibits the use of a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

Requires the credibility of any person shall be assessed on an individual basis. Administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse. Requires both administrative and criminal investigations shall be documented in written reports that shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessment, and the investigative facts and findings. Requires all allegations of criminal conduct be referred for prosecution. Requires an investigation not stop should the alleged abuser or victim depart from the employment or control of the facility or agency. Requires all case records associated with claims of sexual abuse or sexual harassment including all documentation be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.

An interview with a DIS Investigator confirmed completing the required specialized investigator training as well as the annual PREA education. The investigator indicated all allegations are investigated, regardless of how the information is initially obtained and reported that investigations begin immediately upon notification. The assigned investigator will conduct an initial inquiry into the alleged allegation of sexual abuse or sexual harassment, to determine if criminal behavior is involved or a staff person is the alleged perpetrator, collects evidence and maintains the evidence as required. The investigator's interview confirmed the credibility of the victim is based on evidence found, and that no polygraph examination or truth-telling device is a condition for proceeding with an investigation. Also, the investigator indicated an investigation does not cease until completed, regardless if the alleged perpetrator is released or resigns employment, or if the victim leaves the facility prior to the completion of the investigation.

Interview with the Station Commander indicated there had been no investigations of alleged staff or detainee sexual abuse or sexual harassment that occurred at the station within the past twelve (12) months. Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.172: Evidentiary standard for administrative investigations**

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

#### **115.172 (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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #INV-10 (Evidence Collection And Preservation) effective April 23, 2009; #INV-11 (Controlled Substance – Storage & Handling) effective May 10, 2012; #INV-11A (Property And Contraband) effective June 17, 2013; ECU-D001 -v10.1 (MSP Forensic Services Group Evidence Handling and Submission Manual) issued October 28, 2015 and MSP Rules and Regulations Article 6 (Regulations Establishing Disciplinary Procedures and Temporary Relief from Duty) effective February 5, 2001 requires the DIS investigator to investigate the allegation and indicates a standard of a preponderance of the evidence or a lower standard of proof for determining if allegations are substantiated, unsubstantiated or unfounded.

An interview with the DIS investigator indicated that they conduct fact finding investigations and make conclusions following their investigations (which is administrative in nature) and consult with the assistant district attorney following an investigation if criminal in nature, therefore the Station Commander in consultation with legal, his Supervisor and Human Resources would make a determination regarding disciplinary actions to be imposed and the standard they would use is the preponderance of evidence.

Based on the review of the agency policy and procedures, observations and information obtained through a review of documentation, the station has demonstrated compliance with this standard.

**DISCIPLINE**

**Standard 115.176: Disciplinary sanctions for staff**

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

**115.176 (a)**

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

**115.176 (b)**

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

### 115.176 (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

### 115.176 (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

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #ADM-29 (Workplace Violence) effective April 23, 2009 and MSP Rules and Regulations Article 5 (Rules Of Conduct) and Appendix A (Discipline Guidelines) effective January 31, 2001 requires that any employee shall be subjected to the disciplinary sanctions up to and including termination for violation of MSP sexual abuse or sexual harassment policies. Requires that termination shall be the presumptive disciplinary sanction for any employee who had engaged in sexual abuse. Requires that violations of the MSP policies relating to sexual misconduct or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories. Additionally, staff may not escape sanctions by resigning. Staff who resign because they would have been terminated, are reported to the local law enforcement, unless the activities were not clearly criminal.

Interview with the Station Commander confirmed there has been no employee disciplined in the past twelve (12) months for violation of the station's sexual abuse or sexual harassment policies. All disciplinary sanctions are maintained in the employee's HR file in accordance with MSP policy and procedures.

Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.177: Corrective action for contractors and volunteers

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

#### 115.177 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with detainees?  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

#### 115.177 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the lockup take appropriate remedial measures, and consider whether to prohibit further contact with detainees?  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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-07A (Detainee Sexual Abuse and

Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017 and INV-01 (Criminal Investigations) effective April 23, 2009 requires in the event that a contractor or volunteer has engaged in sexual abuse or has been convicted or adjudicated of having engaged in sexual abuse he or she will have no access or contact with detainees in Department custody. Also, the policies require that any contractor or volunteer who engages in sexual abuse of detainees shall be prohibited from contact with detainees and shall be reported to the PREA Coordinator and any relevant licensing bodies and to law enforcement agencies, unless the activity was clearly not criminal. Requires each Station to take appropriate remedial measures, and shall consider whether to prohibit further contact with detainees, in the case of any other violation of agency sexual abuse or sexual harassment policies by a volunteer or contractor.

The Station Commander's interview confirmed there were no instances or reports whereby a volunteer or contractor was alleged to have violated the sexual abuse or sexual harassment MSP policies and procedures in the past twelve (12) months. Also, he advised that there were no contractors or volunteers currently working at this Station.

Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.178: Referrals for prosecution for detainee-on-detainee sexual abuse

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

#### 115.178 (a)

- When there is probable cause to believe that a detainee sexually abused another detainee in a lockup, does the agency refer the matter to the appropriate prosecuting authority?  
 Yes  No

#### 115.178 (b)

- If the agency itself is not responsible for investigating allegations of sexual abuse, does the agency inform the investigating entity of this policy? (N/A if the agency/facility is responsible for administrative and criminal investigations. See 115.121(a).)  Yes  No  NA

#### 115.178 (c)

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and INV-01 (Criminal Investigations) effective April 23, 2009 requires when there is probable cause to believe that a detainee had sexual contact with another detainee in a holding cell, the Department will make a criminal referral to the District Attorney's Office of jurisdiction or to the Attorney General's Office.

An interview with the Station Commander indicated there have been no investigations that resulted in detainee-on-detainee sexual abuse that were referred for prosecution in the past twelve (12) months. Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## MEDICAL AND MENTAL CARE

### Standard 115.182: Access to emergency medical and mental health services

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

#### 115.182 (a)

- Do detainee victims of sexual abuse in lockups receive timely, unimpeded access to emergency medical treatment?  Yes  No

#### 115.182 (b)

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-07A (Detainee Sexual Abuse and Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017; #PRI-02 (Custodial Inventory) and #PRI-06 (Prisoner Monitoring) effective May 5, 2017 requires the timely and unimpeded access to emergency medical treatment and crisis intervention services for victims of sexual abuse. The Department to offer all victims access to forensic medical examinations performed by Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiner (SANE) or a qualified medical practitioner without financial cost to the victim. Treatment services are provided free of cost and regardless of whether the victim identifies the abuser or cooperates with an investigation. If the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, ensure that the detainee be permitted to use such services to the extent available consistent with security needs. If the victim is transferred from the lockup to a jail, prison or medical facility, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.

Interview with the Station Commander indicated there had been no allegation where a victim required a forensic medical examination in the past twelve (12) months. The staff (first responders) would follow the Coordinated Response Plan which includes notification protocols, well as transporting the victim to Emerson Hospital if the incident was reported in a timely manner that allowed for physical evidence collection. The Desk Officer would document the information in the daily administrative journal.

Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## DATA COLLECTION AND REVIEW

### Standard 115.186: Sexual abuse incident reviews

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

#### 115.186 (a)

- Does the lockup 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

#### 115.186 (b)

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

### 115.186 (c)

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

### 115.186 (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 lockup?  Yes  No
- Does the review team: Examine the area in the lockup 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 §§ 115.186(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the lockup head and agency PREA coordinator?  Yes  No

### 115.186 (e)

- Does the lockup 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 lockup does*

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

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #PRI-07A (Detainee Sexual Abuse and Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017 requires the Station Commander, PREA Coordinator, and other pertinent individuals, shall conduct a sexual abuse incident review at the conclusion of every investigation into allegation of sexual abuse of a detainee in Department custody. The sexual abuse incident review to be conducted within thirty (30) days of the conclusion of the investigation. Such review will be conducted even when the allegation has not been substantiated, unless the allegation has been determined to be unfounded of every sexual abuse allegation at the conclusion of all investigations.

Requires the review of the allegation for: the need for policy or practice change, consider whether the incident or allegation was motivated by bias or gang affiliation, check of the physical area for barriers, staffing levels at the time of the incident during different shifts, and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. The General Order requires the PREA Coordinator to submit a written report to the Colonel/Superintendent that includes any recommendations and corrective action, as well as documentation showing implementation of the recommendations or the reason for not implementing the recommendations.

An interview with the Station Commander confirmed that a report (PREA Sexual Abuse Incident Report) is prepared upon completion of sexual abuse incident reviews. The report would include: a need to change or improve practice; motivated or caused by group dynamic; physical barriers in the area; adequacy of staffing levels and adequate technology. The station had no reported investigations of criminal and/or administrative investigation of alleged sexual abuse or sexual harassment that occurred in this facility in the past twelve (12) months. Random state trooper interviews confirmed their knowledge of the process and would provide information for the previous Sexual Abuse Incident Report that captures all aspects of an incident.

Based on the review of the agency policy and procedures, observations and information obtained through staff interviews and review of documentation, the station has demonstrated compliance with this standard.

## **Standard 115.187: Data collection**

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

#### **115.187 (a)**

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

#### **115.187 (b)**

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

#### **115.187 (c)**

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups?  Yes  No

#### 115.187 (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

#### 115.187 (e)

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

#### 115.187 (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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #PRI-07A (Detainee Sexual Abuse and Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017 requires the annual review of 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 (barracks), as well as the MSP as a whole.

The PREA Coordinator has been tasked to annually collect accurate, uniform data for every allegation of sexual abuse from all the Stations. Also requires the PREA Coordinator to collect all necessary reports and information from completed investigations as required by the DOJ – SSV. The incident-based data

collected must include, at a minimum, the data necessary to answer all questions from the PREA Survey of Sexual Victimization Barracks Summary form that is completed by each station commander. Also, MSP is required to maintain, review and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. Requires the collection of same information from private agencies with whom it contracts for the confinement of its detainees. The annual submission to the BJS that includes SSV information will be available no later than June 30 of each year.

An interview with MSP PREA Coordinator reported he gathers the PREA related data information from each Station and completes the DOJ-SSV as request. He maintains all related data and document information as required by policy and procedure. An annual report is created and addresses all the information reported in the calendar year. A review of both 2016 and 2017 MSP annual report identified data review and any corrective actions for each lockup/barracks within the Massachusetts Department of State Police (MSP).

Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## Standard 115.188: Data review for corrective action

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

#### 115.188 (a)

- Does the agency review data collected and aggregated pursuant to § 115.187 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 § 115.187 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 § 115.187 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 lockup, as well as the agency as a whole?  Yes  No

#### 115.188 (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

#### 115.188 (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



### 115.188 (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 lockup?  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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A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018 and #PRI-07A (Detainee Sexual Abuse and Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017 requires the MSP PREA Coordinator to collect and review data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training by identifying problem areas, taking on-going corrective action and preparing an annual report of its findings for individual lock-up/barracks and the agency as a whole. Requires the report to include comparison data and corrective actions from prior years and allows the redaction of specific material and an indication of the material redacted. Requires the report is approved by the Colonel/Superintendent and made public.

A review of both 2016 and 2017 MSP annual reports identified data review and any corrective actions for each lockup/barracks within the Massachusetts Department of State Police (MSP). The report is available to the public on the MSP website. Based on the review of the agency policy and procedures, observations and information obtained through a review of documentation, the station has demonstrated compliance with this standard.

### Standard 115.189: Data storage, publication, and destruction

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

### 115.189 (a)

- Does the agency ensure that data collected pursuant to § 115.187 are securely retained?  Yes  No

### 115.189 (b)

- Does the agency make all aggregated sexual abuse data, from lockups under its direct control and private agencies 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

#### 115.189 (c)

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

#### 115.189 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.187 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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

A review of the Massachusetts Department of State Police (MSP) General Order #PRI-07 (Detainee Sexual Abuse and Sexual Harassment) effective May 21, 2018; #PRI-07A (Detainee Sexual Abuse and Sexual Harassment Investigations, Review and Data Collection) effective May 5, 2017; Executive Order #504 (Data Security) effective September 19, 2018 and M.G.L.A. 66 § 10 (Public inspection copies of records; presumptions; exceptions) requires that the MSP shall ensure that data collected of allegations of sexual abuse is securely retained, and makes information readily available to the public through an annual report on its website. Requires that before making the report public, the MSP shall remove all personal identifies. Requires the MSP to maintain this information for at least ten (10) years after the date of initial collection unless Federal, State or local law requires otherwise. Also, MSP has a statewide records retention quick guide schedule that identifies the completion of ten (10) years and then for records to be destroyed.

An interview with MSP PREA Coordinator confirmed that data is collected and securely retained for a minimum of ten (10) years. A review of both 2016 and 2017 MSP annual reports confirmed there were no personal identifiers within the documents. Based on the review of the agency policy and procedures, observations and information obtained through an interview and review of documentation, the station has demonstrated compliance with this standard.

## 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 three-year period starting on August 20, 2013, and during each three-year period thereafter, 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.? (N/A before August 20, 2016.)  
 Yes  No  NA

##### 115.401 (b)

- During each one-year period starting on August 20, 2013, 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?  Yes  No

##### 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 detainees, detainees, and detainees?  Yes  No

##### 115.401 (n)

- Were detainees 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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.

This auditor reviewed the Massachusetts Department of State Police (MSP) web page at <http://www.mass.gov/eopss/agencies/msp> containing the eleven (11) audit reports for PREA audits completed from January 2017 through December 2017. One third of each lockup type operated by this Agency was completed during the first PREA review cycle in accordance with the standard. Thirty-eight (38) lockups/barracks have been scheduled for the second and third PREA review cycle. This lockup/barrack is one of the facilities scheduled for the second year of the second PREA review cycle. This auditor had access to the entire lockup/barrack and was able to conduct staff interviews in a private room and provided with documentation in accordance to the standard. There were no detainees during the time of the on-site visit. Detainees were permitted to send confidential information or correspondence to this auditor, the same method as sending to their legal counsel. Posters (pre-audit notices) for communicating to the auditor were in the booking area.

## 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 within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single lockup agencies, the auditor shall ensure that the facility's last audit report was published. 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 lockup does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the lockup.*

This auditor reviewed the Massachusetts Department of State Police (MSP) web page at <http://www.mass.gov/eopss/agencies/msp> containing the eleven (11) PREA Final reports that were audited for the previous year and published within 90 days after the final report was issued by the auditor.

## 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 detainee 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.

Dorothy Xanos \_\_\_\_\_

11/17/18 \_\_\_\_\_

**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-a216-6f4bf7c7c110> .

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