

 <div style="text-align: center;"> Massachusetts  Department of Correction  <b>POLICY</b> </div>		Effective Date  9/2/2025	Responsible Division  Deputy Commissioner, Field Services
		Annual Review Date  7/2/2025	
Policy Name  103 DOC 519 SEXUAL HARASSMENT/ABUSE RESPONSE AND PREVENTION POLICY		M.G.L. Reference: M.G.L., c. 124, § 1; M.G.L., c. 268, § 21A; Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79; Prisons and Jail Standards, United States Department of Justice Final Rule, 28 C.F.R. Part 115 DOC Policy Reference: 103 DOC 401; 103 DOC 426; 103 CMR 430; 103 DOC 510; 103 DOC 512; 103 DOC 518; 103 DOC 522; 103 DOC 620; 103 DOC 630; 103 DOC 631; 103 DOC 650; 103 DOC 653 ACA/PREA Standards: 5-ACI-3D-09; 5-ACI-3D-10; 5-ACI-3D-11; 5-ACI-3D-12; 5-ACI-3D-13; 5-ACI-3D-14; 5-ACI-3D-15; 5-ACI-3D-16; 5-ACI-6C-14; 4-ACRS-6A-05	
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Department Employees; Contractors; Volunteers; Incarcerated Individuals; Civil Commitments	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File; Each Institution's Policy File;	
<b>PURPOSE:</b> To provide Department of Correction (Department) guidelines which address prohibited and/or illegal sexual harassment and/or sexually abusive behaviors involving an incarcerated or civilly committed individual perpetrator against an incarcerated or civilly committed individual victim; or Department employee, contractor, or volunteer perpetrator against incarcerated or civilly committed individual victim.  <b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b> Deputy Commissioner, Field Services Deputy Commissioner, Prison Division Chief, Office of Investigative Services Chief, Professional Standards Unit Chief, PREA Audits, Operations & Investigations (PREA Coordinator) Assistant Deputy Commissioners Superintendents PREA Managers  <b>CANCELLATION:</b> 103 DOC 519 cancels all previous Department policies, statements, procedures, directives, bulletins, orders, notices, rules and regulations regarding prevention and intervention of sexual harassment and sexually abusive behavior involving incarcerated or civilly committed individual victims which are inconsistent with this policy.  <b>SEVERABILITY CLAUSE:</b> If any part of 103 DOC 519 is, for any reason, held to be unconstitutional, contrary to statute, or in excess of the authority of the Commissioner, such decisions shall not affect any other part of this policy.			

## **TABLE OF CONTENTS**

519.01	Definitions	3
519.02	Policy Statement	6
519.03	Reporting Requirements	7
519.04	Prevention	10
519.05	Interdiction	14
519.06	Intervention	16
519.07	Investigation of Sexually Abusive/Harassing Behavior Complaints	21
519.08	PREA Committees and Sexual Harassment/Abuse Incident Reviews	24
519.09	Data Collection/Analysis/Storage	25
519.10	Supervision and Monitoring	27
519.11	False Allegations	27
519.12	PREA Audits	28
519.13	Emergencies	28

## **ATTACHMENTS**

Attachment #1	Incarcerated or Civilly Committed Individual Notification – Allegation of Sexual Abuse/Harassment	29
Attachment #2	Incarcerated or Civilly Committed Individual Notification – Staff Allegation	30
Attachment #3	Incarcerated or Civilly Committed Individual Notification – Incarcerated or Civilly Committed Individual Allegation	31
Attachment #4	Institution Annual PREA Safety Assessment	32
Attachment #5	Retaliation Monitoring Log	33
Attachment #6	Outside Agency Notification Letter	36
Attachment #7	PREA Allegation Form	37
Attachment #8	Sexual Misconduct with Incarcerated Individuals – Allegation Reporting Form	38

**DEFINITIONS**

Allegation: Any incident reported to, or by, a Department staff person, contractor, volunteer, third party, or incarcerated or civilly committed individual, involving an incarcerated or civilly committed individual victim of sexual harassment/sexually abusive behavior, which incident may lead to, or is pending the outcome of, an investigation.

At Risk: Incarcerated or civilly committed individuals who exhibit characteristics consistent with potential victims or with potential perpetrators of sexual harassment and/or sexually abusive behavior.

Civil Commitment: For purposes of this regulation, the term Civil Commitment shall mean any person admitted for evaluation or civil commitment to the Bridgewater State Hospital (BSH), any Massachusetts Treatment Center (MTC) resident who is not serving a criminal sentence, and any person civilly committed to the Massachusetts Alcohol and Substance Abuse Center (MASAC), and/or persons who otherwise have an active FA.

Exigent Circumstances: Any set of temporary and unforeseen circumstances which require immediate action in order to combat a threat to the life/safety of individuals and/or to the security or overall orderly operation of an institution.

Gender Dysphoria (GD): The formal diagnosis used by psychologists and physicians to describe individuals who experience significant distress over the sex and gender they were assigned at birth.

Incarcerated Individual: A committed offender or such other person as is placed in custody in a correctional institution in accordance with law.

Intersex: An individual whose sexual or reproductive anatomy or chromosomal pattern does not appear to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTI: Acronym commonly used to refer to lesbian, gay, bisexual, transgender, and intersex individuals.

Physical Assault: Any intentional or reckless action taken by an individual which causes injury or creates potential injury to another individual, including, but not limited to, physical contact, contact by means of an object, or contact by means of bodily fluids (e.g., spitting, throwing urine, etc.).

Prison Rape Elimination Act (PREA): Federal legislation (Public Law No. 108-79), enacted in 2003 to provide for the analysis of the incidence and effects of prison rape in federal, state and local institutions, and to provide information, resources, recommendations, and funding, to protect individuals from prison rape.

PREA Annual Safety Assessment: A yearly assessment designed to ensure that an institution's physical plant and operational system are assessed in relation to the National Prison Rape Elimination Commission standards and the Department performance measures and policies.

PREA Committee: An institutional level staff committee comprised of individuals deemed integral to the successful implementation of the PREA process. The committee, led by the institution's PREA Manager, shall meet at least monthly to review, assess and/or discuss issues germane to the institution's PREA activities. This committee is also responsible for reviewing all sexual harassment/abuse investigations (substantiated and unsubstantiated allegations), which have been closed within the last thirty (30) days.

PREA Coordinator: An upper level Department staff person responsible for developing, implementing, and overseeing, the Department's efforts to comply with the Department of Justice (DOJ) PREA standards and with the Department's PREA related policies in all of the Department's institutions. The PREA Coordinator is the Chief of PREA Audits, Operations, and Investigations.

PREA Manager: The institutional level manager responsible for implementing and monitoring the Sexual Harassment/Abuse Response Prevention Policy (SHARPP) and coordinating the institution's compliance with the PREA standards. In most circumstances the PREA Manager will be the Deputy Superintendent of Reentry.

Sexual Abuse, Incarcerated or Civilly Committed Individual-on-Incarcerated or Civilly Committed Individual: Sexual abuse of an incarcerated or civilly committed individual by another incarcerated or civilly committed individual includes any of the following acts if the incarcerated or civilly committed individual victim does not consent, is coerced into such act by overt or implied threats, or is unable to consent or refuse:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual Abuse, Staff-on-Incarcerated or Civilly Committed Individual: Sexual abuse of an incarcerated or civilly committed individual by a staff member includes any of the following acts, with or without consent of the incarcerated or civilly committed individual:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- b. Contact between the mouth and the penis, vulva, or anus;
- c. Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of, or with, the genitalia, anus, groin, breast, inner thigh, or the buttocks, which contact is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request, by a staff member to engage in the activities described above in (a) – (e) of this section;
- g. Any display by a staff member of his or her uncovered genitalia, buttocks, or breast, in the presence of an incarcerated or civilly committed individual; and
- h. Voyeurism by a staff member, which is defined as an invasion of the privacy of an incarcerated or civilly committed individual by a staff member for reasons unrelated to official duties (e.g., peering at an incarcerated or civilly committed individual who is using a toilet in their cell to perform bodily functions, requiring an incarcerated or civilly committed individual to expose their buttocks, genitals, or breasts, or taking images of all or part of an incarcerated or civilly committed individual's naked body or of an incarcerated or civilly committed individual performing bodily functions).

Sexual Assault Investigator: A Department employee, assigned by the Superintendent and/or Chief of the Office of Investigative Services (OIS) and/or Chief of the Professional Standards Unit (PSU), to investigate allegations of sexual harassment/sexually abusive behavior, and who has received the required specialized training to conduct such investigations.

Sexual Assault Nurse Examiner (SANE) Program: A program which coordinates expert forensic and medical intervention in order to increase successful prosecution of sex offenders and to ensure essential medical care for victims of sexual assault who are examined at SANE designated emergency Departments.

Sexual Harassment: Sexual harassment is defined as:

- a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions, of a derogatory or offensive sexual nature, by one incarcerated or civilly committed individual directed toward another; and

- b. Repeated verbal comments or gestures of a sexual nature to an incarcerated or civilly committed individual by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff Member: For the purpose of this policy, the term “staff member” shall include Department employees, contract staff, and volunteers.

Staff Sexual Misconduct: Any sexual contact between an incarcerated or civilly committed individual and a staff member is considered sexual misconduct, even if the incarcerated or civilly committed individual consents as incarcerated or civilly committed individuals are deemed incapable of granting consent in these circumstances.

Victim Inmate Advocate: The individual assigned to meet with incarcerated or civilly committed individual victims of sexual harassment/sexually abusive behavior in order to educate them about the treatment and services available to them, to inform them about the status of the investigation, and to educate them about the disciplinary and classification processes pertaining to allegations of sexual harassment and sexually abusive behavior. The Victim Inmate Advocate shall be a qualified community-based representative who has been screened for appropriateness to serve in this role and received education/training concerning sexual harassment/assault and forensic examination issues in general.

## **519.02**

### **POLICY STATEMENT**

- A. The Department has zero tolerance for all forms of sexual harassment/sexually abusive behavior and is committed to preventing, detecting, and responding to any such conduct. The Department shall embrace the standards set forth by the National Prison Rape Elimination Act (Public Law No. 108-79) and the American Correctional Association (ACA) for all state correctional jurisdictions.
- B. Allegations of sexual harassment/sexually abusive behavior involving staff on staff or incarcerated or civilly committed individual on staff shall be covered in 103 DOC 522, *Professional Standards Unit*. This policy addresses the security, treatment, and management issues related to incarcerated or civilly committed individual victims of sexual harassment and/or abuse.
- C. All intentional acts of sexual harassment/sexually abusive behavior or intimacy between an incarcerated or civilly committed individual and a staff member, or between incarcerated or civilly committed individuals, regardless of consensual status, are prohibited. The perpetrators shall, where appropriate, be subject to administrative, criminal and/or disciplinary sanctions. The Department is committed to investigating,

disciplining (up to and including termination) and referring for prosecution, staff members and incarcerated or civilly committed individuals who engage in sexual harassment/sexually abusive behavior. The Department is equally committed to providing crisis intervention and ongoing treatment or referrals to the victims of these acts.

The Department resolves to:

1. Prohibit all forms of sexual harassment and sexual activity involving incarcerated or civilly committed individuals.
2. Accurately identify and track perpetrators and incarcerated or civilly committed individual victims of sexual harassment/sexually abusive behavior;
3. Screen and assess incarcerated or civilly committed individuals for their risk of being sexually harassed/abused by other incarcerated or civilly committed individuals or of sexually harassing or sexually abusing other incarcerated or civilly committed individuals.
4. Provide ongoing education for staff members regarding their responsibility for prevention, detection, and responding, when allegations are observed or made known to them;
5. Provide effective and ongoing orientation for incarcerated or civilly committed individuals regarding how to avoid victimization and how to report incidents of sexual harassment/abuse;
6. Provide for a thorough investigation of all reported allegations of sexual harassment/abuse and pursue discipline and/or prosecution of perpetrators when appropriate;
7. Provide effective short and long-term treatment for victims of sexual harassment/sexually abusive behavior.

### **519.03**      **REPORTING REQUIREMENTS**

#### **A.      Staff Reporting**

Allegations of incarcerated or civilly committed individual-on-incarcerated or civilly committed individual or staff-on-incarcerated or civilly committed individual sexual harassment/sexually abusive behavior shall immediately be reported by staff members to the Shift Commander verbally and followed up with a confidential incident report to the Superintendent before the end of the staff member's shift. This includes

any specific knowledge, reasonable suspicion, or credible information, regarding an allegation of sexual harassment/abuse which occurred at an institution, an act of retaliation against an incarcerated or civilly committed individual or staff member who reported such an allegation, and any staff neglect or violation of responsibilities that may have contributed to an incident, allegation, and/or an act of retaliation.

Apart from reporting to designated supervisors and/or officials, staff members shall not reveal any information related to an allegation of sexual harassment/abuse to anyone other than to the extent necessary to provide treatment, to conduct an investigation, and/or to make other security and management decisions.

During non-business hours, a sexual harassment/abuse allegation shall be reported to the Shift Commander who shall ensure that the Superintendent is immediately notified. Failure of any staff member to report an allegation of sexual harassment/abuse may result in disciplinary action, up to and including termination.

Staff members shall accept reports made verbally, in writing, anonymously, and/or from third parties. All verbal reports shall be promptly documented using the IMS's Confidential Incident Report.

The Superintendent shall ensure that the Duty Station is notified of all allegations of sexual harassment/sexually abusive behavior. If the allegations involve a possible violation of the law, the Chief of OIS shall be promptly notified and shall then notify the jurisdictionally appropriate District Attorney's office once it is determined that sufficient probable cause exists to warrant such notification.

**B. Incarcerated or Civilly Committed Individual Reporting**

The Department shall maintain for incarcerated or civilly committed individuals, multiple internal mechanisms for privately reporting sexual harassment/abuse, retaliation by other incarcerated or civilly committed individuals or staff members for reporting sexual harassment/abuse and/or staff member neglect or violation of responsibilities that may have contributed to incidents of sexual harassment/abuse and retaliation. A Department hotline number (508-422-3486) shall be designated within the incarcerated or civilly committed individual telephone system. The Department shall allow for universal and unimpeded access by all incarcerated or civilly committed individuals within the Department to the hotline number and it shall be listed in all institutional incarcerated or civilly committed individual orientation manuals. It is not recorded and is available to all incarcerated or civilly committed individuals without using their PIN numbers. Each institution shall also establish a site-specific



inner perimeter security (IPS) hotline which may be utilized. Additional methods to report sexual harassment/abuse or retaliation include, but are not limited to, the incarcerated or civilly committed individual grievance system, staff access periods, the institution's PREA Manager, IPS staff members, and third-party reporting.

C. Outside Agencies

Upon a Superintendent's receipt of an allegation that an incarcerated or civilly committed individual was sexually harassed/abused while confined at another institution or agency, the Superintendent shall notify the appropriate Superintendent or Chief Administrative Officer of the agency where the alleged abuse occurred. Such notifications shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation and shall be documented in writing. The Superintendent or agency office receiving such notification shall ensure that the allegation is investigated and shall provide periodic updates and a copy of the final investigation report to the notifying institution which currently houses the alleged incarcerated or civilly committed individual victim.

D. Third Party Reporting by Incarcerated or Civilly Committed Individuals

Incarcerated or civilly committed individuals may also report sexual harassment/abuse to external public or private agencies via correspondence or via use of the incarcerated or civilly committed individual telephone system. Calls to "privileged" numbers, including universally approved legal assistance phone numbers, pre-authorized personal attorney telephone numbers, a foreign national's pre-authorized telephone number to their consulate office or diplomat, pre-authorized clergy telephone numbers, and pre-authorized licensed psychologist, social worker and/or mental health professional telephone numbers, are not subject to telephone monitoring and are not recorded.

The Massachusetts Department of Correction has incorporated and enhanced a third-party reporting system which includes a form for the public to access through the Massachusetts Department of Correction (MADOC) [www.mass.gov/doc](http://www.mass.gov/doc). At this site, released incarcerated or civilly committed individuals, a family member or loved one of an incarcerated or civilly committed individual, will have access to report a PREA allegation.

The Department shall accept and investigate all verbal, written, and anonymous third-party reports of sexual harassment/abuse. Third party entities may report abuse to the Department Duty Station to 508-422-3486. These reports shall be immediately forwarded to the appropriate Superintendent or Division head.

The Department also provides a way for incarcerated or civilly committed individuals to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward incarcerated or civilly committed individual reports of sexual abuse and sexual harassment to agency officials, allowing the incarcerated or civilly committed individual to remain anonymous upon request. Incarcerated or civilly committed individuals may write to the address below to file a report of sexual abuse or harassment and may also include in the body of the letter whether they wish to remain anonymous if they choose. Outgoing incarcerated or civilly committed individual correspondence to the below address will follow standard mail procedures pursuant to 103 CMR 481, *Inmate Mail*.

Massachusetts State Police  
Division of Investigative Services  
470 Worcester Road  
Framingham, MA 01702  
ATTN: PREA COORDINATOR

#### **519.04**

#### **PREVENTION**

All staff members are responsible for contributing to the prevention of sexual harassment/sexually abusive behavior perpetrated by staff upon incarcerated or civilly committed individuals or by incarcerated or civilly committed individuals upon incarcerated or civilly committed individuals as outlined in this policy.

Incarcerated or civilly committed individuals are responsible for familiarizing themselves with the Department's orientation material concerning 103 DOC 519, *Sexual Harassment/Abuse Response Prevention Policy (SHARPP)*, and other related material made available. Incarcerated or civilly committed individuals are also responsible for reporting allegations in a timely fashion to a staff member or third party (for the purposes of forwarding the allegation to the Department or law enforcement) in order to ensure their safety and the safety of others.

The Department strives to create a safe environment for staff members and incarcerated or civilly committed individuals that is free from sexual harassment/abuse and exploitation. Planning and implementing measures to prevent sexual harassment and sexually abusive behavior is a priority for the Department. In this regard, the Department shall provide for the following resources and practices:

##### **A. Training and Education**

The Division of Staff Development and the PREA Coordinator shall provide ongoing training to ensure that all Department employees and

contractors are educated regarding their responsibilities to prevent and report incidents of sexual harassment/sexually abusive behavior. In addition, specialized training shall be provided for those employees who respond to and investigate PREA incidents. The Director of Program Services and Reentry is responsible for educating volunteers regarding their responsibilities to prevent and report incidents of sexual harassment/sexually abusive behavior.

**B. Identification and Reporting**

The Department shall utilize an Internal Housing Risk Assessment (see 103 DOC 401, *Booking and Admissions*, Attachment #4 and #5) to assess incarcerated or civilly committed individuals for their risk of vulnerability or predatory behavior in accordance with 103 DOC 401, *Booking and Admissions*.

1. Incarcerated or civilly committed individuals at risk or who have a history of sexual harassment/abuse victimization:
  - a. All incarcerated or civilly committed individuals entering a Department institution, and upon subsequent transfers between institutions, shall be screened within twenty-four (24) hours by a qualified medical professional for a history of, and the risk for, sexual harassment/abuse victimization, in accordance with 103 DOC 630, *Medical Services*. If the Department learns that an incarcerated or civilly committed individual is subject to a substantial risk of imminent sexual harassment/abuse, it shall take immediate action to protect that incarcerated or civilly committed individual. Incarcerated or civilly committed individuals identified through self-reports or medical reports as having a history of sexual harassment/abuse victimization, and/or who are at risk of being a victim of incarcerated or civilly committed individual sexual harassment/abuse, shall be referred to a mental health clinician for assessment, monitoring, and counseling. Such reports shall be documented in the appropriate IMS screen and a confidential incident report shall be written to the Superintendent to ensure that appropriate steps (e.g., investigation, housing assignment, etc.) are taken.
  - b. Once an incarcerated or civilly committed individual is identified as having been a victim, or as being at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of that incarcerated or civilly committed individual. Where double bunking is necessary, the staff members making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in

selecting a cellmate for the incarcerated or civilly committed individual, keeping in mind the incarcerated or civilly committed individual's victimization history and/or the incarcerated or civilly committed individual's "at risk" status. Similar consideration shall be given for placement of an incarcerated or civilly committed individual in a dormitory setting.

- c. Incarcerated or civilly committed individuals at high risk for sexual harassment/abuse victimization, and those who have reported being a victim of sexual abuse/harassment in the past either while housed in a prison setting or in the community shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and there has been a determination that there is no available alternative means of separating the incarcerated or civilly committed individual from likely abusers. If an institution cannot conduct such an assessment immediately, the institution may hold the incarcerated or civilly committed individual in segregated housing for less than twenty-four (24) hours while completing the assessment.
2. Incarcerated or civilly committed individuals with a history of, or who are at risk for, incarcerated or civilly committed individual predatory sexual harassment/sexually abusive behavior:
    - a. All incarcerated or civilly committed individuals entering a Department institution, and upon subsequent transfer between institutions, shall be screened within twenty-four (24) hours of their arrival by a qualified medical professional for a history of sexual harassment/sexually abusive behavior in accordance with 103 DOC 630, *Medical Services*. Incarcerated or civilly committed individuals identified through self-reports or medical reports as having a history of sexual harassment/sexually abusive behavior shall be documented in the appropriate IMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g., investigation, housing assignment, referral to treatment program) are taken.
    - b. Booking officers and the Criminal History Records Information (CHRI) staff shall also screen incarcerated or civilly committed individuals for a history of sexual harassment/sexually abusive behavior by conducting a review of criminal record information, (e.g., judgment and commitment orders; six-part record and board of probation

records). Incarcerated or civilly committed individuals identified as having a history of sexual harassment/sexually abusive behavior not previously identified, shall be documented in the appropriate IMS screen and a confidential incident report shall be submitted to the superintendent.

- c. The Department shall utilize the Internal Housing Risk placement screen on IMS to help identify incarcerated or civilly committed individuals with a risk of sexual harassment/sexually abusive behavior. Those incarcerated or civilly committed individuals identified shall be referred to appropriate institutional programming. The program referral shall be made part of the incarcerated or civilly committed individual's individualized program plan and shall be monitored in accordance with 103 DOC 653, *Identification, Treatment and Correctional Management of Gender Non-Conforming Inmates*. Placement and programming assignments for each transgender or intersex incarcerated or civilly committed individual shall be reassessed at least twice each year to review any threats to safety experienced by the incarcerated or civilly committed individual.
- d. Upon learning that an incarcerated or civilly committed individual has been identified as a predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the incarcerated or civilly committed individual. Where double bunking is necessary, the staff members making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the incarcerated or civilly committed individual, keeping in mind the incarcerated or civilly committed individual's predatory history and/or the incarcerated or civilly committed individual's "at risk" status. Similar consideration shall be given for placement of an incarcerated or civilly committed individual in a dormitory setting.

C. Incarcerated or Civilly Committed Individual Education

- 1. Each Superintendent shall ensure that new incarcerated or civilly committed individuals to the Department receive gender specific verbal, written and video presentations about incarcerated or civilly committed individual sexual violence in English and/or Spanish. Videos shall also be available in closed caption for the deaf and hard of hearing. All written orientation materials about sexual harassment/sexually abusive behavior shall be provided in

English and/or Spanish. Other limited or non-English speaking incarcerated or civilly committed individuals shall receive translation into their own language(s) via the telephonic interpreter service. When a literacy problem exists, a staff member shall assist the incarcerated or civilly committed individual in understanding the material.

2. All Superintendents shall provide intrasystem transfer incarcerated or civilly committed individuals with verbal and written information regarding prevention/intervention, self-protection, reporting sexual harassment/ abuse, treatment, and counseling.
3. All incarcerated or civilly committed individual orientation manuals shall include a section that addresses these issues in accordance with 103 DOC 401, *Booking and Admissions*.
4. Each institution shall take the necessary and appropriate steps to ensure incarcerated or civilly committed individuals with disabilities (including, but not limited to, incarcerated or civilly committed individuals who are hard of hearing or deaf, have low vision, are blind, or those who have intellectual, psychiatric, or communication disabilities), have an equal opportunity to participate in, or benefit from, all aspects of the Department's efforts to prevent, detect, and respond to any and all allegations of sexual harassment and/or sexual abuse.

D. Public Education

The Department is committed to the continued communication with, and education of, incarcerated or civilly committed individual family members, Department constituents, other state agencies, community work crew recipients, work release employers, and the general public, regarding the PREA initiatives undertaken by the Department and how they can support these efforts. This includes informational pamphlets, friends and family handbook, video presentations, discussion forums, postings on the Department's internet page, social media, and news releases, as appropriate.

**519.05**

**INTERDICTION**

- A. Each Superintendent shall identify an institutional PREA Manager who shall normally be the Deputy Superintendent of Reentry. This position shall be delineated on the institution organizational chart and through a letter of appointment.

- B. At least annually, each Superintendent or designee shall conduct a PREA Safety Assessment of their institution in accordance with Attachment #4. Consideration shall be given to past PREA events, staffing plans, recent changes to the institution environment and the unique mission and population assigned to the institution. Consideration shall be given to identifying operational practices which are in need of improvement. A copy of the PREA Safety Assessment shall be submitted to the Department's PREA Coordinator for review no later than the last working day of March.
- C. Each Superintendent or designee shall monitor a list of known PREA victims and known PREA predators assigned to their institution using the IMS Internal Housing Risk Assessment (see 103 DOC 401, *Booking and Admissions*, Attachment #4 and #5) and monitor the behavior and wellbeing of the incarcerated or civilly committed individuals identified on this list. Efforts should be taken to ensure the list is accurate and remains current.
- D. Each Superintendent or designee shall ensure that reports by staff members and third parties regarding reasonable suspicions of sexual harassment/sexually abusive behavior or related activities are referred to investigators for follow-up and/or investigation.
- E. On an annual basis, each Superintendent or designee shall ensure and document that every staff member assigned to their institution has their home phone number(s) and/or cell phone number(s) checked against the incarcerated or civilly committed individual telephone database. Any positive matches shall be reported, via the investigative intake form, to the Chief of OIS for appropriate action.
- F. Superintendents shall ensure procedures are maintained which enable incarcerated or civilly committed individuals to shower, perform bodily functions, and change clothing, without non-medical 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 in accordance with 103 DOC 750, *Hygiene Standards*. Incarcerated or civilly committed individuals who are housed in a dormitory setting shall be informed that there is no expectation of privacy, but, in order to afford some privacy when necessary, they may change clothing in the incarcerated or civilly committed individual bathroom. Incarcerated or civilly committed individuals shall be informed of this during their orientation to the institution, as well as through a posting of this requirement within the dormitory itself.
- G. Pursuant to 103 DOC 512, *Post Orders*, Superintendents shall require staff of the opposite gender to verbally announce, or have verbally announced

for them, their presence when entering an incarcerated or civilly committed individual housing unit whenever such entry changes the status quo of the gender of staff on duty in that area. Such announcements shall also be entered into the IMS Unit Log. In the event that there is no PA system available within an incarcerated or civilly committed individual housing unit, announcements shall be made as the staff member goes floor-by-floor.

- H. Pursuant to M.G.L. c. 119, § 58, the Department of Correction does not house youthful offenders.

## **519.06**

### **INTERVENTION**

The fundamental objective of the Department is to ensure the safety of all persons, whether Department employees, contractors, volunteers, incarcerated or civilly committed individuals, or third parties. To this end, it is an integral part of everyone's role with the Department to report and respond to all allegations of sexual harassment/sexually abusive behavior in accordance with the assigned duties of each person's respective post and assigned responsibilities.

A. **Immediate Response to Sexually Abusive Behavior Allegation**

1. Each Superintendent shall develop institution procedures for an Emergency Response Plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and institution leadership.

Response plans shall be reviewed annually, and updated copies shall be maintained in the Shift Commander's office and the IPS office, and shall contain the following actions:

- a. Separate alleged victim and perpetrator;
- b. Immediately notify the Shift Commander;
- c. Secure the scene, if warranted, for subsequent crime scene processing;
- d. Ask the victim and ensure that the perpetrator does not take any action that would destroy physical evidence (e.g., washing, eating, drinking, brushing teeth, changing clothes, etc.);
- e. Receive the reporter's information on what took place. Make note of the behavior and appearance of the incarcerated or



civily committed individual(s) involved and identify any witness(es) to the incident;

- f. Immediately escort the incarcerated or civily committed individual victim to the institution's Health Services Unit for emergency medical care/mental health treatment;
  - g. Enter detailed information on an IMS incident report before the end of the shift.
  - h. Remain on shift until debriefed by the Sexual Assault Investigator.
  - i. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.
2. Each institution's procedure shall identify the process for maintaining sexual assault response kits which contain the items necessary to facilitate their response to an incident of sexual abuse.

**B. Medical Response to Sexually Abusive Behavior Allegation**

- 1. Incarcerated or civily committed individual victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. A qualified health care professional shall evaluate and document the extent of the physical injury and provide emergency medical treatment as needed;
- 2. An emergency mental health referral to the on-site mental health professional shall be made following the completion of the medical evaluation;
- 3. Upon completion of the medical and mental health evaluation, the Superintendent/designee, in consultation with medical and mental health personnel, shall determine whether a referral to an outside hospital with a rape crisis unit and SANE Program services is warranted. Factors to be considered include, but are not limited to, the time frame between the alleged assault and complaint, as well as the extent and nature of the allegation.
- 4. If the determination is made that the incarcerated or civily committed individual victim should be sent to an outside hospital, and if the incarcerated or civily committed individual victim

consents, the incarcerated or civilly committed individual victim shall be transported to an outside hospital with a SANE Program where they shall receive essential medical intervention, including preventative treatment for HIV, sexually transmitted diseases, and pregnancy, if appropriate.

5. In the event that the incarcerated or civilly committed individual has injuries warranting immediate medical treatment, the incarcerated or civilly committed individual may be taken to a non-SANE medical site for stabilization prior to transportation to a SANE site for an examination.
6. Upon return from the outside hospital, the incarcerated or civilly committed individual victim shall be brought to the Health Services Unit for appropriate follow-up care, including a mental health screening by qualified contractual health care personnel. If, during this screening, there are any indications that the incarcerated or civilly committed individual victim is at risk to hurt themselves or others, a mental health professional shall be immediately notified. Otherwise, the incarcerated or civilly committed individual victim shall be seen by a mental health professional within twenty-four (24) hours, or no later than the next business day, to assess the need for crisis intervention and long-term counseling, pursuant to 103 DOC 650, *Mental Health Services*.
7. An incarcerated or civilly committed individual victim may be allowed to refuse institutional and/or rape crisis intervention treatment at an outside hospital. In these situations, the incarcerated or civilly committed individual victim shall be permitted to refuse treatment at the institution. Before the refusal is accepted, the Department's contractual medical and mental health provider shall attempt to encourage the incarcerated or civilly committed individual to go to the outside hospital for treatment.

In cases where the incarcerated or civilly committed individual victim continues to refuse treatment, the incarcerated or civilly committed individual victim shall sign a Refusal of Treatment form pursuant to 103 DOC 630, *Medical Services*. Provisions shall be made for testing sexually transmitted diseases (e.g., HIV, gonorrhea, hepatitis) as well as prophylactic treatment, follow-up care and counseling pursuant to 103 DOC 631, *Communicable Disease*, 103 DOC 620, *Special Health Care Practices*, and 103 DOC 650, *Mental Health Services*.

8. Once cleared by medical and mental health staff, the Superintendent/designee shall determine an appropriate housing assignment for the incarcerated or civilly committed individual victim.
9. Community based victim advocacy services are offered to the incarcerated or civilly committed individual as part of the SANE examination at the outside hospital/rape crisis center. Any contracted advocate or community-based advocate assigned shall be coordinated by the Director of the Victim Services Unit. The advocate assigned shall accompany and support the victim through the forensic medical examination process and investigatory interviews, informational meetings, and referrals.
10. Rape crisis services shall be provided at no cost to the alleged victim unless the claim of being sexually assaulted was knowingly false.

C. Security Response to Sexual Abuse Allegations

1. All reports of sexual activity are to be considered PREA until a full investigation indicates otherwise.
2. Whenever possible, evidence collection shall be conducted by a trained Sexual Assault Investigator prior to the incarcerated or civilly committed individual's transport to an outside hospital.
3. Evidence collected at an outside hospital involving allegations of incarcerated or civilly committed individual-on-incarcerated or civilly committed individual sexually abusive behavior shall be retained by the transporting officer in accordance with 103 DOC 518, *Inner Perimeter Security Team (IPS)*. In instances where the alleged perpetrator is a staff member, the outside hospital staff shall notify the State Police who shall transport any evidence collected to the State Police Crime Lab for analysis.
4. Any staff member receiving such a complaint shall follow institutional notification procedures, including the filing of an incident report.
5. As appropriate, OIS and PSU shall be notified during business hours (Monday-Friday 7:00am – 5:00pm) by telephone. The telephone number for OIS is 508-422-3652, and the telephone number for PSU is 508-422-3656. The Investigative Services Duty Officer shall be notified during non-business hours via the duty station at 508-422-3481.

6. If the Superintendent believes a felony may have been committed, they, in consultation with the Chief of OIS, shall notify the appropriate district attorney's office and the State Police detective unit assigned to the district attorney's office, and shall ensure that the Department seeks assistance and begins a cooperative investigation with these agencies.
7. If an incarcerated or civilly committed individual's involvement in the alleged sexually abusive behavior is suspected, they shall be placed in a secure setting pending investigation.
8. The Superintendent or designee shall ensure that a PREA database case is opened for all investigations and that all appropriate documentation is recorded.
9. The Superintendent or designee shall ensure that appropriate documentation is entered into IMS as required by 103 DOC 426, *Conflicts*.

D. Investigation Response to Sexual Harassment/ Sexually Abusive Behavior Allegations

1. The Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment/abuse utilizing those staff members who have received specialized training as it relates to a PREA investigation.
2. The assigned trained sexual assault investigator shall ensure that all evidence collected at the institution or at any hospital (Sexual Assault Evidence Collection Kit/Rape Kit, etc.) is transported to the State Police Laboratory as soon as possible. Evidence retained in excess of twenty-four (24) hours (weekends/holidays), shall be properly refrigerated.
3. Potential witnesses shall be interviewed in an attempt to gather information, corroborate the victim's statements, and/or to identify any suspect(s). Care should be taken to ensure the safety and security of potential witnesses from retribution or retaliation, and, if necessary and warranted, potential incarcerated or civilly committed individual witnesses shall be afforded opportunities for changes in housing placement, more secure housing, and/or accelerated classification for transfer.

4. If sufficient information or evidence is obtained during the investigation, a disciplinary report shall be issued pursuant to 103 CMR 430, *Inmate Discipline*.
5. All PREA investigations shall be in a six-part format in accordance with 103 DOC 518, *Inner Perimeter Security Team (IPS)*.

E. Classification Response to Sexual Harassment/ Sexually Abusive Behavior Allegations

The Superintendent shall ensure that an incarcerated or civilly committed individual's risk level is reassessed upon a referral, request, incident of sexual abuse, or receipt of additional information that bears on the incarcerated or civilly committed individual's risk of sexual victimization or abusiveness. A new Internal Housing Risk Assessment (see 103 DOC 401, *Booking and Admissions*, Attachment #4 and #5) is to be completed in IMS on the incarcerated or civilly committed individual predator and/or the incarcerated or civilly committed individual victim. The new Internal Housing Risk Assessment will be utilized to inform housing, bed, work, education, and program assignments with the goal of keeping separate those incarcerated or civilly committed individuals at high risk of being sexually victimized from those at high risk of being sexually abusive.

**519.07**

**INVESTIGATION OF SEXUALLY ABUSIVE/HARASSING BEHAVIOR COMPLAINTS**

The Department shall ensure that all available means are used to fully investigate allegations of sexual abuse and/or sexual harassment. Within seventy-two (72) hours of the reported incident, the site's Superintendent will review and assess all reported allegations of sexual harassment/sexually abusive behavior and determine the appropriate course of action.

A. Sexually Abusive/Harassing Behavior Between Incarcerated or Civilly Committed Individuals

Investigations of reported allegations of sexual harassment/sexually abusive behavior between incarcerated or civilly committed individuals shall be initiated by the Superintendent utilizing appropriately trained institution investigative staff or, upon request to the Chief of OIS, in conjunction with an investigator from OIS. The investigator assigned by the Superintendent is responsible for producing an investigative report and completing the PREA database case file within thirty (30) days. Extensions may be requested from and approved by the Superintendent for good cause. All investigative written material shall be uploaded to the PREA database.

B. Staff Accused of Sexually Abusive/Harassing Behavior with Incarcerated or Civilly Committed Individuals

If a staff member is accused of sexual harassment/sexually abusive behavior with an incarcerated or civilly committed individual, the Superintendent shall request a Category II investigation by submitting an Investigation Intake Form pursuant to 103 DOC 522, *Professional Standards Unit*, and shall notify their respective Assistant Deputy Commissioner. The accused staff member may be placed by the Superintendent or Department Head on “no incarcerated or civilly committed individual contact status” or “detached with pay status” by the Commissioner pending an investigation of the matter. Contractors who are accused of sexual harassment/sexually abusive behavior may be removed from the institution until the investigation is completed. All volunteers who are accused shall be barred from entering any correctional institution until the investigation is completed.

The Chiefs of OIS and PSU shall provide necessary access to the complaint intake and status screens of PREA cases for review by the institution’s Superintendent. The format for the investigative report shall follow the procedures set forth in 103 DOC 518, *Inner Perimeter Security Team (IPS)*. The Chiefs of OIS and PSU, having oversight of the investigation shall also ensure that a PREA database case file is promptly opened and completed within thirty (30) days. Extension requests for good cause shall be granted by the Chief of PSU.

C. Retaliation

Retaliation by any staff member against another employee, contractor, volunteer or incarcerated or civilly committed individual, for reporting an allegation of sexual harassment/sexually abusive behavior, for assisting in making such a report, or for cooperating in the investigation of such an allegation, regardless of the merits or disposition of the allegation, is strictly prohibited. Any such occurrence is a very serious matter that may result in discipline, up to and including termination.

The Department protects all incarcerated or civilly committed individuals and staff members who report sexual harassment/abuse, or who cooperate with sexual harassment/abuse investigations, from retaliation by other incarcerated or civilly committed individuals or staff members.

The Department employs multiple protective measures, including, but not limited to, housing changes or transfers for incarcerated or civilly committed individual victims or abusers, and removal of alleged staff members or incarcerated or civilly committed individual abusers from contact with victims. The Department also provides emotional support

services for incarcerated or civilly committed individuals or staff members who fear retaliation for reporting sexual harassment/abuse or for cooperating with an investigation.

Superintendents shall ensure the following:

1. For a period of at least ninety (90) days following a report of sexual harassment/abuse, IPS staff shall regularly meet with and monitor the conduct and treatment of incarcerated or civilly committed individuals or staff members who reported the sexual abuse, and of incarcerated or civilly committed individuals who were reported to have suffered sexual abuse, to see if there are claims and/or changes that may suggest possible retaliation by incarcerated or civilly committed individuals or staff members, and shall act promptly to remedy any such retaliation.
2. IPS staff should monitor any incarcerated or civilly committed individual disciplinary reports, housing changes, program changes, or negative performance reviews or reassignments of staff members.
3. Monitoring shall continue beyond ninety (90) days if the initial monitoring indicates a continued need. In the case of incarcerated or civilly committed individuals, such monitoring shall also include periodic status checks.
4. The documentation of monitoring must be recorded using Attachment #5 and maintained in the investigation file in the PREA database.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against any form of retaliation.

The Department's obligation to monitor shall terminate if the investigation determines that the allegation is unfounded.

D. Reporting to Incarcerated or Civilly Committed Individuals

Following an investigation into an incarcerated or civilly committed individual's allegation that they suffered sexual harassment/abuse in a Department institution, the Superintendent shall inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, by utilizing Attachment #1.

If the Department did not conduct the investigation, it shall request the

relevant information from the investigative agency in order to inform the incarcerated or civilly committed individual.

Following an incarcerated or civilly committed individual's allegation that a staff member has committed sexual harassment/abuse against them, the Department shall subsequently inform the victim incarcerated or civilly committed individual of the staff member's status utilizing Attachment #2, unless the investigation has determined that the allegation is unfounded.

Following an incarcerated or civilly committed individual's allegation that they have been sexually harassed/abused by another incarcerated or civilly committed individual, the Department shall subsequently inform the alleged victim incarcerated or civilly committed individual of the legal status of the incident utilizing Attachment #3.

The Department's obligation to report shall terminate if the victim incarcerated or civilly committed individual or perpetrator incarcerated or civilly committed individual is released from the agency's custody.

**519.08**

**PREA COMMITTEES AND SEXUAL HARASSMENT/ABUSE INCIDENT REVIEWS**

Each institution shall establish a PREA committee comprised of the PREA Manager, upper-level management officials, line supervisors, investigators, medical and/or mental health practitioners, and any other individual deemed integral to successful implementation of the PREA process at that site. The PREA committee is to conduct monthly documented meetings to assess site specific sexual harassment/abuse issues and guide the institution's compliance with DOJ PREA standards and SHARPP. The committee's activities are to be coordinated by the site's PREA Manager.

The institution shall also conduct a sexual harassment/abuse incident review at the conclusion of all substantiated and unsubstantiated investigations. Investigations which result in a determination of "unfounded" do not need to be formally reviewed as part of the aforementioned incident review meeting.

Incident reviews shall ordinarily occur within thirty (30) days of the conclusion of the investigation. The date of the conclusion of an investigation is the date the Superintendent/designee enters the official outcome of the investigation into the Department's PREA database.

A. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual harassment/abuse;



2. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, sexual orientation, transgender or intersex (LGBTI) identification status or perceived status, gang affiliation, or whether the incident was motivated or otherwise caused by other group dynamics at the institution;
3. Examine where the incident allegedly occurred to assess whether physical barriers in the area may have enabled the incident;
4. Assess the adequacy of staffing levels where the incident allegedly occurred during various shifts;
5. Assess whether monitoring technology should be deployed or enhanced to supplement supervision by staff; and,
6. Document the review process by using the PREA database. The committee shall document its findings, including, but not limited to, determinations made pursuant to the above and any recommendations for improvement. The institution shall implement the recommendations for improvement or shall document its reasons for not doing so.

## **519.09**

### **DATA COLLECTION/ANALYSIS/STORAGE**

All incidents or allegations of sexually abusive/harassing behavior shall be documented in a timely and accurate manner via the investigative process and in the PREA database by the certified investigators assigned by Superintendents or the Chief of PSU. On a monthly basis, each PREA Manager and the Chief of PSU, or their respective designees, are required to review each PREA allegation/incident logged into their respective institutional database, ensuring that all the appropriate data fields have been completed and are accurately documented, and that all appropriate documentation has been uploaded.

Other sources may be queried to develop intelligence information that may become useful to prevent sexual harassment/sexually abusive behavior. These sources may include, but are not limited to, incarcerated or civilly committed individual correspondence, incarcerated or civilly committed individual telephone records/recordings, incarcerated or civilly committed individual grievances, and institution climate reports.

#### **A. Collection**

The Department shall collect accurate, uniform data for every allegation of sexual harassment/abuse at institutions through the use of the PREA database.

The Departmental PREA Coordinator/designee shall aggregate the incident-based sexual abuse data at least annually and submit a report to the DOJ as required.

The incident-based data collected shall include, at a minimum, the data necessary to answer all inquiries and surveys by the DOJ.

The Department shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files and sexual abuse incident reviews. The Department shall also attempt to obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its incarcerated or civilly committed individuals.

Upon request, the Department's PREA Coordinator shall provide all such data from the previous calendar year to the DOJ.

B. Data review for Corrective Action

The Department shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual harassment/abuse response prevention policy and all such efforts related to the prevention, detection and response to any and all sexual harassment/abuse allegations. Additionally, the collection and review of such data serves to give the Department the ability to continually enhance and improve its practices and training, including:

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis; and
3. Preparing an annual report of its findings and corrective actions for each institution, as well as the Department as a whole.
  - a. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse/harassment within the Department.
  - b. The Department's report shall be approved by the Commissioner and made readily available to the public through the Department's website.
  - c. The Department shall redact specific material from the

report when publication would present a clear and specific threat to the safety and/or security of an institution but shall indicate the nature of the material redacted.

C. Data Storage, Publication, and Destruction

The Department shall ensure that data collected is securely retained and only shared with individuals, institutions, and/or agencies, on a “need to know basis.”

1. The Department shall attempt to make all aggregated sexual harassment/abuse data from institutions under its direct control, and private facilities with which it contracts with, readily available to the public at least annually through its Departmental website.
2. Before making aggregated sexual harassment/abuse data publicly available, the Department shall remove all personal identifiers.
3. The Department shall maintain collected sexual harassment/abuse data for at least ten (10) years after the date of the initial collection. Destruction of any records shall be done in accordance with the latest Massachusetts Statewide Records Retention Schedule.

**519.10**

**SUPERVISION AND MONITORING**

A. At least annually, the Department’s Deputy Commissioner of Prisons or Chief of Staff will meet with the PREA Coordinator to assess, determine, and document whether adjustments are needed to any institution staffing plans. In doing so, a review of the institution PREA safety assessment and other available resources of information shall be utilized. This assessment shall be used to determine and document whether adjustments are needed to:

1. The staffing plan established pursuant to 103 DOC 510, *Security Staffing and Analysis*;
2. The institution's deployment of video monitoring systems and other monitoring technologies; and
3. The resources the institution has available to commit to ensure adherence to the staffing plan.

**519.11**

**FALSE ALLEGATIONS**

If a Department investigation reveals that an incarcerated or civilly committed individual or staff member knowingly made a false allegation or a false material

statement, the Department may take appropriate disciplinary action and/or refer the matter for criminal action under the Massachusetts General Laws, as appropriate. This information shall be included in any orientation booklet as well as within the training provided to Department employees, contractors or volunteers and incarcerated or civilly committed individuals.

#### **519.12**

#### **PREA AUDITS**

All eligible DOC institutions will undergo a DOJ PREA audit every three (3) years under the supervision and guidance of the Department's PREA Coordinator. The scheduling, preparation, and execution of all audits will be strictly adhered to in accordance with the direction provided to each institution during their respective audit cycle. All institutions are required to utilize the electronic PREA audit folder format (or an audit instrument required by the DOJ) to demonstrate compliance with all of required standards outlined in the Prisons and Jail Standards.

All DOC institutions (including those which are not required to undergo a DOJ PREA audit) will be required to show adherence to this policy and the DOJ PREA standards (Prisons and Jail Standards) during their respective DOC Operational Audits conducted by the PDCU.

#### **519.13**

#### **EMERGENCIES**

Whenever, in the opinion of the Commissioner or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of this policy, the Superintendent may order such suspension. However, any such suspension lasting beyond forty-eight (48) hours must be authorized by the Commissioner.

Incarcerated or Civilly Committed Individual Notification – Allegation of Sexual Abuse/Harassment

To:

From: Superintendent

Date:

Re: PREA Notification (Case #\_\_\_\_\_)

Pursuant to 28 Code of Federal Regulations part 115 PREA Regulations, §115.73(a) **Reporting to Inmates**, I am notifying you of the following:

An investigation has been conducted into your allegation that you suffered sexual abuse and/or harassment, and the result is;

☐ Substantiated

☐ Unsubstantiated

☐ Unfounded

If you have any questions or concerns, please feel free to correspond with my office.

CC: PREA Database

Incarcerated or Civilly Committed Individual Notification – Staff Allegation

To:

From: Superintendent

Date:

Re: PREA Notification (Case # \_\_\_\_\_)

Pursuant to 28 Code of Federal Regulations part 115 PREA Regulations, §115.73(c) **Reporting to Inmates**, I am notifying you of the following:

Based upon the findings rendered in PREA Investigation # \_\_\_\_\_, I am informing you of the following:

- ☐ The staff member in your complaint is no longer posted within your unit.
- ☐ The staff member in your complaint is no longer employed at the institution.
- ☐ The staff member in your complaint has been indicted on a charge related to sexual abuse within the institution.
- ☐ The staff member in your complaint has been convicted on a charge related to sexual abuse within the institution.

Please be advised that notifications on this matter will cease upon your release from custody.

If you have any questions or concerns, please feel free to correspond with my office.

CC: PREA Database

Incarcerated or Civilly Committed Individual Notification – Incarcerated or Civilly Committed Individual Allegation

To:

From: Superintendent

Date:

Re: PREA Notification (Case #\_\_\_\_\_)

Pursuant to 28 Code of Federal Regulations part 115 PREA Regulations, §115.73(d) **Reporting to Inmates**, I am notifying you of the following:

Based upon the findings rendered in PREA Investigation #\_\_\_\_\_, I am informing you of the following:

- ☐ The incarcerated or civilly committed individual in your complaint has been indicted on a charge related to sexual abuse within the institution.
- ☐ The incarcerated or civilly committed individual in your complaint has been convicted on a charge related to sexual abuse within the institution.

Please be advised that notifications on this matter will cease upon your release from custody.

If you have any questions or concerns, please feel free to correspond with my office.

CC: PREA Database

Massachusetts Department of Correction  
Institution Annual PREA Safety Assessment

Institution: \_\_\_\_\_ Assessment Year: \_\_\_\_\_

Institution PREA Manager: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Does the institution have a PREA committee established? Yes ☐ No ☐

How often does the committee meet? \_\_\_\_\_

**Institution Checklist:**

Does the institution have PREA response kits and checklists available for staff? Yes ☐ No ☐

How many? \_\_\_\_\_ Location: \_\_\_\_\_

How many cameras does the institution have? \_\_\_\_\_

How many are inoperable? \_\_\_\_\_ Pending Installation: \_\_\_\_\_

Does the institution require additional cameras to ensure compliance with PREA? Yes ☐ No ☐

If yes, how many? \_\_\_\_\_ and why? \_\_\_\_\_

Has the institution completed the annual phone number audit of all employees, contractors, and volunteers?

Yes ☐ No ☐ Date completed: \_\_\_\_\_ by whom: \_\_\_\_\_

Were there any positive matches? Yes ☐ No ☐; If yes, what action was taken? \_\_\_\_\_

How many PREA allegations were made during the assessment year? \_\_\_\_\_; Number referred to outside agency: \_\_\_\_\_

How many PREA institution investigations were:

Substantiated: \_\_\_\_\_ Un-substantiated: \_\_\_\_\_ Un-founded: \_\_\_\_\_ On-going: \_\_\_\_\_

Did IPS staff meet with, monitor, and document the conduct and treatment of incarcerated or civilly committed individuals or staff who reported the sexual abuse and of incarcerated or civilly committed individuals who were reported to have suffered sexual abuse to see if there are claims and/or changes that may suggest possible retaliation by incarcerated or civilly committed individuals or staff for at least 90 days following the allegation(s)? Yes ☐ No ☐

If no, explain: \_\_\_\_\_

Did the PREA committee meet within thirty (30) days of all completed PREA investigation? Yes ☐ No ☐

If no, explain: \_\_\_\_\_ (Required in all substantiated and un-substantiated cases)

What area(s) of the institution have you identified as vulnerable with regard to PREA related activity and what has been done to mitigate vulnerability? \_\_\_\_\_

Have any changes been made to the physical plant during the past year? Yes ☐ No ☐; If yes, explain? \_\_\_\_\_

Do you have any current concerns as they relate to PREA compliance? Yes ☐ No ☐; If yes, explain? \_\_\_\_\_

Are all staff (vendor/volunteer & DOC) on track to receive required PREA Training? Yes ☐ No ☐

If No, explain? \_\_\_\_\_

Do you have transgender and/or intersex incarcerated or civilly committed individuals residing at the institution? Yes ☐ No ☐

If yes, have alternative shower times been offered? Yes ☐ No ☐

If yes, has placement and programming been reassessed at least twice each year? Yes ☐ No ☐

---

**As a result of your PREA investigation(s) did the institution: (check all that apply)**

Recommend/Request additional surveillance cameras ☐; Are there operational practice to be improved upon ☐;

Require Staff Training ☐; Request adjustments to staff levels ☐; Need for changes to the environment ☐;

Make adjustments to Post orders ☐; Identify areas as prone to be at risk for a PREA incident ☐

If any box is checked, please explain: \_\_\_\_\_



**Massachusetts Department of Correction  
Sexual Abuse Retaliation Monitoring Log**

In accordance with 103 DOC 519.07C, for at least 90 days following the initiation of an investigation into an allegation of sexual harassment/abuse, IPS staff shall regularly meet with, and monitor the conduct and treatment of staff or incarcerated or civilly committed individuals in any allegation (including alleged victim, alleged perpetrator, reporter or anyone else who cooperates with the investigation) to ensure that no retaliation is taken against the incarcerated or civilly committed individual(s) and/or staff member(s) as a result of their involvement.

**INSTRUCTIONS:** To be completed at the onset of a sexual abuse investigation (substantiated or un-substantiated) for monitoring staff and incarcerated or civilly committed individuals. One (1) form should be utilized for each person. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continued need. Retaliation monitoring can cease if an investigation determines that the allegation is unfounded.

**BASIC INFORMATION**

<i>Date Allegation Received:</i>		<i>Institution:</i>	
<i>Type of Monitoring:</i> <input type="checkbox"/> New 90-day Monitoring <input type="checkbox"/> 30-day Monitoring		<i>Monitoring Expiration Date:</i>	
<i>Assigned Monitor:</i>		<i>Title:</i>	<i>Date Assigned:</i>
<i>Staff/Incarcerated or Civilly Committed Individual Being Monitored:</i>		<i>Incarcerated or Civilly Committed Individual Commitment No.:</i>	
<i>Monitoring Reason:</i> <input type="checkbox"/> Reported Sexual Abuse/Harassment <input type="checkbox"/> Victim/Alleged Abuse <input type="checkbox"/> Fear of Retaliation is expressed for Cooperating with Sexual Abuse/Harassment Investigation			

**MONITORING – WEEK 1**

<i>Date:</i>			
<i>Action(s) Taken:</i>			
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact	
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations		
<input type="checkbox"/> Reviewed Staff Re-assignments			
<i>Comments:</i>			

**MONITORING – WEEK 2**

<i>Date:</i>			
<i>Action(s) Taken:</i>			
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact	
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations		
<input type="checkbox"/> Reviewed Staff Re-assignments			
<i>Comments:</i>			

**MONITORING – WEEK 3**

<i>Date:</i>			
<i>Action(s) Taken:</i>			
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact	
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations		
<input type="checkbox"/> Reviewed Staff Re-assignments			
<i>Comments:</i>			

**MONITORING – WEEK 4**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 5**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 6**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 7**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 8**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 9**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 10**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 11**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 12**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**MONITORING – WEEK 13**

<i>Date:</i>		
<i>Action(s) Taken:</i>		
<input type="checkbox"/> Reviewed Disciplinary Reports	<input type="checkbox"/> Reviewed Housing Changes	<input type="checkbox"/> Face to Face contact
<input type="checkbox"/> Reviewed Program changes	<input type="checkbox"/> Reviewed Performance evaluations	
<input type="checkbox"/> Reviewed Staff Re-assignments		
<i>Comments:</i>		

**CONCLUSION:**

<i>Finding:</i>	
<input type="checkbox"/> Monitoring Complete – No Retaliation Found <input type="checkbox"/> Monitoring Complete – Retaliation Address and Resolved	
<input type="checkbox"/> Continue Monitoring for 30 days for the following reasons: _____	
_____	
_____	
<i>Assigned Monitor Signature:</i>	<i>Date:</i>

## Outside Agency Notification Letter

Dear

Pursuant to the Prison Rape Elimination Act (PREA), Prisons and Jail Standards, United States Department of Justice Final Rule, 115.36, (Reporting to Other Confinement Facility) and the Department of Correction's 103 DOC 519, *Sexual Harassment/Abuse Response Prevention* policy, this letter serves as notification that incarcerated or civilly committed individual (name and commitment #), currently committed to (name of institution/agency) is alleging that they were sexually harassed/assaulted while in the custody of your institution/agency.

Incarcerated or civilly committed individual (name) made this allegation during (date/time) and provided the following details (list any details). I am forwarding you this information for further investigation in accordance with the aforementioned standard and policy.

Please provide periodic updates of the investigation process and a copy of the final investigation report. Our institution point of contact for this matter is: (PREA Manager's name and phone number).

Your anticipated cooperation and immediate attention concerning this most important issue is appreciated.

Sincerely,

(Superintendent)

CC: Institution PREA Manager  
PREA Database

# PREA Allegation Form

Please use the form on this page to submit a PREA allegation to the Department of Correction.

## Inmate's Information

Commitment Number\*

Name\*

First Name

Last Name

Date of Birth\*

  

Facility Where Alleged Incident Occurred\*

Boston Pre-Release Center

Date and Time of Incident

    :  

Name of Alleged Perpetrator (if known)

Name Any Witnesses (if known)

2000/2000

Please Describe What Happened\*

2000/2000

## Your Information

Name

First Name

Last Name

Phone

Email

Submit Form

**SEXUAL MISCONDUCT WITH INCARCERATED INDIVIDUALS**  
**ALLEGATION REPORTING FORM**

*(If space provided below is not sufficient, attach additional information to this form)*

Reporting Institution: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Alleged Victim(s): \_\_\_\_\_  
*(Include Complete Name and Commitment Number)*

Alleged Perpetrator(s): \_\_\_\_\_  
*(Include Complete Name and Title)*

List any potential witnesses to the alleged incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date & time of alleged incident: \_\_\_\_\_

Shift and location where incident is alleged to have occurred: \_\_\_\_\_  
\_\_\_\_\_

How did the allegation surface? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Provide a detailed account of the allegation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action taken to this point: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Report Completed By: \_\_\_\_\_

Superintendent's Name & Signature: \_\_\_\_\_