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| **Prison Rape Elimination Act (PREA) Audit Report****Community Confinement Facilities**[ ]  **Interim** [x]  **Final****Date of Report** May 22, 2018 |
| **Auditor Information** |
| **Name:** Kurt Pfisterer | **Email:** kurtpfisterer@gmail.com |
| **Company Name:** Kurt Pfisterer, LLC |
| **Mailing Address:** 30 Lori Jean Place | **City, State, Zip:** Troy, NY 12182 |
| **Telephone:** 518 860 5764 | **Date of Facility Visit:** April 27, 2018 |
| **Agency Information** |
| **Name of Agency:**Massachusetts Department of Youth Services | **Governing Authority or Parent Agency** *(If Applicable)***:**Commonwealth of Massachusetts |
| **Physical Address:** 600 Washington St. | **City, State, Zip:** Boston, Massachusetts 02111 |
| **Mailing Address:** 600 Washington St. | **City, State, Zip:** Boston, Massachusetts 02111 |
| **Telephone:** 617-960-3260 | **Is Agency accredited by any organization?** [ ]  Yes [x]  No |
| **The Agency Is:**  | [ ]  Military | [ ]  Private for Profit | [ ]  Private not for Profit |
|  [ ]  Municipal | [ ]  County | [x]  State | [ ]  Federal |
| **Agency mission:** Placing the right youth in the right program for the right reasons. |
| **Agency Website with PREA Information:** https://www.mass.gov/service-details/dys-prison-rape-elimination-act-prea |
| **Agency Chief Executive Officer** |
| **Name:** Peter Forbes | **Title:** Commissioner |
| **Email:** Peter.j.forbes@state.ma.us | **Telephone:** 617-960-3304 |
| **Agency-Wide PREA Coordinator** |
| **Name:** Monica King | **Title:** DYS PREA Coordinator |
| **Email:** monica.l.king@state.ma.us | **Telephone:** 617-960-3254 |
| **PREA Coordinator Reports to:**Director of Residential Services | **Number of Compliance Managers who report to the PREA Coordinator** 54 |
| **Facility Information** |
| **Name of Facility:** LIFE Program |
| **Physical Address:** 64 Brooks St. Brighton, MA 02135 |
| **Mailing Address (if different than above):** 64 Brooks St. Brighton, MA 02135 |
| **Telephone Number:** 617-987-0531 |
| **The Facility Is:**  | [ ]  Military | [ ]  Private for Profit | [x]  Private not for Profit |
|  [ ]  Municipal | [ ]  County | [x]  State | [ ]  Federal |
| **Facility Type:** | [x]  Community treatment center | [ ]  Halfway house | [ ]  Restitution center |
| [ ]  Mental health facility | [ ]  Alcohol or drug rehabilitation center |
| [ ]  Other community correctional facility |
| **Facility Mission:** Click or tap here to enter text. |
| **Facility Website with PREA Information:** https://www.mass.gov/service-details/dys-prison-rape-elimination-act-prea |
| **Have there been any internal or external audits of and/or****accreditations by any other organization?** [ ]  Yes [x]  No |
| **Director** |
| **Name:** Daniel O'Sullivan | **Title:** Regional Director |
| **Email:** daniel.osullivan@massmail.state.ma.us | **Telephone:** 617-740-0201 |
| **Facility PREA Compliance Manager** |
| **Name:** Robert Aguon | **Title:** Facility Administrator |
| **Email:** raguon@c4p.org | **Telephone:** 617-628-0451 ext 501 |
| **Facility Health Service Administrator** |
| **Name:** Dawn Beckman | **Title:** Nurse Manager |
| **Email:** dawn.e.beckman@state.ma.us | **Telephone:** 617-740-0207 |
| **Facility Characteristics** |
| **Designated Facility Capacity:** 8 | **Current Population of Facility:** 5 |
| **Number of residents admitted to facility during the past 12 months** | 20 |
| **Number of residents admitted to facility during the past 12 months who were transferred from a different community confinement facility:** | Zero |
| **Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:** | 20 |
| **Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:** | 20 |
| **Number of residents on date of audit who were admitted to facility prior to August 20, 2012:** | Zero |
| **Age Range of** **Population:** | [ ]  AdultsClick or tap here to enter text. | [x]  Juveniles16 - 21 | [ ]  Youthful residentsClick or tap here to enter text. |
| **Average length of stay or time under supervision:** | 6 Months |
| **Facility Security Level:** | Non-secure |
| **Resident Custody Levels:** | Non-secure |
| **Number of staff currently employed by the facility who may have contact with residents:** | 10 |
| **Number of staff hired by the facility during the past 12 months who may have contact with residents:** | 1 |
| **Number of contracts in the past 12 months for services with contractors who may have contact with residents:** | Zero |
| **Physical Plant** |
| **Number of Buildings:** 1 | **Number of Single Cell Housing Units:** 1 |
| **Number of Multiple Occupancy Cell Housing Units:** | Zero |
| **Number of Open Bay/Dorm Housing Units:** | Zero |
| **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 facility has no video surveillance system or any form of electronic monitoring. |
| **Medical** |
| **Type of Medical Facility:** | Community Medical Provider |
| **Forensic sexual assault medical exams are conducted at:** | Boston Children’s Hospital |
| **Other** |
| **Number of volunteers and individual contractors, who may have contact with residents, currently authorized to enter the facility:** | Zero |
| **Number of investigators the agency currently employs to investigate allegations of sexual abuse:** | 3 |

**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.*

This report is for the LIFE Program in Brighton, Massachusetts. The facility is operated by the Community for People on behalf of the Massachusetts Department of Youth Services (DYS). The on-site portion of the audit took place April 27, 2018. It was the second Prison Rape Elimination Act (PREA) compliance audit for the facility.

The LIFE Program is an 8-bed independent living treatment facility for male adolescents. The on-site portion of the PREA Audit began April 27, 2018 and covered the audit period of April 27, 2017, to April 27, 2018. Prior to arrival at the facility, this Auditor reviewed pertinent agency policies, procedures, and related documentation used to demonstrate compliance with the Department of Justice (DOJ) PREA Standards for Community Confinement Facilities. Just Detention was contacted to determine if they had any relevant information regarding the Facility. They reported that they did not have any relevant information.

The pre-audit questionnaire stated there are 10 staff at the facility with recurring contact with residents. The facility houses exclusively male residents. The average daily population was listed as 6. The facility reported zero allegations of sexual abuse or sexual harassment. The pre-audit questionnaire (PAQ) states there were no residents who identified as transgender, intersex, or gender non-conforming in appearance. This Auditor received no correspondence from residents or staff.

The facility’s primary policy for PREA compliance, Department of Youth Services (DYS) Policy and Procedure 01.05.07(B) was reviewed in detail by this Auditor. The policy addresses all required elements of the DOJ PREA Standards and provides comprehensive guidance as to how the facility will achieve full compliance.

The PAQ submitted by the DYS PREA Coordinator included detailed floor plans for the facility. From these plans, this Auditor was able to determine there were eight separate bedrooms on two floors and each floor has a single-user bathroom that contained shower stall, toilet and sink. There is a kitchen, dining room, office space, living room and a multi-purpose room.

On the morning of April 27, 2018 this Auditor arrived at the facility for purposes of conducting an onsite tour of the facility and interviewing and residents. The facility provided a roster of staff, broken down by employee job categories, and a list of all residents (this list also included length of stay). An opening meeting was held in the second floor conference room. The following people were in attendance:

Regional Director – Communities for People

Assistant Regional Director – Communities for People

Facility Administrator

DYS PREA Coordinator

Program Director

Direct Care Counselor

This Auditor gave a brief history of his work and auditing experience and explained how the audit process would go (tour of facility after this meeting, interviews with specialized staff, then resident and random staff interviews. Auditor explained he would conduct an exit briefing at the conclusion of the day. The purpose of the close-out would be to share findings at that point, provide a status update on the audit timeline, and to maintain transparency throughout the process. At the conclusion of the opening meeting, the facility tour began.

The tour included all areas where residents are permitted.

The facility does not have a medical unit. All services are provided in the community

The facility has no video surveillance system. This is intentional based on the type of program and the fact that all youth are extensively screened prior to admission. While there is no automatic disqualification for admission based on committing offense or behavioral history the LIFE Program, as part of its contract with DYS, retains the right to refuse admission to any youth. The Annual Review of Staffing, Monitoring Technology and Program Resources Report clearly addressed the use of technology to improve the safety of youth.

All staff on-site during the audit were interviewed by this Auditor. All staff interviewed acknowledged receiving PREA training as required by the standards. All staff were aware of their obligations under the facility’s PREA policy (reporting, accepting reports – verbal, written and third party, and protection from harm and retaliation). All staff were aware of their obligations as a mandated reported and had training in what to report and how to report. All staff could readily articulate their first responder duties. All staff were able to articulate steps they would take to protect a resident from imminent danger of sexual abuse.

The following staff titles were also interviewed:

Regional Director – Communities for People

Assistant Regional Director – Communities for People

Facility Administrator

Facility PREA Compliance Manager

Program Director

Direct Care Counselor

Only two of the five residents at the facility were under DYS commitment. The other three were there on a voluntary basis and were free to terminate their placement at any time without penalty. The voluntary youth were not interviewed. Ages ranged from 18 to 19 years. There were no youth currently at the program that had made an allegation of abuse that occurred at the program. There were no youth currently at the program who had reported an allegation of sexual harassment that occurred at the program. There were no youth at the program who identified as LGBTI or had been identified as gender non-conforming in appearance. All youth acknowledged being asked about sexual orientation upon admission. All youth interviewed had extensive knowledge of the right to be free from sexual abuse, assault or harassment. All youth were aware of multiple methods for reporting abuse. All youth acknowledged being screened upon admission (screening actually occurs on date of admission, which far exceeds the standard) and receiving information upon admission on their right to be free from abuse in any form. All youth in the program have cell phones. No youth reported ever having fear for their safety while at the program or at any time during commitment with DYS. All said they currently felt safe at the program.

The facility reported zero allegations of sexual abuse or sexual harassment during this audit period. There were no residents on-site who had made an allegation of sexual abuse that occurred in DYS custody and therefore no specialized interviews were conducted in this area.

There were no residents who identified as gay, lesbian, bi-sexual, transgender or intersex, and no residents determined to be gender non-conforming in appearance and therefore no specialized interviews were conducted in this area.

Additionally there were no residents that were limited English proficiency or suffering from any form of disability that would require special services and therefore no specialized interviews were conducted in this area.

**Facility Characteristics**

*The auditor’s description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, 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 Learning Independence, Fostering Empowerment (LIFE) Program is a community based residential program that serves young men involved with Department of Youth Service (DYS). The program’s overall goal is to provide youth involved with treatments and supports which enable self-sufficiency and promote independence as they transition back into the community.

LIFE provides services to older adolescent males between the ages of 16 to 21 who are involved with DYS and have met all appropriate criteria which allow them to begin their transition back into the community. The program has been designed to incorporate DYS Community Supervision team and is directly connected to local district offices and supervision network

All referrals to the program are reviewed by the Programs intake team, consisting of Program Supervisor and Clinical Director. The intake team coordinates with DYS clinical team and other client collaterals to discuss treatment goals and transition plan prior to all intakes.

The services of the program are provided through an Independent Living treatment approach which is based on life skill education/development in the community. The program consists of one Transition site and individual apartment units in the community. The Transition site functions as a fully staffed residential program and serves as the Pre-Independent Living portion of the program. Individual apartment units are reserved for youth 18+ who have met all appropriate criteria and have been assessed by their treatment team as being prepared to live independently in the community.

The site is located at 64 Brooks Street in Brighton. The site has the capacity for up to 8 youth and is staffed based on a pre-independent living staffing ratio (1-6). Individual apartment units are obtained and secured based on the needs of the youth and are located in the Greater Boston area. As a community based program, LIFE utilizes the surrounding community to provide a wide range of medical, dental, educational, mental health, and vocational services toward youth’s treatment.

The program’s treatment team provides a full range of case management services and clinical services including: advocacy, service planning/delivery, referral coordination, individual counseling, and group counseling and milieu crisis intervention services. Length of stay varies based on the individual needs of the youth. The treatment team works actively with youth, their family and involved collaterals to create a clear plan identifying goals which will ultimately lead to a youth’s reunification with family or to live independently in the community.

**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.*

**Number of Standards Exceeded:** 3

Standard 115.221, Standard 115.233 and Standard 115.241

**Number of Standards Met:** 39

Standard 115.211, Standard 115.212, Standard 115.213, Standard 115.215, Standard 115.216, Standard 115.217, Standard 115.218, Standard 115.222, Standard 115.231, Standard 115.232, Standard 115.234, Standard 115.235, Standard 115.242, Standard 115.251, Standard 115.252, Standard 115.253, Standard 115.254, Standard 115.261, Standard 115.262, Standard 115.263, Standard 115.264, Standard 115.265, Standard 115.266, Standard 115.267. Standard 115.268, Standard 115.271, Standard 115.272, Standard 115.273, Standard 115.276, Standard 115.277 Standard 115.278, Standard 115.282, Standard 115.283, Standard 115.286, Standard 115.287, Standard 115.288, Standard 115.289, Standard 115.401 and 115.403.

**Number of Standards Not Met:** Zero

Not Applicable

**Summary of Corrective Action (if any)**

Not Applicable

**PREVENTION PLANNING**

**Standard 115.211: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

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

**115.211 (a)**

* Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the written policy outline the agency’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment? [x]  Yes [ ]  No

**115.211 (b)**

* Has the agency employed or designated an agency-wide PREA Coordinator? [x]  Yes [ ]  No
* Is the PREA Coordinator position in the upper-level of the agency hierarchy? [x]  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 facilities? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

The Massachusetts Department of Youth Services (DYS) Policy and Procedure 01.05.07(B), page 1, clearly articulates the agency’s zero tolerance policy. Agency and facility organization charts clearly depict the roles of State-wide PREA Coordinator and Facility PREA Compliance Manager. Interviews with the PREA Coordinator and Compliance Manager proved their knowledge of the PREA standards and their commitment to the implementation of the PREA standards. The PREA Coordinator and Compliance manager both acknowledged sufficient time and authority to perform their jobs effectively. Notice of the PREA compliance audit was posted on all living units and other prominent locations throughout the facility. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.212: Contracting with other entities for the confinement of residents**

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

**115.212 (a)**

* If this agency is public and it contracts for the confinement of its residents with private agencies or other entities including other government agencies, has the agency included the entity’s obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents.) [x]  Yes [ ]  No [ ]  NA

**115.212 (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 residents OR the response to 115.212(a)-1 is "NO".) [x]  Yes [ ]  No [ ]  NA

**115.212 (c)**

* If the agency has entered into a contract with an entity that fails to comply with the PREA standards, did the agency do so only in emergency circumstances after making all reasonable attempts to find a PREA compliant private agency or other entity to confine residents? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) [ ]  Yes [ ]  No [x]  NA
* In such a case, does the agency document its unsuccessful attempts to find an entity in compliance with the standards? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) [ ]  Yes [ ]  No [x]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

This auditor was provided with copies of contracts the Commonwealth of Massachusetts has for the confinement of juvenile justice youth. The contracts clearly require full compliance with the PREA standards as a condition of the contract. DYS provides extensive monitoring, training and technical assistance to ensure full compliance. DYS pays for all contract providers’ compliance audits. The LIFE Program does not enter into such contracts. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.213: Supervision and monitoring**

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

**115.213 (a)**

* Does the agency develop for each facility a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? [x]  Yes [ ]  No
* Does the agency document for each facility a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? [x]  Yes [ ]  No
* Does the agency ensure that each facility’s staffing plan takes into consideration the physical layout of each facility in calculating adequate staffing levels and determining the need for video monitoring? [x]  Yes [ ]  No
* Does the agency ensure that each facility’s staffing plan takes into consideration the composition of the resident population in calculating adequate staffing levels and determining the need for video monitoring? [x]  Yes [ ]  No
* Does the agency ensure that each facility’s staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? [x]  Yes [ ]  No
* Does the agency ensure that each facility’s staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? [x]  Yes [ ]  No

**115.213 (b)**

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

**115.213 (c)**

* In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the staffing plan established pursuant to paragraph (a) of this section? [x]  Yes [ ]  No
* In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to prevailing staffing patterns? [x]  Yes [ ]  No
* In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the facility’s deployment of video monitoring systems and other monitoring technologies? [x]  Yes [ ]  No
* In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the resources the facility has available to commit to ensure adequate staffing levels? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(B), page 12, was reviewed by this auditor. Policy requires Westfield to have a staffing plan in compliance with the PREA standards and that the plan is reviewed annually. The program has a staffing plan which was provided to this auditor. Documentation of annual review of the plan was provided. DYS Policy and Procedure 03.02.02(c), page 1, requires unannounced rounds. This auditor was provided documentation of these rounds and interviews with supervisory staff confirmed that they occur. There is no video surveillance system. All youth in the program have cell phones and internet access. There are no youth in the program during the day. All work and/or attend school. Over-night staffing in compliance with the standards was documented on staffing schedules, program logs as well as interviews with staff and youth. There were no instances of deviations from the staffing plan due to training, vacations, Family Medical Leave and other types of leave. Overtime is paid to maintain staffing ratios. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.215: Limits to cross-gender viewing and searches**

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

**115.215 (a)**

* Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? [x]  Yes [ ]  No

**115.215 (b)**

* Does the facility always refrain from conducting cross-gender pat-down searches of female residents, except in exigent circumstances? (N/A if less than 50 residents) [ ]  Yes [ ]  No [x]  NA
* Does the facility always refrain from restricting female residents’ access to regularly available programming or other outside opportunities in order to comply with this provision? (N/A if less than 50 residents) [ ]  Yes [ ]  No [x]  NA

**115.215 (c)**

* Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? [x]  Yes [ ]  No
* Does the facility document all cross-gender pat-down searches of female residents? [x]  Yes [ ]  No

**115.215 (d)**

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

**115.215 (e)**

* Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident’s genital status? [x]  Yes [ ]  No
* If a resident’s genital status is unknown, does the facility determine genital status during conversations with the resident, 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? [x]  Yes [ ]  No

**115.215 (f)**

* Does the facility/agency train security 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? [x]  Yes [ ]  No
* Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Per DYS Policy and Procedure 03.01.02(a), page 3, states that youth may only be searched by staff of the same gender. The facility houses only male juveniles. All searches must be conducted with a witness. The program does not conduct any type of searches. All random staff interviewed confirmed that searches do not occur. All youth interviewed denied ever having been searched while at the program. DYS “Guidelines for Practices with LGBTQI-GNC Youth” prohibits searching youth for the purpose of determining if the youth is transgender or intersex. All of the youth interviewed denied ever being searched for this or any other purpose. There are no cameras in bathrooms, showers, youth rooms or anywhere youth are permitted to change clothes. DYS Policy and Procedure 03.01.02(a), page provides for all youth to shower privately. All youth interviewed acknowledged that they have privacy when showing, toileting and changing clothes. All showers and bathrooms are for individual use. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.216: Residents with disabilities and residents who are limited English proficient**

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

**115.216 (a)**

* Does the agency take appropriate steps to ensure that residents 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: Residents who are deaf or hard of hearing? [x]  Yes [ ]  No
* Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision? [x]  Yes [ ]  No
* Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities? [x]  Yes [ ]  No
* Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities? [x]  Yes [ ]  No
* Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities? [x]  Yes [ ]  No
* Does the agency take appropriate steps to ensure that residents 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.) [x]  Yes [ ]  No
* Do such steps include, when necessary, ensuring effective communication with residents who are deaf or hard of hearing? [x]  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? [x]  Yes [ ]  No
* Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have intellectual disabilities? [x]  Yes [ ]  No
* Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have limited reading skills? [x]  Yes [ ]  No
* Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Are blind or have low vision? [x]  Yes [ ]  No

**115.216 (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 residents who are limited English proficient? [x]  Yes [ ]  No
* Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? [x]  Yes [ ]  No

**115.216 (c)**

* Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident’s safety, the performance of first-response duties under §115.264, or the investigation of the resident’s allegations? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.07.05(b), page 5, requires compliance with this standard. It further states on the same page that the use of resident interpreters is prohibited. A language interpretation service is available for other languages should the need arise. The application process for admission to the program begins sixty to ninety days before entry into the program. All special needs, disabilities and language barrier issues are addressed prior to admission. There were no youth currently at the program that required the services of an interpreter. There were no youth currently at the program that had disabilities that would require them to receive special services to understand their rights under PREA. All of the above was confirmed via interviews with staff, youth and clinicians. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.217: Hiring and promotion decisions**

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

**115.217 (a)**

* Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? [x]  Yes [ ]  No
* Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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? [x]  Yes [ ]  No
* Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? [x]  Yes [ ]  No
* Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? [x]  Yes [ ]  No
* Does the agency prohibit the enlistment of services of any contractor who may have contact with residents 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? [x]  Yes [ ]  No
* Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? [x]  Yes [ ]  No

**115.217 (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 residents? [x]  Yes [ ]  No

**115.217 (c)**

* Before hiring new employees, who may have contact with residents, does the agency: Perform a criminal background records check? [x]  Yes [ ]  No
* Before hiring new employees, who may have contact with residents, 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? [x]  Yes [ ]  No

**115.217 (d)**

* Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents? [x]  Yes [ ]  No

**115.217 (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 residents or have in place a system for otherwise capturing such information for current employees? [x]  Yes [ ]  No

**115.217 (f)**

* Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? [x]  Yes [ ]  No
* Does the agency ask all applicants and employees who may have contact with residents 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? [x]  Yes [ ]  No
* Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? [x]  Yes [ ]  No

**115.217 (g)**

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

**115.217 (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 [x]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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The Massachusetts Department of Youth Services (DYS) Policy and Procedure 01.05.04(c)and DYS CORI regulations embodied in CMR 12.00 et seq meets the requirements of each element of this standard. The policy requires the facility to refrain from hiring, promoting, or enlisting the services of any employee, contractor or volunteer who may have contact with residents who has engaged or attempted to engage in any of the prohibited acts described in this standard. Written applications and interview protocols require applicants to answer questions specific to this standard. Material omissions regarding misconduct, or the provision of materially false information, are considered to be grounds for termination or withdrawal of an offer of employment, as appropriate. Staff are also under a continuing affirmative duty to disclose any such misconduct throughout the duration of their employment. Background investigations are conducted to determine whether the candidate for hire is suitable for employment and includes a criminal background records check. Detailed records of these background investigations are maintained and available to the agency upon request. Updated background investigations are conducted every three years for those facility staff who may have contact with residents. Documentation of employee and contractor background checks was provided on-site. Volunteers go through a similar process and are always under supervision when in contact with residents. Interview with Director of Residential Services confirmed the process for employees and contractors. Interview with Facility Administrator confirmed process for the volunteers. Based upon all of the above, this standard is deemed to be in full compliance.

**Standard 115.218: Upgrades to facilities and technologies**

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

**115.218 (a)**

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

**115.218 (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 residents from sexual abuse? (N/A if agency/facility 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 [x]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

There have been no physical plant upgrades or renovations during this audit period. The program does not have a video surveillance system. This is intentional based on the type of program and the fact that all youth are extensively screened prior to admission. While there is no automatic disqualification for admission based on committing offense or behavioral history the LIFE Program, as part of its contract with DYS, retains the right to refuse admission to any youth. The Annual Review of Staffing, Monitoring Technology and Program Resources Report clearly addresses the use of technology to improve the safety of youth. Based upon all of the above this standard was deemed to be in full compliance.

**RESPONSIVE PLANNING**

**Standard 115.221: Evidence protocol and forensic medical examinations**

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

**115.221 (a)**

* If the agency is responsible for investigating allegations of sexual abuse, 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/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) [ ]  Yes [ ]  No [x]  NA

**115.221 (b)**

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

**115.221 (c)**

* Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? [x]  Yes [ ]  No
* Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? [x]  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)? [x]  Yes [ ]  No
* Has the agency documented its efforts to provide SAFEs or SANEs? [x]  Yes [ ]  No

**115.221 (d)**

* Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? [x]  Yes [ ]  No
* If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? [x]  Yes [ ]  No
* Has the agency documented its efforts to secure services from rape crisis centers? [x]  Yes [ ]  No

**115.221 (e)**

* As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? [x]  Yes [ ]  No
* As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? [x]  Yes [ ]  No

**115.221 (f)**

* 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/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) [ ]  Yes [ ]  No [x]  NA

**115.221 (g)**

* Auditor is not required to audit this provision.

**115.221 (h)**

* If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (Check N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.221(d) above.) [ ]  Yes [ ]  No [x]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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Massachusetts DYS Policy and Procedure 01.05.07(b), page 10; the Memorandum of Understanding with Massachusetts Department of Early Education and Care; and the Memorandum of Understanding with the Massachusetts State Police were reviewed by this auditor. The policy addresses all aspects of this standard. DYS refers all allegations of sexual abuse or assault to law enforcement. There were no reported instances of sexual abuse or assault during this audit period, and therefore there was no documentation of practice to review. Physical evidence collection of criminal acts and forensic examinations are not conducted by facility staff. All staff are trained to preserve incident scenes and measures to prevent evidence from being destroyed. This was confirmed via interviews with staff. Criminal investigations are conducted by the Massachusetts State Police. There is a state-wide MOU for evidence collection and forensic examinations in place. That same MOU provides for rape crisis and victim advocacy services. There were no reported instances of sexual abuse or assault during this audit period. This was confirmed via email conversation with the DYS Director of Investigations. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.222: Policies to ensure referrals of allegations for investigations**

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

**115.222 (a)**

* Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? [x]  Yes [ ]  No
* Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? [x]  Yes [ ]  No

**115.222 (b)**

* Does the agency have a policy and practice in place to ensure that 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? [x]  Yes [ ]  No
* Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? [x]  Yes [ ]  No
* Does the agency document all such referrals? [x]  Yes [ ]  No

**115.222 (c)**

* If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for conducting criminal investigations. See 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**115.222 (d)**

* Auditor is not required to audit this provision.

 **115.222 (e)**

* Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

[x]  **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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Massachusetts DYS Policy and Procedure 01.05.07(b) was reviewed by this auditor. The policy meets all the requirements of this standard. It requires that all allegations of sexual harassment and sexual abuse be investigated. It requires that allegations that may be criminal in nature be referred to law enforcement and provides clear guidance for when DYS may conduct an administrative investigation once a referral to law enforcement has been made. All DYS staff are mandated reporters of abuse and all staff interviewed were aware of their obligations to report abuse under Massachusetts law. The facility reported no allegations of sexual harassment, sexual abuse or sexual assault during this audit period. There were no allegations to refer to the law enforcement for investigation. DYS policy requires reporting of sexual harassment allegations that do not rise to the level of sexual harassment as defined by the PREA standards (the standards specifically state “repeated” as a condition of the definition). While there were no allegations of sexual harassment DYS as a whole, is intentionally reporting and investigating single occurrences of sexual harassment in order to improve the conditions of confinement at the facility as they relate to PREA compliance, and they should be applauded for their efforts. This practice clearly exceeds the requirements of this standard. Based upon all of the above this standard was deemed to exceed the standard.

**TRAINING AND EDUCATION**

**Standard 115.231: Employee training**

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

**115.231 (a)**

* Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: Residents’ right to be free from sexual abuse and sexual harassment [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: The dynamics of sexual abuse and sexual harassment in juvenile facilities? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: The common reactions of juvenile victims of sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents? [x]  Yes [ ]  No
* Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? [x]  Yes [ ]  No

**115.231 (b)**

* Is such training tailored to the gender of the residents at the employee’s facility? [x]  Yes [ ]  No
* Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa? [x]  Yes [ ]  No

**115.231 (c)**

* Have all current employees who may have contact with residents received such training? [x]  Yes [ ]  No
* Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures? [x]  Yes [ ]  No
* In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? [x]  Yes [ ]  No

**115.231 (d)**

* Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

[ ]  **Does Not Meet Standard** (*Requires Corrective Action*)

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|  |
| --- |
| DYS Policy and Procedures 01.05.07(b), 01.05.08, and 03.04.09 meet all aspects of this standard and are incorporated into the DYS power-point training received by all staff. All staff interviewed acknowledged that they had received the initial training and refresher training. Documentation was provided to this auditor confirming staff completes a post training test to confirm understanding of the material presented. Contract employees and volunteers complete the training. All staff interviewed were aware of their obligations related to the agency’s PREA policy, their obligations as mandated reporters of abuse, their duties as a first responder and agency protocols related to evidence collection.The training curriculum utilized by the facility meets all aspects of this standard as follows: |
| [x]  (1) Agency’s zero tolerance policy for sexual abuse and sexual harassment. | 01.05.07(b); Pg. 1-2 |
| [x]  (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. | 01.05.07(b); Pg. 1-2 |
| [x]  (3) Residents’ right to be free from sexual abuse and sexual harassment. | 01.05.07(b); Pg. 5-6 |
| [x]  (4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment. | 01.05.07(b); Pg. 1 |
| [x]  (5) The dynamics of sexual abuse and sexual harassment in juvenile facilities. | 01.05.07(b); Pg. 3-5 |
| [x]  (6) The common reactions of sexual abuse and sexual harassment juvenile victims. | 01.05.07(b); Pg. 5-9 |
| [x]  (7) How to detect and respond to signs of threatened and actual sexual abuse. | Throughout the slides |
| [x]  (8) How to avoid inappropriate relationships with residents. | 01.05.07(b); Pg. 2, 12-13 |
| [x]  (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents. | 01.05.07(b); Pg. 13 |
| [x]  (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. | 01.05.07(b); Pg. 5 |
| [x]  (11) Relevant laws regarding the applicable age of consent. | 01.05.07(b); Pg. 1 |

Based upon all of the above, this standard was deemed to be in full compliance

**Standard 115.232: Volunteer and contractor training**

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

**115.232 (a)**

* Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures? [x]  Yes [ ]  No

**115.232 (b)**

* Have all volunteers and contractors who have contact with residents been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents)? [x]  Yes [ ]  No

**115.232 (c)**

* Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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Per the DYS Volunteer/Intern Orientation Handbook all volunteers and interns must receive PREA training. The PREA training is a review of the DYS PREA policy. Volunteers and interns must sign an acknowledgement that they have received and understood the training. Signed acknowledgements for all current volunteers were provided for review by this auditor. Contract education staff and contract medical staff attend the DYS PREA training. The LIFE Program does not utilize the services of contractors or volunteers at the facility. All services are received in the community. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.233: Resident education**

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

**115.233 (a)**

* During intake, do residents receive information explaining: The agency’s zero-tolerance policy regarding sexual abuse and sexual harassment? [x]  Yes [ ]  No
* During intake, do residents receive information explaining: How to report incidents or suspicions of sexual abuse or sexual harassment? [x]  Yes [ ]  No
* During intake, do residents receive information explaining: Their rights to be free from sexual abuse and sexual harassment? [x]  Yes [ ]  No
* During intake, do residents receive information explaining: Their rights to be free from retaliation for reporting such incidents? [x]  Yes [ ]  No
* During intake, do residents receive information regarding agency policies and procedures for responding to such incidents? [x]  Yes [ ]  No

**115.233 (b)**

* Does the agency provide refresher information whenever a resident is transferred to a different facility? [x]  Yes [ ]  No

**115.233 (c)**

* Does the agency provide resident education in formats accessible to all residents, including those who: Are limited English proficient? [x]  Yes [ ]  No
* Does the agency provide resident education in formats accessible to all residents, including those who: Are deaf? [x]  Yes [ ]  No
* Does the agency provide resident education in formats accessible to all residents, including those who: Are visually impaired? [x]  Yes [ ]  No
* Does the agency provide resident education in formats accessible to all residents, including those who: Are otherwise disabled? [x]  Yes [ ]  No
* Does the agency provide resident education in formats accessible to all residents, including those who: Have limited reading skills? [x]  Yes [ ]  No

**115.233 (d)**

* Does the agency maintain documentation of resident participation in these education sessions? [x]  Yes [ ]  No

**115.233 (e)**

* In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[x]  **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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DYS’s resident education program, referred to as the “slide show” is provided to youth by their assigned clinician within 24 hours of admission (this practice far exceeds the ten days allotted by the standard). This is documented in the youth’s electronic case file. Copies of all youths’ signed acknowledgements were provided to this auditor. Youth receive materials about PREA and their rights to be free from abuse and how to report abuse upon admission. This document is available in English and Spanish. This initial handout is reviewed with youth by intake staff and the youth signs an acknowledgement that they understood the material presented. All youth interviewed were aware of the right to be free from abuse and multiple means of reporting allegations of abuse. All youth entering any DYS operated or contracted facility receives the education. All youth interviewed reported having received the education slide show on multiple occasions, equal to the number of programs they were admitted to programs. Posters, in both English and Spanish were clearly visible on all living units and throughout the facility. Based upon all of the above, this standard was deemed to exceed the standard’s requirements.

**Standard 115.234: Specialized training: Investigations**

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

**115.234 (a)**

* In addition to the general training provided to all employees pursuant to §115.231, 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 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**115.234 (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 115.221(a).] [x]  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 115.221(a).] [x]  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 115.221(a).] [x]  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 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**115.234 (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 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**115.234 (d)**

* Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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Per DYS Policy 01.05.07(b), page 8, DYS does not conduct criminal investigations of sexual abuse and assault. Such investigations are conducted by the Massachusetts State Police and the Department of Early Education and Care (EEC). A Memorandum of Understanding is in place with the EEC and the MOU specifically requests that the agency comply with the relevant PREA standards. Documentation was provided of efforts to enter into an MOU with the State Police. Documentation of training for DYS Investigators was provided to this auditor. DYS investigators have completed a variety of trainings regarding investigations as well as specific training related to interviews and interrogations of juveniles in institutional settings. Interview with the DYS Director of Investigations confirmed the above information. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.235: Specialized training: Medical and mental health care**

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

**115.235 (a)**

* Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to detect and assess signs of sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to preserve physical evidence of sexual abuse? [x]  Yes [ ]  No
* Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How to respond effectively and professionally to victims of sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: How and to whom to report allegations or suspicions of sexual abuse and sexual harassment? [x]  Yes [ ]  No

**115.235 (b)**

* If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? N/A if agency medical staff at the facility do not conduct forensic exams.) [ ]  Yes [ ]  No [x]  NA

**115.235 (c)**

* Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? [x]  Yes [ ]  No

**115.235 (d)**

* Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.231? [x]  Yes [ ]  No
* Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.232? [N/A for circumstances in which a particular status (employee or contractor/volunteer) does not apply.] [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.07(b), page 13 mandates specialized training for medical and mental health staff as per the PREA standards. Documentation of this training, including training for contract providers was provided to this auditor. The program does not have medical staff (community providers only) Multiple clinical and medical staff members from other programs have been interviewed by this auditor and all acknowledged receiving specialized training. Facility medical staff does not conduct forensic examinations or collect evidence. The agency’s protocol is to preserve/avoid destruction of evidence and then transport to the designated medical facility (Boston Children’s Hospital). Based upon all of the above, this standard was deemed to be in full compliance.

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

**Standard 115.241: Screening for risk of victimization and abusiveness**

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

**115.241 (a)**

* Are all residents assessed during an intake screening for their risk of being sexually abused by other residents or sexually abusive toward other residents? [x]  Yes [ ]  No
* Are all residents assessed upon transfer to another facility for their risk of being sexually abused by other residents or sexually abusive toward other residents? [x]  Yes [ ]  No

**115.241 (b)**

* Do intake screenings ordinarily take place within 72 hours of arrival at the facility? [x]  Yes [ ]  No

**115.241 (c)**

* Are all PREA screening assessments conducted using an objective screening instrument? [x]  Yes [ ]  No

**115.241 (d)**

* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has a mental, physical, or developmental disability? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The age of the resident? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The physical build of the resident? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously been incarcerated? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident’s criminal history is exclusively nonviolent? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has prior convictions for sex offenses against an adult or child? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the resident about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener’s perception whether the resident is gender non-conforming or otherwise may be perceived to be LGBTI)? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously experienced sexual victimization? [x]  Yes [ ]  No
* Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The resident’s own perception of vulnerability? [x]  Yes [ ]  No

**115.241 (e)**

* In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? [x]  Yes [ ]  No
* In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? [ ]  Yes [ ]  No
* In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? [x]  Yes [ ]  No

**115.241 (f)**

* Within a set time period not more than 30 days from the resident’s arrival at the facility, does the facility reassess the resident’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? [x]  Yes [ ]  No

**115.241 (g)**

* Does the facility reassess a resident’s risk level when warranted due to a: Referral? [x]  Yes [ ]  No
* Does the facility reassess a resident’s risk level when warranted due to a: Request? [x]  Yes [ ]  No
* Does the facility reassess a resident’s risk level when warranted due to a: Incident of sexual abuse? [x]  Yes [ ]  No
* Does the facility reassess a resident’s risk level when warranted due to a: Receipt of additional information that bears on the resident’s risk of sexual victimization or abusiveness? [x]  Yes [ ]  No

**115.241 (h)**

* Is it the case that residents are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? [x]  Yes [ ]  No

**115.241 (i)**

* Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident’s detriment by staff or other residents? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

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

DYS Policy and Procedure 03.01.04, pages 2-3 and 01.05.07(b), page 8 address the standards related to screening youth for risk of victimization and abusiveness. The two practices utilized by DYS far exceed the 72 hours allotted in the standard. Youth are administered the “Dialogue Tree” immediately upon admission by intake staff (before any search is conducted). Within 24 hours, but usually on date of admission clinical staff perform the full screening of youth using a standardized instrument. This screening is documented in the Juvenile Justice Enterprise Management System (JJEMS). JJEMS is state-wide database of information on all youth committed to DYS and is available to contract vendors as well as state operated programs. Access to screening information is limited to clinical staff and a limited number of upper level administrators. All of the youth interviewed stated that screening occurred shortly after admission. The screening instrument addresses all required elements of the standard. Interviews with intake staff, clinical staff and medical staff confirmed that the above practices occur. None of the residents interviewed reported ever having been disciplined or threatened with discipline over answering the above referenced questions. Interviews with PREA Compliance Manager clinical staff all support that this information is restricted to a need to know basis. Based upon all of the above, this standard was deemed to exceed the standard.

**Standard 115.242: Use of screening information**

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

**115.242 (a)**

* Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? [x]  Yes [ ]  No
* Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? [x]  Yes [ ]  No
* Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? [x]  Yes [ ]  No
* Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? [x]  Yes [ ]  No
* Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? [x]  Yes [ ]  No

**115.242 (b)**

* Does the agency make individualized determinations about how to ensure the safety of each resident? [x]  Yes [ ]  No

**115.242 (c)**

* When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident’s health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? [x]  Yes [ ]  No
* When making housing or other program assignments for transgender or intersex residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident’s health and safety, and whether a placement would present management or security problems? [x]  Yes [ ]  No

**115.242 (d)**

* Are each transgender or intersex resident’s own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? [x]  Yes [ ]  No

**115.242 (e)**

* Are transgender and intersex residents given the opportunity to shower separately from other residents? [x]  Yes [ ]  No

**115.242 (f)**

* Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: lesbian, gay, and bisexual residents in dedicated facilities, units, or wings solely on the basis of such identification or status? [x]  Yes [ ]  No
* Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: transgender residents in dedicated facilities, units, or wings solely on the basis of such identification or status? [x]  Yes [ ]  No
* Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex residents, does the agency always refrain from placing: intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 02.02.01(b)addresses how the information obtained during screening is utilized to inform programming and housing decisions. Isolation, as it relates to this standard, is not authorized under DYS policy and was not used during this audit period. There is a policy, DYS Policy and Procedure 03.03.01(a), in place to cover this standard. Involuntary room confinement, as isolation is referred to in DYS, is not authorized for the purposes described in this standard. Interviews with all staff and youth confirmed compliance with this standard. DYS Policy and Procedure 03.04.09 prohibits youth from being assigned to a housing unit based solely on gender identity and prohibits gender identity and sexual orientation from being used as a risk factor for abusiveness. DYS has a policy in place that allows for youth to be assigned to male and female facilities regardless of birth gender. While there were no transgender or intersex you currently at the facility, this auditor has interviewed biologically male youth who identify as female while in placement a girls facility operated by or on behalf of DYS. Based upon all of the above, this standard was deemed to be in full compliance.

**REPORTING**

**Standard 115.251: Resident reporting**

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

**115.251 (a)**

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

**115.251 (b)**

* Does the agency also provide at least one way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? [x]  Yes [ ]  No
* Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials? [x]  Yes [ ]  No
* Does that private entity or office allow the resident to remain anonymous upon request? [x]  Yes [ ]  No

**115.251 (c)**

* Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? [x]  Yes [ ]  No
* Do staff members promptly document any verbal reports of sexual abuse and sexual harassment? [x]  Yes [ ]  No

**115.251 (d)**

* Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.07(b), page 6, appropriately addresses this standard. All youth interviewed knew multiple means (tell staff, DCF Hotline, tell parent, call lawyer, file grievance) to report abuse of any kind. All knew where to find the DCF Hotline number to report abuse outside the agency. DCF is a separate agency with the capacity and mandate to respond to allegations of sexual abuse and harassment. None of the youth interviewed had ever reported sexual harassment, sexual abuse or any form of abuse while in DYD custody. Youth receive a handout at admission regarding how to report abuse and there are posters throughout the facility and on all housing units (in English and Spanish) with the information. All staff are mandated reporters of abuse per DYS Policy and Procedure 01.05.04(d), page 6, and the laws of the Commonwealth of Massachusetts. All staff interviewed were aware of their obligations as mandated reporters. Interviews with the PREA Compliance Manager, random staff and supervisors confirmed they would accept reports whether they were verbal, in writing, anonymous or third-party. There were no allegations, no third-party or anonymous reports made during this audit period and therefore no documentation of practice for review. All staff interviewed stated that they would have to write a report documenting the allegation and their actions regardless of how it was received. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.252: Exhaustion of administrative remedies**

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

**115.252 (a)**

* Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. [ ]  Yes [x]  No [ ]  NA

**115.252 (b)**

* Does the agency permit residents to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Does the agency always refrain from requiring a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**115.252 (c)**

* Does the agency ensure that: A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**115.252 (d)**

* Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time [the maximum allowable extension of time to respond is 70 days per 115.252(d)(3)] , does the agency notify the resident in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**115.252 (e)**

* Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Are those third parties also permitted to file such requests on behalf of residents? (If a third-party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* If the resident declines to have the request processed on his or her behalf, does the agency document the resident’s decision? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**115.252 (f)**

* Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.). [x]  Yes [ ]  No [ ]  NA
* After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Does the initial response and final agency decision document the agency’s determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Does the initial response document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA
* Does the agency’s final decision document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**115.252 (g)**

* If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.) [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 03.04.01, complies in full with this standard (response time frames, appeals and acceptable grievance sources and formats). Although the policy fully complies with the standard, a grievance filed (regardless of source or format) that alleges that sexual abuse occurred or alleges an imminent threat would immediately trigger the agency’s PREA response procedures (Institutional Plan). A review of grievance records and interview with the PREA Compliance Manager confirm that there were no grievances filed related to sexual abuse or sexual harassment during this audit period. All youth interviewed were aware of the grievance procedures. All residents advised that they had not filed a grievance as related to this policy. All staff interviewed were able to describe steps they would take to immediately protect a youth from threatened or imminent sexual abuse. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.253: Resident access to outside confidential support services**

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

**115.253 (a)**

* Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? [x]  Yes [ ]  No
* Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible? [x]  Yes [ ]  No

**115.253 (b)**

* Does the facility inform residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? [x]  Yes [ ]  No

**115.253 (c)**

* Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse? [x]  Yes [ ]  No
* Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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 state-wide Memorandum of Understanding exits for the provision of these services. DYS Policy and Procedure 03.04.04(b), addresses access to these services. Interviews with medical and clinical staff confirmed that youth would be advised about confidentiality prior to accessing the services. Information is provided to youth via Department of Public Health posters that are on display in all living units and common areas throughout the facility. These display the telephone number and mailing address for juveniles to contact. All youth interviewed acknowledged ready access to contact with their families (cell phones and visiting) and the ability to contact their lawyer whenever they request to do so. There were no reported resident victims of sexual abuse or harassment during this audit period and therefore no documentation of access to outside services to review. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.254: Third-party reporting**

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

**115.254 (a)**

* Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? [x]  Yes [ ]  No
* Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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There were no reported instances of third-party reporting during this audit period. DYS’s public website lists the Department of Child and Families (DCF) hotline number to call if sexual abuse or harassment is suspected. All youth interviewed acknowledged that they knew they could report abuse via a third party. All staff interviewed acknowledged that they would accept a third party report of abuse and respond in the same manner as if they had witnessed the abuse themselves. Information is provided to families about the DCF hotline as well the procedures for filing a grievance on behalf of their child. Based upon all of the above, this standard was deemed to be in full compliance.

**OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT**

**Standard 115.261: Staff and agency reporting duties**

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

**115.261 (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 a facility, whether or not it is part of the agency? [x]  Yes [ ]  No
* Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment? [x]  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? [x]  Yes [ ]  No

**115.261 (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, investigation, and other security and management decisions? [x]  Yes [ ]  No

**115.261 (c)**

* Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? [x]  Yes [ ]  No
* Are medical and mental health practitioners required to inform residents of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services? [x]  Yes [ ]  No

**115.261 (d)**

* 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? [x]  Yes [ ]  No

**115.261 (e)**

* Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(b) meets the requirements of this standard. Staff are required to report immediately and according to agency policy, any knowledge, suspicion, or information regarding any incident of sexual abuse that occurred in a facility; retaliation against residents or staff who reported or participated in an investigation about such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All staff, contractors and volunteers are mandated reporters of child abuse. All allegations of sexual abuse or harassment must be properly reported and referred for investigation. Interviews with PREA Compliance Manager and random staff confirmed their awareness of the policy and their duties to report as required by this standard. All staff interviewed were aware of their obligation to report all allegations of sexual abuse as well as the requirement they document the information in an official written report. The facility reported no allegations of sexual abuse or harassment. Interview with the Director of Investigations confirmed there were no allegations. All staff interviewed were aware of the need to maintain strict confidentiality over information regarding allegations of sexual abuse. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.262: Agency protection duties**

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

**115.262 (a)**

* When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.07(b), pages 6 and 10 addresses the requirements of this standard. The policy and the facility’s institutional plan require and immediate response should a youth be determined to be at imminent risk of sexual abuse or assault. There were no reported instances of a youth being determined to be in substantial risk of imminent sexual abuse and therefore there was no documentation of practice to review for compliance. All staff interviewed were able to articulate immediate means that they would use to protect youth should this occur. These included immediately calling for a supervisor to respond to the location; keeping the youth under arms-length supervision until the supervisor arrives; removing the resident from the area and, if necessary based on the imminent nature of the threat, securing the youth alone in a room. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.263: Reporting to other confinement facilities**

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

**115.263 (a)**

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

**115.263 (b)**

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

**115.263 (c)**

* Does the agency document that it has provided such notification? [x]  Yes [ ]  No

**115.263 (d)**

* Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(b), pages 6 addresses the requirements of this standard. Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the facility will notify the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred. Notification will be as soon as possible, but no later than 72 hours after learning of the allegation. Such notification will be documented. If the facility receives notification from another facility pursuant to this standard, it will notify DCF and refer the allegation for investigation. The Facility Administrator and PREA Compliance Manager reported the facility had received no allegations of sexual abuse, from a resident during the intake process, which occurred at another facility. The Facility Administrator and PREA Compliance Manager reported the facility had not received a sexual abuse report from another facility during this audit period. With no allegations of either type reported there was no documentation of compliance to review. Based upon all of the above this standard was deemed to be in full compliance.

**Standard 115.264: Staff first responder duties**

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

**115.264 (a)**

* Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? [x]  Yes [ ]  No
* Upon learning of an allegation that a resident was sexually abused, is the first security 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? [x]  Yes [ ]  No
* Upon learning of an allegation that a resident was sexually abused, is the first security 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? [x]  Yes [ ]  No
* Upon learning of an allegation that a resident was sexually abused, is the first security 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? [x]  Yes [ ]  No

**115.264 (b)**

* If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.07(a), complies with the requirements of this standard related to first responder duties. All staff, volunteers and contractors receive training regarding first responder duties. The facility has an institutional plan that meets all the requirements of this standard. There were no reported instances of sexual assault during this audit period, therefore there was no documentation of staff performing these duties. All staff and contractors interviewed were able to articulate their first responder duties.

**Standard 115.265: Coordinated response**

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

**115.265 (a)**

* Has the facility 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 an incident of sexual abuse? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

A copy of the facility’s institutional plan was provided to this auditor. The plans provide clear and concise direction for response to any alleged PREA violation. There were no reported instances of sexual assault during this audit period and therefore there was no documentation of the plans use available for review. All staff interviewed were aware of the program’s institutional plan and where to locate the document.

**Standard 115.266: Preservation of ability to protect residents from contact with abusers**

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

**115.266 (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 residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? [x]  Yes [ ]  No

**115.266 (b)**

* Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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The current collective bargaining agreement was reviewed by this auditor. There is nothing in the collective bargaining agreement that would violate this standard. DYS Policy and Procedure 01.05.04(d) specifically authorizes DYS to protect youth from contact with alleged abusers up to and including suspending staff without pay.

**Standard 115.267: Agency protection against retaliation**

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

**115.267 (a)**

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

**115.267 (b)**

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

**115.267 (c)**

* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any resident disciplinary reports? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor resident housing changes? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor resident program changes? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? [x]  Yes [ ]  No
* Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? [x]  Yes [ ]  No
* Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? [x]  Yes [ ]  No

**115.267 (d)**

* In the case of residents, does such monitoring also include periodic status checks? [x]  Yes [ ]  No

**115.267 (e)**

* 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? [x]  Yes [ ]  No

**115.267 (f)**

* Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(b) addresses the requirements of this standard. By policy the Program Director is the staff person charged with monitoring for retaliation. Staff, contractors, volunteers, and residents are prohibited by policy from retaliating against any person, including a resident, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or participates in sexual activity as a result of force, coercion, threats, or fear of force. Per the policy, monitoring is for a minimum of 90 days. The facility employs multiple protection measures (i.e. housing changes, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or for cooperating with investigations). The facility reports there were no allegations related to retaliation against staff or residents during this audit period. Facility Administrator reported there is a system in place to monitor for retaliation and documenting any actions taken in response. There were no reported allegations of sexual abuse or harassment and therefore no documentation of practice to review. Based upon all of the above, this standard was deemed to be in full compliance.

**INVESTIGATIONS**

**Standard 115.271: Criminal and administrative agency investigations**

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

**115.271 (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/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.221(a).] [x]  Yes [ ]  No [ ]  NA
* Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**115.271 (b)**

* Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.234? [x]  Yes [ ]  No

**115.271 (c)**

* Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? [x]  Yes [ ]  No
* Do investigators interview alleged victims, suspected perpetrators, and witnesses? [x]  Yes [ ]  No
* Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? [x]  Yes [ ]  No

**115.271 (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? [x]  Yes [ ]  No

**115.271 (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 resident or staff? [x]  Yes [ ]  No
* Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? [x]  Yes [ ]  No

**115.271 (f)**

* Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? [x]  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? [x]  Yes [ ]  No

**115.271 (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? [x]  Yes [ ]  No

**115.271 (h)**

* Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? [x]  Yes [ ]  No

**115.271 (i)**

* Does the agency retain all written reports referenced in 115.271(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? [x]  Yes [ ]  No

**115.271 (j)**

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

**115.271 (k)**

* Auditor is not required to audit this provision.

**115.271 (l)**

* When an outside entity investigates sexual abuse, does the facility 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 115.221(a).] [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS and the facility do not conduct investigations of allegations that rise to the level of criminal behavior. These are conducted by the Massachusetts State Police. DYS Policy and Procedure 01.05.07(b), pages 9-10 complies with this standard relative to administrative investigations. DYS investigators completed PREA investigations training through the NIC and follow the protocols there in when conducting investigations related to allegations of sexual abuse and harassment. There were no reported allegations of sexual abuse or harassment during this audit period. A review of prior sexual harassment investigation reports confirmed the investigators’ understanding of this policy and their training. DYS has made documented efforts to advise the Massachusetts State Police of the requirements of this standard. Based upon all of the above this standard was deemed in full compliance.

**Standard 115.272: Evidentiary standard for administrative investigations**

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

**115.272 (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? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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Per DYS Policy and Procedure 01.05.07(b), page 10, section E (2), a preponderance of evidence is the standard. There were no administrative investigation reports of alleged sexual abuse or sexual harassment to review to confirm the evidentiary standard is being followed. Reports from other DYS administrative investigations (allegations from other facilities) confirm compliance with this standard by DYS investigators. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.273: Reporting to residents**

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

**115.273 (a)**

* Following an investigation into a resident’s allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? [x]  Yes [ ]  No

**115.273 (b)**

* If the agency did not conduct the investigation into a resident’s allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) [x]  Yes [ ]  No [ ]  NA

**115.273 (c)**

* Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident’s unit? [x]  Yes [ ]  No
* Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility? [x]  Yes [ ]  No
* Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? [x]  Yes [ ]  No
* Following a resident’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? [x]  Yes [ ]  No

**115.273 (d)**

* Following a resident’s allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? [x]  Yes [ ]  No
* Following a resident’s allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? [x]  Yes [ ]  No

**115.273 (e)**

* Does the agency document all such notifications or attempted notifications? [x]  Yes [ ]  No

**115.273 (f)**

* Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.07(b), page 10 meets the all requirements of this standard. There were no reported instances of sexual abuse alleged to have occurred during this audit period. No youth made an allegation of sexual abuse during this audit period and therefore there was no documentation of practice to be reviewed for compliance.

**DISCIPLINE**

**Standard 115.276: Disciplinary sanctions for staff**

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

**115.276 (a)**

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

**115.276 (b)**

* Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? [x]  Yes [ ]  No

**115.276 (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? [x]  Yes [ ]  No

**115.276 (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? [x]  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? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.05.04(d), page 4addresses all the requirements of this standard. Staff are subject to disciplinary or adverse action up to and including removal from their position and the Federal service for substantiated allegations of sexual abuse or for violating agency or facility sexual abuse policies. Termination is the presumptive disciplinary sanction for staff that are substantiated for allegations of sexual abuse or for violating agency or facility sexual abuse policies. Per interviews with the DYS PREA Coordinator, Facility Administrator and DYS Director of Investigations, staff are subject to disciplinary action and criminal prosecution commensurate with the type of allegation substantiated. The facility reports that there were no substantiated allegations of sexual abuse against staff and therefore, no documentation of practice was available for review by this Auditor. The facility reports there were no staff removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies. Therefore, no documentation of practice (reasonable efforts to notify relevant licensing bodies) was available for review by this Auditor. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.277: Corrective action for contractors and volunteers**

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

**115.277 (a)**

* Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents? [x]  Yes [ ]  No
* Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies unless the activity was clearly not criminal? [x]  Yes [ ]  No
* Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? [x]  Yes [ ]  No

**115.277 (b)**

* In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with residents? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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DYS Policy and Procedure 01.10.01(a), page addresses fully the requirements of this standard. The policy requires that the facility make reasonable efforts to report substantiated allegations of sexual abuse by a contractor or volunteer to any relevant licensing body, to the extent known, as well as report to law enforcement agencies, unless the activity was clearly not criminal. The facility does not utilize the services of contractors or volunteers at the program.

**Standard 115.278: Interventions and disciplinary sanctions for residents**

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

**115.278 (a)**

* Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, are residents subject to disciplinary sanctions pursuant to a formal disciplinary process? [x]  Yes [ ]  No

**115.278 (b)**

* Are sanctions commensurate with the nature and circumstances of the abuse committed, the resident’s disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories? [x]  Yes [ ]  No

**115.278 (c)**

* When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident’s mental disabilities or mental illness contributed to his or her behavior? [x]  Yes [ ]  No

**115.278 (d)**

* If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending resident to participate in such interventions as a condition of access to programming and other benefits? [x]  Yes [ ]  No

**115.278 (e)**

* Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact? [x]  Yes [ ]  No

**115.278 (f)**

* For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? [x]  Yes [ ]  No

**115.278 (g)**

* Does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.) [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

There were no reported incidents of youth on youth sexual abuse or assault. The facility has a youth handbook that outlines the behavioral treatment program response for such violations. Based upon the therapeutic nature of these programs the general tenor of responses is therapeutic in nature. DYS does not us punitive isolation/segregation as a sanction. Behavioral change is the goal versus punitive actions. The facility’s primary goal related to disciplinary sanctions in response to any rule violations is treatment oriented. Based upon all of the above, this standard was deemed to be in full compliance.

**MEDICAL AND MENTAL CARE**

**Standard 115.282: Access to emergency medical and mental health services**

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

**115.282 (a)**

* Do resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment? [x]  Yes [ ]  No

**115.282 (b)**

* If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.262? [x]  Yes [ ]  No
* Do security staff first responders immediately notify the appropriate medical and mental health practitioners? [x]  Yes [ ]  No

**115.282 (c)**

* Are resident victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? [x]  Yes [ ]  No

**115.282 (d)**

* 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? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(b), page 8 addresses the requirements of this standard. When a disclosure of prior abuse occurs, and services are offered by Medical and Mental Health staff, this is documented in JJEMS. All youth entering the LIFE Program are transfers from other DYS programs. Complete medical and mental health screening is performed by clinical staff from the LIFE Program prior to the youth’s admission. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.283: Ongoing medical and mental health care for sexual abuse victims and abusers**

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

**115.283 (a)**

* Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? [x]  Yes [ ]  No

**115.283 (b)**

* Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? [x]  Yes [ ]  No

**115.283 (c)**

* Does the facility provide such victims with medical and mental health services consistent with the community level of care? [x]  Yes [ ]  No

**115.283 (d)**

* Are resident victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.) [ ]  Yes [ ]  No [x]  NA

**115.283 (e)**

* If pregnancy results from the conduct described in paragraph § 115.283(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.) [ ]  Yes [ ]  No [x]  NA

**115.283 (f)**

* Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? [x]  Yes [ ]  No

**115.283 (g)**

* 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? [x]  Yes [ ]  No

**115.283 (h)**

* Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

The facility’s Institutional Plan fully addresses the requirements of this standard. The Institutional Plan requires staff to call 911 when no medical staff are on duty to perform triage. DYS Policy and Procedure 01.05.07(b) also requires that the youth’s medical and mental health needs are met. First responders are required to notify medical and clinical immediately after the resident is safe from further ham. The state-wide MOU clearly states that services will be provided to the youth free of charge. There were no reported incidents of sexual abuse or sexual assault occurring at the facility during this audit period, and therefore there was no documentation to be reviewed. Based upon all of the above, this standard was deemed to be in full compliance.

**DATA COLLECTION AND REVIEW**

**Standard 115.286: Sexual abuse incident reviews**

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

**115.286 (a)**

* Does the facility 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? [x]  Yes [ ]  No

**115.286 (b)**

* Does such review ordinarily occur within 30 days of the conclusion of the investigation? [x]  Yes [ ]  No

**115.286 (c)**

* Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? [x]  Yes [ ]  No

**115.286 (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? [x]  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 facility? [x]  Yes [ ]  No
* Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? [x]  Yes [ ]  No
* Does the review team: Assess the adequacy of staffing levels in that area during different shifts? [x]  Yes [ ]  No
* Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? [x]  Yes [ ]  No
* Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.286(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? [x]  Yes [ ]  No

**115.286 (e)**

* Does the facility implement the recommendations for improvement, or document its reasons for not doing so? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

There were no reported substantiated or unsubstantiated incidents of sexual abuse or sexual assault occurring at the facility during this audit period. DYS Policy and Procedure 01.05.07(b), page 11 complies with all aspects of this standard. Due to the lack of sexual abuse or sexual harassment incidents there was no documentation of practice for this auditor to review. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.287: Data collection**

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

**115.287 (a)**

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

**115.287 (b)**

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

**115.287 (c)**

* Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? [x]  Yes [ ]  No

**115.287 (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? [x]  Yes [ ]  No

**115.287 (e)**

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

**115.287 (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.) [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

DYS Policy and Procedure 01.05.07(b), page 12 complies with all aspects of this standard. DYS maintains an electronic data base of records for residents and staff (this includes residents and staff of facilities operated under contract on behalf of DYS). Combined these systems allow DYS to access data sufficient to complete the annual survey of sexual violence. The agency’s public website was reviewed by this auditor. Aggregate data for all contract and DYS operated facilities is posted. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.288: Data review for corrective action**

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

**115.288 (a)**

* Does the agency review data collected and aggregated pursuant to § 115.287 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? [x]  Yes [ ]  No
* Does the agency review data collected and aggregated pursuant to § 115.287 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? [x]  Yes [ ]  No
* Does the agency review data collected and aggregated pursuant to § 115.287 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 facility, as well as the agency as a whole? [x]  Yes [ ]  No

**115.288 (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 [x]  Yes [ ]  No

**115.288 (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? [x]  Yes [ ]  No

**115.288 (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 facility? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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The agency’s public website was reviewed by this auditor. The most recent, available annual PREA report was posted. The annual report addresses all elements of this standard. DYS Policy and Procedure 01.08.02 fully addresses and complies with the retention requirements of this standard. Based upon all of the above, this standard was deemed to be in full compliance.

**Standard 115.289: Data storage, publication, and destruction**

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

**115.289 (a)**

* Does the agency ensure that data collected pursuant to § 115.287 are securely retained? [x]  Yes [ ]  No

**115.289 (b)**

* Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities 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? [x]  Yes [ ]  No

**115.289 (c)**

* Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? [x]  Yes [ ]  No

**115.289 (d)**

* Does the agency maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

The DYS Policy and Procedure 01.08.02 addresses the data storage requirements of this standard. A review of the data available on the DYS website supports full compliance for this standard. There is no individual identifying information contained in the aggregate data or the reports related to the data posted. Based upon all of the above, this standard was deemed to be in full compliance.

**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 prior three-year audit period, 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? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) [x]  Yes [ ]  No

**115.401 (b)**

* Is this the first year of the current audit cycle? (*Note: a “no” response does not impact overall compliance with this standard*.) [ ]  Yes [x]  No
* If this is the second year of the current audit cycle, 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 during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) [x]  Yes [ ]  No [ ]  NA
* If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) [ ]  Yes [ ]  No [x]  NA

**115.401 (h)**

* Did the auditor have access to, and the ability to observe, all areas of the audited facility? [x]  Yes [ ]  No

**115.401 (i)**

* Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? [x]  Yes [ ]  No

**115.401 (m)**

* Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? [x]  Yes [ ]  No

**115.401 (n)**

* Were residents permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? [x]  Yes [ ]  No

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

[x]  **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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This auditor has conducted all PREA compliance audits for DYS since this standard was published. Each year this auditor has conducted compliance audits for at least one third of the facilities operated by DYS or operated on behalf of DYS. This auditor had unrestricted access to, and the ability to observe, all areas of the audited facility. This auditor was permitted to request and receive copies of any relevant documents (including electronically stored information). This auditor was permitted to conduct private interviews with residents. Residents permitted to send confidential information and correspondence to the auditor in the same manner as if they were communicating with legal counsel.

**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 facility 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.) [x]  Yes [ ]  No [ ]  NA

**Auditor Overall Compliance Determination**

[ ]  **Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

All prior agency final audit reports are posted on the agency’s website.

**AUDITOR CERTIFICATION**

I certify that:

[x]  The contents of this report are accurate to the best of my knowledge.

[x]  No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and

[x]  I have not included in the final report any personally identifiable information (PII) about any resident 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.[[1]](#footnote-1) Auditors are not permitted to submit audit reports that have been scanned.[[2]](#footnote-2) See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Kurt Pfisterer May 22, 2018

**Auditor Signature Date**

1. See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110> . [↑](#footnote-ref-1)
2. See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69. [↑](#footnote-ref-2)