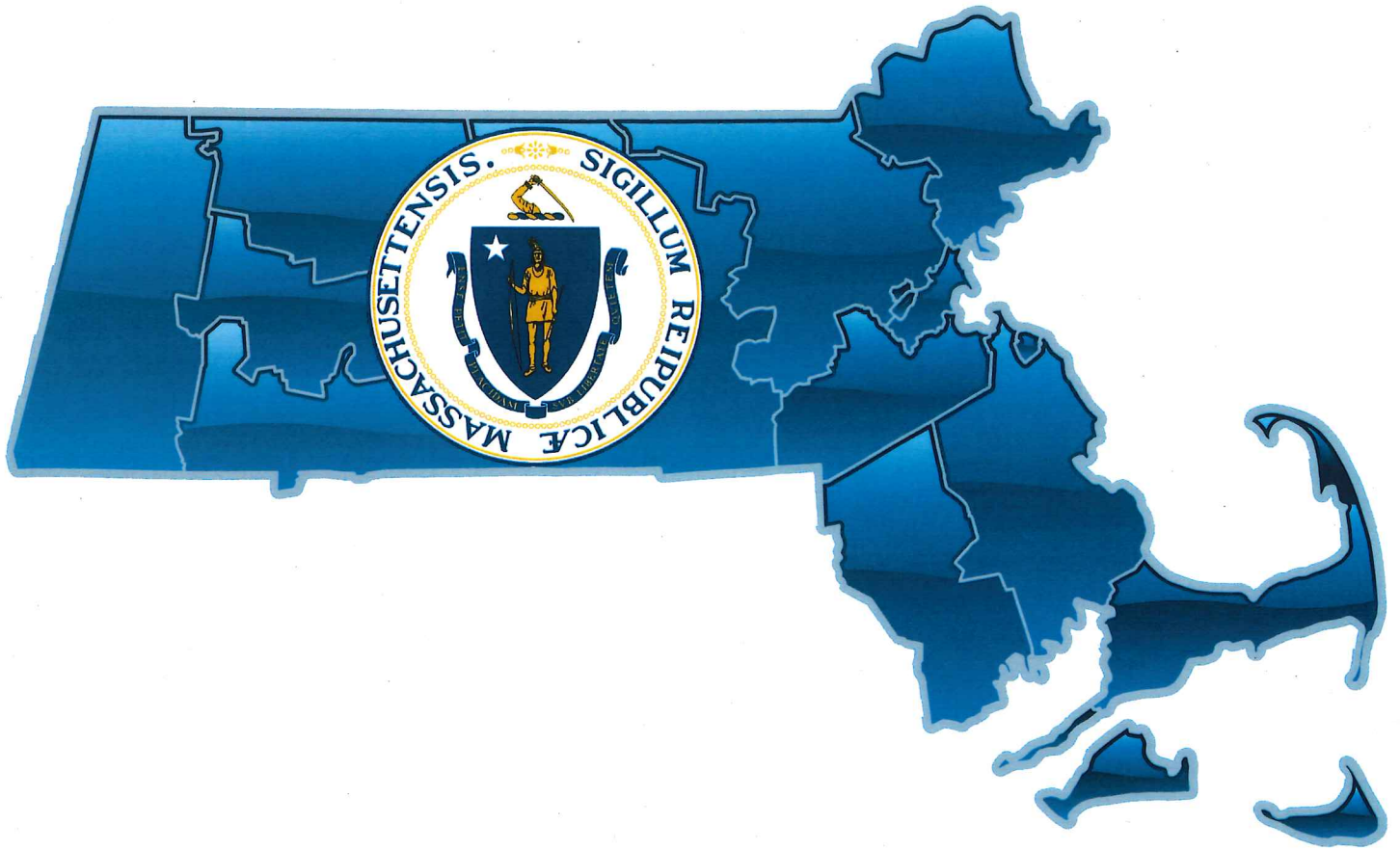


***Massachusetts Department of Correction  
Prison Rape Elimination Act (PREA)  
2018 Annual Report***



***Carol A. Mici, Commissioner***

***Michael G. Grant, Deputy Commissioner of Career and Professional Development***

***Noemi Cruz, Chief of PREA, Audits, Operations & Investigations***



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Governor

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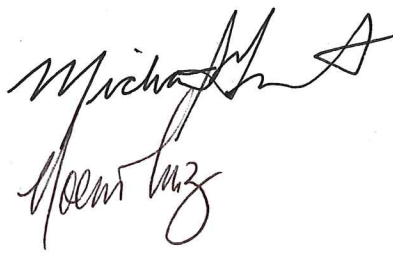
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**MEMO**

**TO:** Carol A. Mici, Commissioner

**THRU:** Michael G. Grant, Deputy Commissioner 

**FROM:** Noemi Cruz, Chief  
PREA Audits, Operations & Investigations 

**DATE:** April 12, 2019

**RE:** DOC 2018 Prison Rape Elimination Act (PREA) Annual Report

PREA standards § 115.88 & § 115.89 and the Department of Correction (DOC) policy 519.09 require the DOC to prepare an annual report relative our agency's efforts to assess and improve the effectiveness of sexual abuse prevention, detection and response policies during the previous calendar year. Additionally, both the standards and the policy require that the enclosed report be posted on the DOC's website for public access. The attached report meets the requirements of the aforementioned standards and policy. Upon your review and approval, this report will be posted on the DOC's internet and intranet pages.

Please feel free to contact me with any questions and or concerns you may have with the information I have provided you.

cc: All Facility Superintendents  
All Facility PREA Managers  
All Facility Policy Coordinators

**The Massachusetts Department of Correction  
Prison Rape Elimination Act (PREA)  
Annual Report  
2018**

**Table of Contents**

• Background .....	1
• Agency PREA Achievements for 2018 .....	1
• Purpose.....	3
• § 115.87; Data Collection .....	3
• § 115.88; Data Review for Corrective Action .....	4
• § 115.89; Data Storage, Publication, and Destruction.....	4
• Summary of PREA Data Collection Capabilities .....	4
• Aggregated Data on Sexual Abuse Allegations and Comparison to Prior Years .....	5
• Definitions.....	5
• Agency Overview for 2018 and Comparison to 2017 .....	5
• Percentage Breakdowns for 2018 and Comparison to 2017.....	6
• Incident Overview by Facility and Type for 2018	
○ Inmate/Inmate Sex Acts.....	8
○ Inmate/Inmate Sexual Abuse .....	9
○ Inmate-Inmate Sexual Harassment .....	11
○ Staff Sexual Misconduct .....	12
○ Staff-Inmate Sexual Harassment.....	12
• Trends.....	12
• Identified Problem Areas and Corrective Action.....	13
• Resolved Problem Areas from 2017.....	14
• Assessment of the Massachusetts Department of Correction's Progress in Addressing Inmate Sexual Abuse .....	14



## **Background**

The Prison Rape Elimination Act (PREA) was signed into federal law in September 2003 following unanimous support from both parties in the United States Congress. The purpose of the law was to provide information, resources, recommendations, and funding to protect individuals from sexual abuse and sexual harassment in confinement facilities. PREA seeks to establish a “zero tolerance” policy regarding rape, sexually abusive behavior and sexual harassment in federal, state and local correctional systems. PREA also mandated the publication of standards to ensure compliance and to improve prevention, detection, and response strategies in addressing rape, sexually abusive behavior and sexual harassment.

In August 2012, the United States Department of Justice (DOJ) issued the final PREA standards for: Prisons and Jails, Lock-ups, Community Confinement Facilities and Juvenile Facilities. These standards required DOJ audits of all facilities under the agency’s operational control of the Commonwealth of Massachusetts’ Executive Branch, to include private facilities operating on behalf of the Executive Branch to house inmates. The first 3-year audit cycle began on August 2013. Failure to comply with the aforementioned standards would result in a loss of 5 percent of identified federal grant funding.

The Massachusetts Department of Correction (DOC) was an early adopter of PREA and these standards. As a result, the DOC is in the forefront in meeting the standards (Prisons and Jails) set-forth by DOJ, and in fact is looked to and sought-out by many other agencies, not only across the Commonwealth, but across the county, as a model for implementing and meeting these standards.

The DOC made history in 2016 when the last of its 14 correctional facilities underwent and successfully completed their respective DOJ PREA audit. It should be noted that all of the facilities audited achieved 100% compliance rating, without any corrective action plans needed. This accomplishment made the Massachusetts DOC one of few correctional agencies across the country which has all of its facilities accredited by PREA, through the DOJ, and accredited by the American Correctional Association (ACA). The DOC continued to thrive in 2018, by successfully completing 3 facility DOJ PREA Audits with 100% compliance rating without any corrective action plan needed.

## **Agency Achievements in 2018**

1. In 2018 the DOC began its third, 3 year-cycle of DOJ PREA audits. MCI Norfolk, Souza-Baranowski and Boston Pre-Release all underwent a comprehensive and thorough DOJ PREA audit in February 2018. Each facility achieved 100% compliance rating with no corrective action plans required.
2. In February of 2018, the DOC instituted a PREA Division separate from the Policy Development and Compliance Unit consisting of a PREA Coordinator and an Administrative Assistant who report directly to the Deputy Commissioner of Career and Professional Development. The DOC named Noemi Cruz as the DOC’s PREA Coordinator. In December 2018, the division was increased by 1 staff member and Erica Bouchard was named the Assistant PREA Coordinator.

3. In April of 2018, the PREA Division re-instituted the PREA Quarterly Meeting while expanding its participants to include various managers, coordinators and stakeholders within and outside the agency who collaborate on policy, procedure updates and resources for inmates.
4. The DOC sponsored two (2) Sexual Assault Investigator Trainings held in May and December of 2018. The agency certified eighty-five (85) investigators from all County and Sheriff Departments statewide, Massachusetts Bay Transportation Authority, Massachusetts State Police, Connecticut Department of Correction, Boston Area Rape Crisis Center and Department of Correction. This training is accomplished through a collaborative effort of investigators and administrators from the DOC Office of Investigative Services, the DOC PREA Division and the County of Plymouth Sheriff's Department.
5. The DOC's contract with the Boston Area Rape Crisis Center (BARCC) continued during 2018. BARCC provides inmates with access to outside PREA victim advocates for emotional support services related to sexual harassment/abuse, as well as educational material on the subject. Upon an inmate request, BARCC also provides emotional support during investigative inquiries. The abuse need not have occurred during incarceration in order for an inmate to seek support services from BARCC. Inmates can contact BARCC in writing or via the use of a dedicated "hotline" service provided by BARCC (both English and Spanish services are provided) in each of our confinement facilities. All communication with BARCC is confidential, unless BARCC determines that the alleged victim is a danger to themselves or a third party. During 2018, BARCC received a total of 469 hotline calls from sixteen different DOC facilities. It should be noted that the volume of calls in 2017 was 148. BARCC staff attributes this increase to providing DOC inmates with information and education of the services they provide especially during the weekly Orientation trainings provided to inmates at the reception centers: MCI Cedar Junction and MCI Framingham. In addition, BARCC also provides inmates with resource materials via the mail program.
6. The DOC received a PREA grant for approximately \$72K from the Violence Against Women Act Stop Formula Grant Program for Calendar Year 2018.
7. The grant funds were used to pay for 3 DOJ PREA audits, cameras and maintenance; to be used at our facilities in their respective efforts to prevent, detect and respond to PREA allegations.
8. The DOC continued to ensure all current employees, contracted staff, and volunteers receive a criminal background records check, at least every four years, which exceeds the PREA standards. Additionally, all visitors signing-into a DOC facility are made aware of the department's *"zero tolerance for all forms of sexual harassment/sexually abusive behavior...and that the department is committed to preventing, detecting and responding to any such conduct."*
9. Our agency continued to train and educate all employees, contract staff, volunteers, vendors, the public and inmates on the DOC's zero tolerance toward all forms of sexual abuse and sexual harassment and the DOC's commitment to prevent, detect and respond to such conduct. In addition to staff receiving mandatory and elective training, the PREA Division conducted 2 refresher trainings for facility staff in 2018.



10. Throughout 2018 the DOC's internal PREA hotline (overseen by the DOC's Office of Investigative Services (OIS) – Duty Station, manned 24hr/7 days a week) received a total of 51 calls of which 19 were for sexual abuse and 32 were for sexual harassment allegation reports. There were no referrals made via the new internet Third Party Reporting Form. Each reported allegation was reviewed by the Office of Investigative Services (OIS) and all were referred for appropriate action/disposition.
11. In July of 2018 and in collaboration with the PREA Division and the Office of Investigative Services, the DOC's Policy Development and Compliance Unit (PDCU) conducted a full review of the Agency's 103 DOC 519 Sexual Harassment/Abuse Response Prevention Policy (SHARPP), and included enhancements/improvements relative to the prevention, detection and response to sexual harassment and sexual abusive behaviors involving the inmates in our care and custody.
12. Planning and coordination with the DOJ PREA Auditor and facility PREA Managers for the 2019 DOJ PREA audits began in July of 2018.
13. In October 2018 and in collaboration with the Executive Office of Public Safety and Security and the DOC General Counsel's Office, the PREA Division assisted in preparing and providing documentation for the Governor's PREA Compliance Certification.
14. In December of 2018, the DOC participated in the annual Survey of Sexual Victimization with the Department of Justice by submitting the required report information for 2017.
15. Throughout 2018, the PREA Division along with the assistance and expertise of EOPPS, upgraded the agency's PREA Database by streamlining definitions for improved efficiency and effectiveness. Upper level and PREA managers were also given more access to properly upload relevant documents and to monitor completed PREA allegations.

### **Purpose**

The DOJ PREA standards require our agency to collect a defined set of data for every allegation of sexual abuse and sexual harassment. These standards further require the DOC to aggregate and review that data in order to assess and improve our effectiveness as an agency at preventing, detecting and responding to PREA allegations. Standards related to the collection of data include: § 115.87 Data Collection, § 115.88 Data Review for Corrective Action and § 115.89 Data Storage, Publication, and Destruction. For reference purposes, they are included within this report.

### **§ 115.87 Data Collection**

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall 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.

- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

#### **§ 115.88 Data Review for Corrective Action**

- (a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - (1) Identifying problem areas;
  - (2) Taking corrective action on an ongoing basis; and,
  - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be 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.
- (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

#### **§ 115.89 Data Storage, Publication, and Destruction**

- (a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.
- (b) The agency shall 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.
- (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- (d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

#### **PREA Data Collection Capabilities**

Through use of our agency's intranet, a PREA database was designed to collect and record a uniformed set of data (and definitions) for each allegation investigated at every facility. PREA standard § 115.87 requires collecting, at a minimum, the data necessary to answer questions contained in annual "Survey of Sexual Violence" reports conducted by the DOJ. The DOC's PREA database was, in part, designed



to provide the agency with that capability.

### **Aggregated Data on Sexual Abuse Allegations and Comparison to Prior Years**

The DOC has a zero tolerance policy for sexual abuse which is covered in detail in our 103 DOC 519 Sexually Harassment/Abuse Response Prevention Policy (SHARPP). As such, all reported allegations of sexual harassment and or abusive behaviors are fully investigated. Only after a full investigation is completed is an event defined as a PREA violation or otherwise. It should be noted that unauthorized, but consensual sexual activity between inmates does not qualify as a PREA incident. The PREA Prison & Jails standards provide definitions that guide the DOC in determining the outcome of allegations investigated. The following are a few of those key definitions:

<b><u>Definitions</u></b>	
<b>Evidentiary Standard:</b>	The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
<b>Substantiated:</b>	Substantiated allegation means an allegation that was investigated and determined to have occurred.
<b>Unsubstantiated:</b>	An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
<b>Unfounded:</b>	An allegation that was investigated and determined not to have occurred.

The following charts reflect aggregated data from 2017 absent any allegations investigated and were determined not to constitute a PREA violation by definitions as outline in the Prisons and Jail Standards, 115.6.

### **Agency Overview for 2018**

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	2	15	12	2	31
Inmate-Inmate Sexual Abuse	3	18	13	0	34
Inmate-Inmate Sexual Harassment	9	33	17	1	60
Staff Sexual Misconduct	1	3	68	3	75
Staff-Inmate Sexual Harassment	6	6	41	1	54
<b>Total</b>	<b>21</b>	<b>75</b>	<b>151</b>	<b>7</b>	<b>254</b>



### Agency Overview for 2017

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	2	13	5	4	24
Inmate-Inmate Sexual Abuse	3	11	7	0	21
Inmate-Inmate Sexual Harassment	5	16	8	0	29
Staff Sexual Misconduct	0	5	49	3	57
Staff-Inmate Sexual Harassment	5	3	29	3	40
<b>Total</b>	<b>15</b>	<b>48</b>	<b>98</b>	<b>10</b>	<b>171</b>

### Comparison of PREA Cases - 2018 and 2017

The number of PREA investigations for 2018 increased by 83 cases from 2017. The number of Substantiated allegations increased from 15 in 2017 to 21 in 2018. The number of Unsubstantiated cases increased to 75 in 2018 from 48 in 2017. In the category of Unfounded, the number of allegations in 2018 was noted to be 151, which was an increase from 98 in 2017.

### Percentage Breakdown for 2018

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	.78%	5.90%	4.72%	.78%	12.18%
Inmate-Inmate Sexual Abuse	1.18%	7.08%	5.11%	0%	13.37%
Inmate-Inmate Sexual Harassment	3.54%	12.99%	6.69%	.39%	23.61%
Staff Sexual Misconduct	.39%	1.18%	26.77%	1.18%	29.52%
Staff-Inmate Sexual Harassment	2.36%	2.36%	16.14%	.39%	21.25%
<b>Total</b>	<b>8.25%</b>	<b>29.51%</b>	<b>59.43%</b>	<b>2.74%</b>	<b>100%</b>

### Percentage Breakdown for 2017

Category	Investigative Outcome				
	Substantiated	Unsubstantiated	Unfounded	Pending	Line Total
Inmate-Inmate Sex Acts	1.16%	7.60%	2.92%	2.33%	14.03%
Inmate-Inmate Sexual Abuse	1.75%	6.43%	4.09%	0%	12.28%
Inmate-Inmate Sexual Harassment	2.92%	9.35%	4.67%	0%	16.95%
Staff Sexual Misconduct	0%	2.92%	28.65%	1.75%	33.33%
Staff-Inmate Sexual Harassment	2.92%	1.75%	16.95%	1.75%	23.39%
<b>Total</b>	<b>8.77%</b>	<b>28.07%</b>	<b>57.30%</b>	<b>5.84%</b>	<b>100%</b>

### **Comparison of Investigative Outcomes - 2018 and 2017**

PREA Investigative Outcomes for 2018 demonstrate some variations over the results noted in 2017. From a percentage standpoint, Substantiated went up from 2017, while Unsubstantiated and Unfounded stayed relatively the same from 2017 to 2018. While a definitive explanation for these variations cannot be determined, it is probable that they can be attributed to the agency's continued educational efforts for staff, contractors, volunteers, vendors and inmates. Additionally, improved investigative techniques, training and a strict adherence to the definitions established under the PREA standards are also possible contributing factors to the noticeable decreases from the previous year.



## Incident Overview by Facility and Type for 2018

**Inmate/Inmate Sex Acts:** Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
BSH*	0	0	0	1	1
BSPRC	0	0	0	0	0
LSH*	0	0	0	0	0
MASAC at Plymouth***	0	0	0	0	0
MCI – Concord	0	3	0	0	3
MCI – Norfolk	0	4	0	1	5
MCI – Shirley medium	1	2	0	0	3
MCI Framingham	0	0	2	0	2
MCI-CJ	0	3	1	0	4
MTC	1	1	0	0	2
NCCI medium	0	2	3	0	5
NECC	0	0	0	0	0
Non-DOC	0	0	0	0	0
OSCC medium	0	0	0	0	0
PCC	0	0	0	0	0
SBCC	0	0	6	0	6
SMCC	0	0	0	0	0
<b>Total</b>	<b>2</b>	<b>15</b>	<b>12</b>	<b>2</b>	<b>31</b>

\*Note: These facilities are not subjected to a DOJ audit, but do undergo an agency internal audit by the Policy Development and Compliance Unit (PDCU).

\*\*Note: As of May 1, 2017, MASAC (located on the Bridgewater, MA complex) no longer houses civil commitments; they were relocated to MCI-Plymouth, which underwent a new mission and name change: MASAC at Plymouth.

\*\*\*Note: Stats noted above reflected after the facility relocation and mission change in May of 2017. This facility is not required to undergo a DOJ PREA audit, but does undergo an agency internal audit by the Policy Development and Compliance Unit (PDCU).

**Inmate/Inmate Sex Abuse:** Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of genitalia, anus, groin, breast, inner thigh or buttocks of any person.

1. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
BSH*	0	0	1	0	1
BSPRC	0	0	0	0	0
LSH*	0	0	0	0	0
MASAC @ Plymouth***	0	1	0	0	1
MCI – Concord	0	3	0	0	3
MCI – Norfolk	0	0	1	0	1
MCI – Shirley medium	0	0	0	0	0
MCI Framingham	1	6	1	0	8
MCI-CJ	0	2	0	0	2
MTC	1	2	1	0	4
NCCI medium	1	4	4	0	9
NECC	0	0	0	0	0
Non-DOC	0	0	0	0	0
OCCC medium	0	0	2	0	2
PCC	0	0	0	0	0
SBCC	0	0	3	0	3
SMCC	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>18</b>	<b>13</b>	<b>0</b>	<b>34</b>



**Inmate-Inmate Sexual Harassment:** Sexual Harassment includes— Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.

Written or verbal communication, gestures such as simulated acts of a sexual nature.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
BSH*	0	0	0	0	0
BSPRC	0	0	0	0	0
LSH*	1	1	0	0	2
MASAC @ Plymouth***	0	1	0	1	2
MCI – Concord	0	3	0	0	3
MCI – Norfolk	0	5	2	0	7
MCI – Shirley medium	1	0	1	0	2
MCI Framingham	0	1	0	0	1
MCI-CJ	0	1	0	0	1
MTC	3	8	2	0	13
NCCI medium	2	9	1	0	12
NECC	0	0	0	0	0
Non-DOC	0	0	0	0	0
OCCC medium	2	4	1	0	7
PCC	0	0	1	0	1
SBCC	0	0	9	0	9
SMCC	0	0	0	0	0
<b>Total</b>	<b>9</b>	<b>33</b>	<b>17</b>	<b>1</b>	<b>60</b>

**Staff Sexual Misconduct:** Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident.

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
BSH*	0	0	0	0	0
BSPRC	0	0	0	0	0
LSH*	0	0	1	0	1
MASAC @ Plymouth	0	0	1	0	1
MCI – Concord	0	0	4	0	4
MCI – Norfolk	0	1	4	1	6
MCI – Shirley medium	1	0	10	1	12
MCI Framingham	0	0	4	0	4
MCI-CJ	0	0	4	0	4
MTC	0	0	2	0	2
NCCI medium	0	0	0	0	0
NECC	0	0	0	0	0
Non-DOC	0	1	0	0	1
OCCC medium	0	0	8	0	8
PCC	0	0	2	0	2
SBCC	0	1	27	1	29
SMCC	0	0	1	0	1
<b>Total</b>	<b>1</b>	<b>3</b>	<b>68</b>	<b>3</b>	<b>75</b>



**Staff-Inmate Sexual Harassment:**

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Written or verbal communication, gestures such as simulated acts of a sexual nature.

Facility	Investigative Outcome				Total
	Substantiated	Unsubstantiated	Unfounded	Pending	
BSH*	0	0	0	0	0
BSPRC	1	0	0	0	1
LSH*	0	1	1	0	2
MASAC @ Plymouth	0	0	2	0	2
MCI – Concord	0	0	3	0	3
MCI – Norfolk	0	3	5	0	8
MCI – Shirley medium	0	0	3	0	3
MCI Framingham	0	0	1	0	1
MCI-CJ	1	0	6	0	7
MTC	1	0	1	0	2
NCCI medium	0	0	1	0	1
NECC	0	0	0	0	0
Non-DOC	0	0	0	0	0
OCCC medium	2	1	4	1	8
PCC	0	0	0	0	0
SBCC	1	1	14	0	16
SMCC	0	0	0	0	0
<b>Total</b>	<b>6</b>	<b>6</b>	<b>41</b>	<b>1</b>	<b>54</b>

**Trends**

Over a five year period, the DOC averaged approximately 157.6 PREA allegations investigated. A review of the data from the PREA database revealed the number of PREA allegations investigated during 2018 was above the number recorded in the previous four year, (a difference of 83 allegations investigated from 2017). This appears to be primarily due to a rise in the number of cases related to allegations of Inmate/Inmate Sex Acts, Inmate/Inmate Sex Abuse, Inmate/Inmate Sexual Harassment, Staff-on-Inmate Sexual Harassment and Staff Sexual Misconduct allegations relative to 2017. As a reminder, all allegations are investigated, and only through the course of the investigation process was a determination of finding made. This increase could also be attributed to the educational efforts put-forth by the DOC for all staff and inmates, and/or a greater comfort level in the reporting of such allegations by staff and/or inmates relative to allegations in general.

### Department of Correction PREA Database Tracking History and Analysis

<b>Total number of cases investigated per year</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Five Year Average</b>
	92	123	148	171	254	157.6

Statistical data with regard to the DOC's BJS/SSV reports demonstrate an upward trend over the last five years. Although there is a slight increase in some of the numbers starting from 2014, this may be attributable to better education and training at all levels of the department towards the goal of prevention, detection and response to any form of sexual harassment and sexual abuse allegations.

### BJS – SSV Reports submitted by the Massachusetts DOC and Analysis

<b>Total number of SUBSTANTIATED cases per year*</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Five Year Average</b>
Inmate-on-inmate nonconsensual sexual acts	0	3	3	2	2	2
Inmate-on-inmate abusive sexual contacts	5	6	4	3	3	4.2
Inmate-on-inmate sexual harassment**	6	5	8	5	9	6.6
Staff sexual misconduct	0	0	1	0	1	.4
Staff sexual harassment	0	0	2	5	6	2.6
<b>Total</b>	<b>11</b>	<b>14</b>	<b>18</b>	<b>15</b>	<b>21</b>	<b>3.16</b>

\*Note: These figures may vary from data reported in other areas of this/previous reports because it reflects a "snap-shot" of resolved cases when those reports were generated. Cases still pending and/or allegations not reported to DOC at the time of the incident may not be reflected in the data.

\*\*Information was not reported in previous annual reports.

### Identified Problem Areas and Corrective Action for 2018

PREA standards require a review of collected data in order to identify problem areas and establish plans of corrective action. Based upon statistical data alone, the Substantiated victimization rate within the DOC relatively is low compared to a review of available national data. There were no obvious problem areas which were not already being addressed through our efforts to achieve compliance with PREA



standards and our demonstrated compliance with the Prison and Jails Standard through 14 successful DOJ PREA audits. However, the DOC continues to review, enhance and improve its current policies and procedures and practices throughout the Department in an effort to not only continue to meet the DOJ standards, but to exceed them.

### **Resolved Problem Areas from 2017**

Although there were no specific problem areas which were not already being addressed, the DOC continued to provide comprehensive PREA education and training to all staff, contractors, volunteers, vendors and inmates on the Department's zero tolerance on all forms of sexual harassment and sexual assaults. Additionally, the DOC continues to work with outside stakeholders, such as the Massachusetts State Police, MBTA, SANE, BARCC and the County and Sheriff's departments in an effort to work collaboratively to ensure the Department meets and or exceeds the standards set-forth by the DOJ Prison and Jails standards.

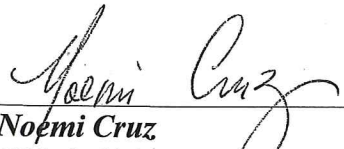
### **2018 Assessment of the Massachusetts Department of Correction's Progress in Addressing Inmate Sexual Harassment/Abuse Allegations**


The DOC is aggressively working to improve in all aspects of the PREA process and continues to make great strides in the prevention, detection and response to inmate sexual assaults, abusive behaviors and sexual harassment. We continue to improve communication and networking within the agency and with our stakeholders by sharing information at quarterly meetings. The DOC continues to provide specialized training for sexual assault investigators welcoming law enforcement agencies within the Commonwealth as well as out-of-state agencies. The agency continues to work closely with EOPPS in improving database enhancements that provide for efficient and effective record keeping.

We are proud of our staff at all levels throughout the Department as we have consistently demonstrated our agency's commitment to the PREA process by having all of our facilities accredited through the DOJ PREA audit process. This accomplishment means that the DOC will be one of few correctional agencies across the country which has all of its facilities accredited through the American Correctional Association (ACA) and the DOJ PREA audit process. In 2019, our facilities continued to thrive during the DOJ PREA audit process by accomplishing 100% compliance without corrective action needed.

The DOC is preparing to undergo its next round of PREA audits in 2019. We remain confident that we will be successful and pass these audits without any corrective action needed, and in fact, exceed many of the standards.

*The undersigned have conducted a joint review of the contents of Massachusetts Department of Correction, Prison Rape Elimination Act (PREA), 2018 Annual Report on: 4/17/19.*

  
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**Noemi Cruz**  
**Chief of PREA Audits, Operations and**  
**Investigations**

  
\_\_\_\_\_  
**Michael G. Grant**  
**Deputy Commissioner of Career and**  
**Professional Development**