



**CHARLES D. BAKER**  
Governor

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety & Security*  
*Department of Correction*  
*PREA Division*  
50 Maple Street, Suite 2  
Milford, MA 01757  
Tel: (508) 422-3647  
[www.mass.gov/doc](http://www.mass.gov/doc)



**CAROL A. MICI**  
Commissioner

**KARYN E. POLITO**  
Lieutenant Governor

**THOMAS A. TURCO, III**  
Secretary

**CHRISTOPHER M. FALLON**  
**JENNIFER A. GAFFNEY**  
**MICHAEL G. GRANT**  
**PAUL J. HENDERSON**  
**THOMAS J. PRESTON**  
Deputy Commissioners

**RUSSELL CAISSIE**  
Chief of PREA

MEMO

TO: Carol A. Mici

THRU: Michael G. Grant, Deputy Commissioner

FROM: Russell S. Caissie, Chief of PREA Audits, Operations & Investigations

*Russell S. Caissie*

DATE: April 15, 2021

RE: DOC 2020 Prison Rape Elimination Act (PREA) Annual Report

PREA standards 115.88 & 115.89 and the Department of Correction (DOC) POLICY 103 DOC 519.09 require the DOC to prepare an annual report relative to 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 page.

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

***Massachusetts Department of Correction  
Prison Rape Elimination Act (PREA)  
2020 Annual Report***



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

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

***Russell Caissie, Chief of PREA, Audits, Operations & Investigations***



**The Massachusetts Department of Correction  
Prison Rape Elimination Act (PREA)  
Annual Report  
2020**

**Table of Contents**

|  |    |
|--|----|
| • Background .....   | 1  |
| • Agency PREA Achievements for 2020 .....  | 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<br>Prior Years .....                             | 5  |
| • Definitions.....   | 5  |
| • Agency Overview for 2020 and Comparison to 2019 .....  | 5  |
| • Percentage Breakdowns for 2020 and Comparison to 2019 .....  | 6  |
| • Incident Overview by Facility and Type for 2020  |    |
| ○ 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 2019.....  | 14 |
| • Assessment of the Massachusetts Department of Correction's<br>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 country, 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 2019, by successfully completing 4 facility DOJ PREA Audits with final reports indicating 100% compliance rating after corrective action taken on DOJ Standards 115.51 Inmate Reporting and 115.65 Coordinated Response.

## **Agency Achievements in 2020**

1. In 2020 the DOC began its audit year 1 of cycle 3 (August 20, 2019 through August 19, 2020) DOJ audits. The audits were delayed and rescheduled on two different occasions due to the Covid-19 restrictions placed on travel into the commonwealth and also the inability of the auditor to visit correctional institutions in person which is a requirement by the DOJ. The audits were ultimately conducted during the week of October 19<sup>th</sup>, 2020. Facilities audited included Old Colony Correctional Center, Massachusetts Treatment Center, MCI Cedar Junction and Pondville Correctional Center. All underwent a comprehensive and thorough DOJ PREA audit consisting of document and policy reviews, site tours and interviews with staff and inmates. Each facility achieved a 100% compliance rating, with each facility exceeding nine (9) DOJ Standards and meeting thirty-six (36).



2. The DOC PREA Coordinator enrolled and completed a newly offered training program offered by the PREA Resource Center. A fifteen week PREA "Academy" and Orientation for PREA Coordinators across the US, which included online learning and peer engagement, review and discussion of each standard and upon completion of the course, submission of a PREA Personal Action Plan to the PRC.
3. A new three year contract with the Boston Area Rape Crisis Center (BARCC) in June 2020. 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 2020, BARCC received a total of 818 hotline calls from 16 different DOC facilities. An increase of 287 calls from the previous year. Orientation trainings provided to inmates at the reception centers MCI Cedar Junction and MCI Framingham were affected by Covid-19 and the ensuing facility lockdowns, and were conducted virtually moving forward. Victim advocacy was also affected and BARCC provided inmate victims of abuse at Beth Israel Deaconess Medical Center with support by phone when a SANE was requested.
4. In 2020 the DOC's PREA Division continued its efforts in training staff of both the DOC and State Police. In February of 2020 the PREA Division assumed the role and responsibility of training new recruit classes on the prevention, detection and response of inmate sexual abuse within the DOC's institutions.
5. The DOC received a PREA grant for \$88,471.97 from the Violence Against Women Act Stop Formula Grant Program for FFY 2020. The grant funds were used to pay for Victims Services Advocacy provider BARCC (Boston Area Rape Crisis Center). The DOC also received a FY 2019 Prison Rape Elimination Act (PREA) Reallocation Funds, Edward Byrne Memorial Justice Assistance Grant (JAG) Program for \$117,159 which will be used to pay for DOJ Audits, Tableau Software and Surveillance Technology.
6. Throughout 2020 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 91 calls from DOC inmates. 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.

7. In August of 2020, after completing six years with DOJ certified AJF Auditing and Correctional Consulting, LLC, the agency in conjunction with the PREA and Contracts Divisions, went in a new direction and contracted with a different vendor. In April/May of 2021, DOJ audits at MCI Norfolk, Boston Pre Release Center and the Souza Baranowski Correctional Center will be conducted by 2K Consulting, LLC.
8. Planning and coordination with the DOJ Auditor and facility PREA Compliance Managers for the 2020 DOJ PREA audits began in January of 2020. The DOC again participated in the Survey of Sexual Victimization with the DOJ. In addition, as part of the annual operational audits, internal PREA audit "walkthroughs" were conducted in person at all but one of the agency's DOJ audited institutions (MCI Norfolk) once restrictions due to Covid-19 allowed for in person physical tours.
9. In early October 2020 and in collaboration with the Executive Office of Public Safety and Security (EOPSS) and the DOC General Counsel's Office, the PREA Division assisted in preparing and providing documentation for the Governor's PREA Compliance Certification.

### **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 2019 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 2020**

| Category                        | Investigative Outcome |                 |            |          |            |
|---------------------------------|-----------------------|-----------------|------------|----------|------------|
|                                 | Substantiated         | Unsubstantiated | Unfounded  | Pending  | Line Total |
| Inmate-Inmate Sex Acts          | 1                     | 13              | 7          | 3        | 24         |
| Inmate-Inmate Sexual Abuse      | 1                     | 2               | 7          | 0        | 10         |
| Inmate-Inmate Sexual Harassment | 3                     | 14              | 12         | 0        | 29         |
| Staff Sexual Misconduct         | 3                     | 4               | 56         | 0        | 63         |
| Staff-Inmate Sexual Harassment  | 0                     | 3               | 21         | 2        | 26         |
| <b>Total</b>                    | <b>8</b>              | <b>36</b>       | <b>103</b> | <b>5</b> | <b>162</b> |

\*Note: There were a total of 171 allegations made in 2020, of which 19 cases were determined to be inmate unauthorized. Therefore the allegations were determined not to constitute a PREA violation by the definitions outlined in the Prisons and Jail Standards put forth by the DOJ.

#### **Agency Overview for 2019**



| Category                        | Investigative Outcome |                 |            |          |            |
|---------------------------------|-----------------------|-----------------|------------|----------|------------|
|                                 | Substantiated         | Unsubstantiated | Unfounded  | Pending  | Line Total |
| Inmate-Inmate Sex Acts          | 2                     | 20              | 16         | 0        | 38         |
| Inmate-Inmate Sexual Abuse      | 6                     | 7               | 17         | 1        | 31         |
| Inmate-Inmate Sexual Harassment | 5                     | 12              | 27         | 1        | 45         |
| Staff Sexual Misconduct         | 2                     | 10              | 48         | 4        | 64         |
| Staff-Inmate Sexual Harassment  | 0                     | 5               | 17         | 1        | 23         |
|                                 |                       |                 |            |          |            |
| <b>Total</b>                    | <b>15</b>             | <b>54</b>       | <b>125</b> | <b>7</b> | <b>201</b> |

### Comparison of PREA Cases - 2019 and 2020

The number of PREA investigations for 2020 decreased by 49 cases from 2019. The number of Substantiated allegations decreased from 15 in 2019 to 8 in 2020. The number of Unsubstantiated cases decreased from 54 in 2019 to 36 in 2020. In the category of Unfounded, the number of allegations in 2019 was noted to be 125, which decreased in 2020 to 103

### Percentage Breakdown for 2020

| Category                        | Investigative Outcome |                 |               |              |             |
|---------------------------------|-----------------------|-----------------|---------------|--------------|-------------|
|                                 | Substantiated         | Unsubstantiated | Unfounded     | Pending      | Line Total  |
| Inmate-Inmate Sex Acts          | .65%                  | 8.55%           | 4.60%         | 1.97%        | 15.77%      |
| Inmate-Inmate Sexual Abuse      | .65%                  | 1.31%           | 4.60%         | 0%           | 6.56%       |
| Inmate-Inmate Sexual Harassment | 1.97%                 | 9.21%           | 7.89%         | 0%           | 19.07%      |
| Staff Sexual Misconduct         | 1.97%                 | 2.63%           | 36.84%        | 0%           | 41.44%      |
| Staff-Inmate Sexual Harassment  | 0%                    | 1.97%           | 13.81%        | 1.31%        | 17.09%      |
|                                 |                       |                 |               |              |             |
| <b>Total</b>                    | <b>5.24%</b>          | <b>23.67%</b>   | <b>67.74%</b> | <b>3.28%</b> | <b>100%</b> |

### Percentage Breakdown for 2019

| Category                        | Investigative Outcome |                 |               |              |             |
|---------------------------------|-----------------------|-----------------|---------------|--------------|-------------|
|                                 | Substantiated         | Unsubstantiated | Unfounded     | Pending      | Line Total  |
| Inmate-Inmate Sex Acts          | .99%                  | 9.95%           | 7.96%         | 0%           | 18.9%       |
| Inmate-Inmate Sexual Abuse      | 2.98%                 | 3.48%           | 8.45%         | .49%         | 15.4%       |
| Inmate-Inmate Sexual Harassment | 2.48%                 | 5.97%           | 13.43%        | .49%         | 22.37%      |
| Staff Sexual Misconduct         | .99%                  | 4.97%           | 23.88%        | 1.99%        | 31.83%      |
| Staff-Inmate Sexual Harassment  | 0%                    | 2.48%           | 8.45%         | .49%         | 11.42%      |
|                                 |                       |                 |               |              |             |
| <b>Total</b>                    | <b>7.44%</b>          | <b>26.85%</b>   | <b>62.17%</b> | <b>3.46%</b> | <b>100%</b> |

### Comparison of Investigative Outcomes - 2020 and 2019

PREA Investigative Outcomes for 2020 demonstrate some variations over the results noted in 2019 due

to Covid-19. From a percentage standpoint, Substantiated went down from 2019, along with Unsubstantiated. Unfounded went up percentage wise from 2019 to 2020. 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 2020

**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         | 0        | 0         |
| BSPRC                | 0                     | 0               | 0         | 0        | 0         |
| LSH*                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC at Plymouth*** | 0                     | 0               | 0         | 0        | 0         |
| MCI – Concord        | 0                     | 1               | 1         | 0        | 2         |
| MCI – Norfolk        | 0                     | 4               | 0         | 0        | 4         |
| MCI – Shirley medium | 0                     | 0               | 1         | 0        | 1         |
| MCI Framingham       | 0                     | 2               | 1         | 0        | 3         |
| MCI-CJ               | 0                     | 1               | 0         | 0        | 1         |
| MTC                  | 0                     | 1               | 1         | 0        | 2         |
| NCCI medium          | 1                     | 3               | 3         | 0        | 7         |
| NECC                 | 0                     | 0               | 0         | 0        | 0         |
| Non-DOC              | 0                     | 0               | 0         | 1        | 1         |
| OCCC medium          | 0                     | 1               | 0         | 0        | 1         |
| PCC                  | 0                     | 0               | 0         | 0        | 0         |
| SBCC                 | 0                     | 0               | 0         | 1        | 1         |
| SMCC                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC****            | 0                     | 0               | 0         | 1        | 1         |
| <b>Total</b>         | <b>1</b>              | <b>13</b>       | <b>7</b>  | <b>3</b> | <b>24</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).

\*\*\*\* MASAC was added this year to reflect a case that was opened under that facility, after the facility had closed.

**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               | 0         | 0        | 0         |
| BSPRC                | 0                     | 0               | 0         | 0        | 0         |
| LSH*                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC @ Plymouth***  | 0                     | 0               | 0         | 0        | 0         |
| MCI – Concord        | 0                     | 0               | 0         | 0        | 0         |
| MCI – Norfolk        | 0                     | 1               | 1         | 0        | 2         |
| MCI – Shirley medium | 0                     | 0               | 0         | 0        | 0         |
| MCI Framingham       | 1                     | 0               | 1         | 0        | 2         |
| MCI-CJ               | 0                     | 0               | 0         | 0        | 0         |
| MTC                  | 0                     | 0               | 2         | 0        | 2         |
| NCCI medium          | 0                     | 0               | 2         | 0        | 2         |
| NECC                 | 0                     | 0               | 0         | 0        | 0         |
| Non-DOC              | 0                     | 0               | 0         | 0        | 0         |
| OCCC medium          | 0                     | 1               | 1         | 0        | 2         |
| PCC                  | 0                     | 0               | 0         | 0        | 0         |
| SBCC                 | 0                     | 0               | 0         | 0        | 0         |
| SMCC                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC                | 0                     | 0               | 0         | 0        | 0         |
| <b>Total</b>         | <b>1</b>              | <b>2</b>        | <b>7</b>  | <b>0</b> | <b>10</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*                 | 0                     | 0               | 1         | 0        | 1         |
| MASAC @ Plymouth***  | 0                     | 0               | 0         | 0        | 0         |
| MCI – Concord        | 0                     | 0               | 0         | 0        | 0         |
| MCI – Norfolk        | 0                     | 2               | 1         | 0        | 3         |
| MCI – Shirley medium | 0                     | 0               | 1         | 0        | 1         |
| MCI Framingham       | 0                     | 0               | 1         | 0        | 1         |
| MCI-CJ               | 0                     | 3               | 0         | 0        | 3         |
| MTC                  | 2                     | 5               | 6         | 0        | 13        |
| NCCI medium          | 0                     | 1               | 1         | 0        | 2         |
| NECC                 | 0                     | 0               | 0         | 0        | 0         |
| Non-DOC              | 0                     | 0               | 0         | 0        | 0         |
| OCCC medium          | 1                     | 2               | 0         | 0        | 3         |
| PCC                  | 0                     | 0               | 1         | 0        | 1         |
| SBCC                 | 0                     | 0               | 0         | 0        | 0         |
| SMCC                 | 0                     | 1               | 0         | 0        | 1         |
| MASAC                | 0                     | 0               | 0         | 0        | 0         |
| <b>Total</b>         | <b>3</b>              | <b>14</b>       | <b>12</b> | <b>0</b> | <b>29</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               | 1         | 0        | 1         |
| BSPRC                | 0                     | 0               | 0         | 0        | 0         |
| LSH*                 | 0                     | 0               | 1         | 0        | 1         |
| MASAC @ Plymouth     | 0                     | 0               | 0         | 0        | 0         |
| MCI – Concord        | 0                     | 0               | 7         | 0        | 7         |
| MCI – Norfolk        | 0                     | 0               | 3         | 0        | 3         |
| MCI – Shirley medium | 1                     | 0               | 10        | 0        | 11        |
| MCI Framingham       | 2                     | 1               | 4         | 0        | 7         |
| MCI-CJ               | 0                     | 0               | 8         | 0        | 8         |
| MTC                  | 0                     | 0               | 1         | 0        | 1         |
| NCCI medium          | 0                     | 0               | 2         | 0        | 2         |
| NECC                 | 0                     | 0               | 0         | 0        | 0         |
| Non-DOC              | 0                     | 0               | 0         | 0        | 0         |
| OCCC medium          | 0                     | 1               | 2         | 0        | 3         |
| PCC                  | 0                     | 0               | 0         | 0        | 0         |
| SBCC                 | 0                     | 2               | 17        | 0        | 19        |
| SMCC                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC                | 0                     | 0               | 0         | 0        | 0         |
| <b>Total</b>         | <b>3</b>              | <b>4</b>        | <b>56</b> | <b>0</b> | <b>63</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                | 0                     | 0               | 0         | 0        | 0         |
| LSH*                 | 0                     | 0               | 1         | 0        | 1         |
| MASAC @ Plymouth     | 0                     | 0               | 0         | 0        | 0         |
| MCI – Concord        | 0                     | 0               | 2         | 1        | 3         |
| MCI – Norfolk        | 0                     | 0               | 0         | 0        | 0         |
| MCI – Shirley medium | 0                     | 0               | 3         | 0        | 3         |
| MCI Framingham       | 0                     | 0               | 1         | 0        | 1         |
| MCI-CJ               | 0                     | 1               | 1         | 0        | 2         |
| MTC                  | 0                     | 0               | 1         | 1        | 2         |
| NCCI medium          | 0                     | 0               | 1         | 0        | 1         |
| NECC                 | 0                     | 0               | 0         | 0        | 0         |
| Non-DOC              | 0                     | 0               | 0         | 0        | 0         |
| OCCC medium          | 0                     | 0               | 3         | 0        | 3         |
| PCC                  | 0                     | 0               | 0         | 0        | 0         |
| SBCC                 | 0                     | 2               | 8         | 0        | 10        |
| SMCC                 | 0                     | 0               | 0         | 0        | 0         |
| MASAC                | 0                     | 0               | 0         | 0        | 0         |
| <b>Total</b>         | <b>0</b>              | <b>3</b>        | <b>21</b> | <b>2</b> | <b>26</b> |

**Trends**

Over a five year period, the DOC averaged approximately 185.2 PREA allegations investigated. A review of the data from the PREA database revealed the number of PREA allegations investigated during 2020 was below the number recorded in the previous year of 2019 also below the numbers recorded in 2018 and 2017 but above the allegations investigated in 2016. A decreased difference of 49 allegations investigated from 2019. This appears to be primarily due to a decrease in the number of cases related to allegations of Inmate/Inmate Sex Acts, Inmate/Inmate Sex Abuse, Inmate/Inmate Sexual Harassment and Staff Sexual Misconduct allegations relative to 2019. As a reminder, all allegations are investigated, and only through the course of the investigation process was a determination of finding made.

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

| Total number of cases investigated per year | 2016 | 2017 | 2018 | 2019 | 2020 | Five Year Average |
|---|------|------|------|------|------|-------------------|
|   | 148  | 171  | 254  | 201  | 152  | 185.2             |

Statistical data over the past five years with regard to the DOC's BJS/SSV reports demonstrate an upward trend for 2016, 2017 with 2018 being the peak in the amount of annual cases reported, and then a steady and sharp decline over the past two years. This may be attributed to continuous education and training promoted by the agency and its approach to zero tolerance.

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

| Total number of SUBSTANTIATED cases per year* | 2016      | 2017      | 2018      | 2019      | 2020     | Five Year Average |
|---|-----------|-----------|-----------|-----------|----------|-------------------|
| Inmate-on-inmate nonconsensual sexual acts    | 3         | 2         | 2         | 2         | 1        | 2                 |
| Inmate-on-inmate abusive sexual contacts      | 4         | 3         | 3         | 6         | 1        | 3.4               |
| Inmate-on-inmate sexual harassment**          | 8         | 5         | 9         | 5         | 3        | 6                 |
| Staff sexual misconduct                       | 1         | 0         | 1         | 2         | 3        | 1.4               |
| Staff sexual harassment                       | 2         | 5         | 6         | 0         | 0        | 2.6               |
| <b>Total</b>                                  | <b>18</b> | <b>15</b> | <b>21</b> | <b>15</b> | <b>8</b> | <b>3.08</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 2020

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 is relatively low compared to a review of available national data. The 2020 DOJ audits revealed that there were no notable problem areas and zero corrective action with the MADOC.



### **Resolved Problem Areas from 2019**

Problem area(s) identified through the 2019 DOJ audits were **Inmate Reporting** and **Coordinated Response**. Corrective action was taken and involved finding an outside entity, agency or office that inmates could report an allegation of sexual abuse or harassment, other than the Massachusetts Department of Correction (115.51). Inmates may now write to the Massachusetts State Police Office of Investigative Services to report an allegation of sexual abuse or harassment. The Coordinated Response Plans for the four institutions audited were updated to reflect exact language from the DOJ 115.65 Coordinated Response. Also, language in the agency's policy regarding coordinated responses was amended, tying the DOJ standard and the agency's policy together.

### **2020 Assessment of the Massachusetts Department of Correction's Progress in Addressing Inmate Sexual Harassment/Abuse Allegations**

The DOC continues its work in improving 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. With continued communication and networking within the agency and with our stakeholders by sharing information at quarterly meetings. The DOC continues to lead the way with specialized training for sexual assault investigators, welcoming law enforcement agencies within the Commonwealth. The agency continues to work closely with EOPPS, OIS, IAU as well as institutional IPS staff 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 2020, our facilities continued to thrive during the DOJ PREA audit process by accomplishing 100% compliance while exceeding nine DOJ standards and meeting thirty-six. It should be noted that no corrective action was needed at any of the four facilities audited in 2020.

The DOC is preparing to undergo its next round of PREA audits in 2021 with a new DOJ certified auditor contracted in January of 2021. We remain confident that we will be successful in passing these audits, exceeding many of the standards set forth by the DOJ.

*The undersigned have conducted a joint review of the contents of Massachusetts Department of Correction, Prison Rape Elimination Act (PREA), 2020 Annual Report on: April 15, 2021*

*Russell S. Caissie*

**Russell S. Caissie**  
**Chief of PREA Audits, Operations and**  
**Investigations**

*Michael G. Grant*

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