

PREA Facility Audit Report: Final

Name of Facility: Massachusetts Correctional Institution Concord

Facility Type: Prison / Jail

Date Interim Report Submitted: 05/23/2022

Date Final Report Submitted: 10/05/2022

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Kendra Prisk	Date of Signature: 10/05/2022

AUDITOR INFORMATION	
Auditor name:	Prisk, Kendra
Email:	2kconsultingllc@gmail.com
Start Date of On-Site Audit:	04/13/2022
End Date of On-Site Audit:	04/15/2022

FACILITY INFORMATION	
Facility name:	Massachusetts Correctional Institution Concord
Facility physical address:	965 Elm Street, Concord, Massachusetts - 01742
Facility mailing address:	P.O. Box 9106, Concord, Massachusetts - 01742

Primary Contact	
Name:	Stacey Butkowski
Email Address:	stacey.butkowski@doc.state.ma.us
Telephone Number:	9784056100 ext 400

Warden/Jail Administrator/Sheriff/Director	
Name:	Joann Lynds
Email Address:	joann.lynds@doc.state.ma.us
Telephone Number:	9784056100 ext. 110

Facility PREA Compliance Manager	
Name:	Stacey Butkowski
Email Address:	stacey.butkowski@doc.state.ma.us
Telephone Number:	
Name:	Joseph Ryan
Email Address:	joseph.b.ryan@state.ma.us
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Therese Smith
Email Address:	thesmith@wellpath.us
Telephone Number:	978 405 6100 ext 436

Facility Characteristics	
Designed facility capacity:	895
Current population of facility:	642
Average daily population for the past 12 months:	335
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	20-76 years old
Facility security levels/inmate custody levels:	Medium
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	302
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	70
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	143

AGENCY INFORMATION	
Name of agency:	Massachusetts Department of Correction
Governing authority or parent agency (if applicable):	
Physical Address:	50 Maple Street, Milford, Massachusetts - 01757
Mailing Address:	
Telephone number:	5084223300

Agency Chief Executive Officer Information:	
Name:	Carol Mici
Email Address:	Carol.Mici@doc.state.ma.us
Telephone Number:	508-422-3300

Agency-Wide PREA Coordinator Information			
Name:	Russell Caissie	Email Address:	russell.caissie@doc.state.ma.us

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
0	
Number of standards met:	
45	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2022-04-13
2. End date of the onsite portion of the audit:	2022-04-15

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Boston Area Rape Crisis Center (BARCC) and Just Detention International (JDI)

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	895
15. Average daily population for the past 12 months:	335
16. Number of inmate/resident/detainee housing units:	12
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	583
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	9
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	5
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	3

41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	26
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	63
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	3
44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	2
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	7
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	7
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	No text provided.
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	331
50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	70
51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	58
52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	No text provided.
INTERVIEWS	
Inmate/Resident/Detainee Interviews	
Random Inmate/Resident/Detainee Interviews	

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	15
54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	<p>At least one random inmate was selected from each of the housing units with the exception of J4 which was vacant and the segregated housing unit. The auditor initially selected an inmate from the segregated housing unit and he refused. The auditor attempted to get a replacement from the segregated housing unit, but those selected refused. Fourteen inmates were interviewed from NECC and sixteen were interviewed from NECC. The following inmates were selected from the housing units: three from FD East Up; one from FD East Down; two from FD West Up; two from FD West Down; one from GH East Down; two from GH East Up; two from GH West Down; one from GH West Up; one from BRAVE (C Building); one from the Hospital (health services unit); four from J1; two from J2; four from J3; two from J5 and two from J6.</p>
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	<p>The facility houses male inmates, 581 were male inmates and two were transgender female inmates. Fourteen of the inmates interviewed were black, thirteen were white (includes those who were Hispanic) and three were another race. With regard to ethnicity, three were Hispanic and 27 were non-Hispanic. The ages of the inmates interviewed were broken into categories; zero were under eighteen, three were eighteen to 25; eight were 26-35, five were 36-45, ten were 46-55 and seven were over 55. Interview demographics related to time in custody was also broken into categories; zero were less than a year, nine were in custody one to five years, eight were six to ten years and four were over ten years.</p>
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15

As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".

60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	1
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	2
62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	1
63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	2
64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:	2
65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	2
66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	2
67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:	4
68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:	2

<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The auditor also confirmed through a review of housing documentation for inmates at high risk of victimization and inmates who reported sexual abuse that there were zero involuntarily segregated due to these purposes.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>16</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>If "Other," describe:</p>	<p>Gender, race and ethnicity.</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>Twelve staff were interviewed from MCI Concord and four were interviewed from NECC. The facilities has three shifts; six staff were interviewed from the 7am-3pm shift; seven were interviewed from the 3pm-11pm shift and three were interviewed from the 11pm-7am shift. With regard to the demographics of the random staff interviewed; twelve were male and four were female; two were black, fourteen (including one who was Hispanic) were white and zero were another race. One was Hispanic ethnicity and fifteen were non-Hispanic. With regard to rank of those security staff interviewed, ten were Correctional Officers, one was a Sergeant, three were Lieutenants and two were Captains.</p>
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Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>37</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>78. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>79. Were you able to interview the PREA Compliance Manager?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p>

<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agency contract administrator <input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment <input type="checkbox"/> Line staff who supervise youthful inmates (if applicable) <input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable) <input checked="" type="checkbox"/> Medical staff <input checked="" type="checkbox"/> Mental health staff <input type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches <input checked="" type="checkbox"/> Administrative (human resources) staff <input checked="" type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff <input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations <input checked="" type="checkbox"/> Investigative staff responsible for conducting criminal investigations <input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness <input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation <input checked="" type="checkbox"/> Staff on the sexual abuse incident review team <input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation <input checked="" type="checkbox"/> First responders, both security and non-security staff <input checked="" type="checkbox"/> Intake staff <input checked="" type="checkbox"/> Other
<p>If "Other," provide additional specialized staff roles interviewed:</p>	<p>Mail Room Staff</p>
<p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>a. Enter the total number of VOLUNTEERS who were interviewed:</p>	<p>2</p>

<p>b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Education/programming</p> <p><input type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Mental health/counseling</p> <p><input checked="" type="checkbox"/> Religious</p> <p><input type="checkbox"/> Other</p>
<p>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>a. Enter the total number of CONTRACTORS who were interviewed:</p>	<p>3</p>
<p>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Security/detention</p> <p><input checked="" type="checkbox"/> Education/programming</p> <p><input checked="" type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Food service</p> <p><input type="checkbox"/> Maintenance/construction</p> <p><input type="checkbox"/> Other</p>
<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>No text provided.</p>

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

<p>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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<p>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>The on-site portion of the audit was conducted on April 13-15, 2022. The auditor had an initial briefing with facility leadership and discussed the audit logistics. After the initial briefing, the auditor selected inmates and staff for interview as well as documents to review. The auditor conducted a tour of MCI Concord on April 13, 2022 and a tour of NECC on April 14, 2022. The tour included all areas associated with MCI Concord and NECC to include; housing units, laundry, intake, visitation, religious services, education, vocation, maintenance, food service, health services, recreation, industries, property, programs, administration and outside services building. During the tour the auditor was cognizant of staffing levels, video monitoring placement, blind spots, posted PREA information, privacy for inmates in housing units and other factors as indicated in the appropriate standard findings.</p> <p>The auditor observed PREA information posted and painted throughout the facility. Each housing unit had a wooden placard with the PREA hotline number, the IPS hotline number and BARCC hotline number. Additionally, the BARCC and PREA hotline numbers were painted near the phones in the housing units. Additionally, PREA posters were observed in each housing unit (on the bulletin board on the one side of the officer station desk at MCI Concord and behind plexiglass in the units at NECC) and in common areas. The posters included information on the zero tolerance policy and reporting. Posters were red and black and were large in size. Posters and painted phone numbers were in adequate font (for vision impairment) and were placed appropriately in an inmate's line of sight (for physical impairments). PREA posters were observed to be in both English and Spanish. In addition to the PREA information being painted and posted, the information is also available to inmates through the inmate orientation manual and PREA brochure (provided to inmates at intake and also available in the library in the PREA information section). All inmates have tablets and can utilize a kiosk, however neither of these are equipped with a reporting mechanism. Informal conversation with staff and inmates confirmed that the painted and posted information has been up for a while. The inmates indicated that they are aware of the information and it is easy to read and understand. Inmates indicated that they can report verbally, through a grievance form and through the phone number anytime they are outside of their cell. Staff stated that inmates can report to the numbers on the wall anytime they are out of their cell.</p> <p>During the tour the auditor confirmed that facility follows the staffing plan. There were at least two staff in each housing unit at MCI Concord. Additional staff were also present in the segregated</p>

housing unit due to the security level of the inmate and in the BRAVE unit, due to the age and program type. Program, work and education areas included both security and non-security staff. The auditor observed that staffing was adequate, staff had excellent line of sight in the housing units and each housing unit was equipped with numerous video cameras to supplement supervision and monitoring. Staff at NECC included at least three staff per building and was adequate based on the inmate population. Staff were also present in common areas and work areas. In areas where security staff were not directly assigned, routine security checks were required (usually every 30 to 60 minutes). In areas where security staff are assigned, staff are required to make security checks (rounds) at least once an hour. Informal conversation with staff confirmed that they never understaffed and that they always find someone to cover the positions. Staff indicated they make rounds at least every hour and that the Shift Supervisor (Captain) conducts rounds at least once a shift. Informal conversation with inmates also confirmed that there are always at least two staff in the housing units and that staff make rounds typically every 30-45 minutes. The inmates stated that they see the Captain at least every day and there is not any overcrowding in the units. During the tour the auditor observed areas of the facility that were blind spots. In J building, the housing units had a door that lead to a stairwell. The door is left open when inmates go out to recreation. The stairwell is a blind spot and as such mirrors and/or cameras will need to be installed. A blind spot was observed in maintenance stair area as well. A mirror and/or camera will need to be installed to alleviate the blind spot. In food services, the auditor located a blind spot behind the cooler in the dry storage area. A mirror and/or camera will need to be installed to alleviate the blind spot. The auditor also recommended that cameras be installed in all stairwells that do not currently have video monitoring. Additionally, the auditor recommended that a camera and/or mirror be added to the J7 program area in the back corner near the bathrooms. At NECC the auditor recommended that the facility add cameras to the work areas and add a mirror/camera behind the cooler in the warehouse. It should be noted that during the tour the staff restroom, located in the gym, was left unsecured. The bathroom lead into a large unoccupied area that was secluded, was not utilized by the facility and did not have cameras. The facility staff advised that this area is required to be secured and that staff made a mistake and did not secure the area. The auditor advised that staff should be advised of the importance to secure this area as this is an extremely vulnerable area for sexual abuse. The auditor further recommended that cameras be installed in this area, or the area be restricted as much as possible through a locked door at the first entrance that is not necessary for staff to utilize for fitness/restroom purposes.

A review of the video monitoring system confirmed that the facility has numerous cameras in housing, work, program and common areas. The auditor verified that the cameras assisted with supervision through coverage of blind spots and high traffic areas. The auditor viewed the cameras and observed that the views assisted with monitoring in the housing units and the cameras were only accessible to certain staff, including IPS and administration.

With regard to cross gender viewing, the auditor confirmed that the general population housing unit at MCI Concord, with the exception of the BRAVE unit, and at NECC provided privacy to inmates through doors with windows and curtains. The auditor viewed that each cell door has a window and that the toilet is not visible through

the window unless the staff is outside of the cell (incidental to official duties). The BRAVE unit showers provided privacy through curtains, however the cells were equipped with open bar stock and did not provide privacy for inmates utilizing the toilet or changing clothes. While female staff make an announcement, the housing unit is not gender specific and female staff work in the unit across all shifts. The segregated housing unit provided privacy through doors with windows. The auditor observed that the windows provided adequate privacy unless the staff was directly in front of the door (incidental to official duties). The showers in the segregated housing unit have a door with lattice type material. The location of the showers paired with the lattice material do not provide adequate privacy. The lattice type window should have partial coverage in order to afford privacy for inmates when showering. The shower in the health services unit also has a door with lattice type material and requires modification in order to provide adequate privacy. Outside of the housing units, inmates are provided privacy through mobile privacy barriers, solid doors and public style restroom wall barriers. The auditor observed that the strip search area for NECC's intake area is a door with a window. The auditor recommended that the facility utilize a window covering or mobile barrier to provide additional privacy when conducting strip searches. None of the housing units are equipped with cameras in the cells or bathroom areas. Additionally, a review of the video monitoring system confirmed that none of the cameras in the general population housing units showed areas where inmates would shower, use the restroom or change their clothes. The observation cells in the segregated housing unit did not contain video monitoring. A review of cameras in health services indicated there were cross gender viewing issues in the reception area and the holding cells. Both areas are equipped with a toilet, which is viewable on camera and does not provide adequate privacy. The video monitoring in the suicide observation cells included a blacked out section over the toilet area. Informal conversation with staff and inmates indicated that inmates have privacy when showering, using the restroom and changing clothes. The staff stated the curtain are always up for the inmates. In addition, the auditor heard the opposite gender announcement upon entry into some of the housing units. The announcements were infrequent at the beginning of the tour and became more consistent as the tour went on. The announcement was made prior to entry into the unit verbally via the intercom system. The facility provides hearing aids for inmates with a hearing impairment in order for them to hear the opposite gender announcement. Informal conversation with staff and inmates indicated that the opposite gender announcement is made. Staff indicated it is made at the beginning of the shift, when staff are on the unit and then when staff enter the housing units. Inmates stated they normally announce each time the female comes into the unit.

Inmate medical and mental health records are paper and electronic (electronic after 2018). During the tour the auditor spoke with health service staff that confirmed medical and mental health care staff only have access to medical and mental health records. The staff indicated that if anyone else was requesting records or information they would have to obtain the information through a medical or mental health care staff member. The staff stated that medical records is staffed 8am-5pm and that when staff is not present the door is locked. Classification files are also electronic and paper. The staff indicated that classification records, including the inmate's risk screening information is accessible on certain screens that have limited access. The staff indicated that certain profiles have

access to the records. The auditor confirmed this was accurate by asking a security staff member to attempt to pull up the screen. The staff did not have access to view the information. The paper classification files are maintained in records which is also staffed 8am-5pm daily and is locked after hours.

During the tour the auditor observed that the mail room and was provided a demonstration of the process for sending and receiving mail. Inmates are able to place outgoing mail in any of the drop boxes around the facility and through daily mail call when staff come through the housing units. There are numerous drop boxes in common areas, some boxes are labeled specific, such as grievances, U.S. mail, Warden, etc., however none of the drop boxes were specific to sexual abuse or sexual harassment. All drop boxes were locked and staff confirmed that only specific individuals had keys to the boxes. The mail room staff member advised that all incoming mail is opened and inspected for contraband, but the mail is not read. She stated the mail is collected and placed in a bag for the officers to pick up and distribute to the inmates. She confirmed she personally goes to each housing unit daily to collect mail. She confirmed mail is placed in a locked box that she has a key to. She stated she takes the mail back and then ensures it has postage for processing. She confirmed she does not open any outgoing mail or inspect it prior to being sent. The mail room staff stated that all correspondence has to have a return address and that the mail is process the same, regardless of who the recipient is (i.e. MSP and/or BARCC). Inmates have the ability to purchase writing materials and they are also provided these material by the facility if deemed indigent.

The auditor observed the intake process through a demonstration. Inmate are provided PREA information at intake via the inmate orientation manual. The manual is available in both English and Spanish. The intake staff member stated that inmates sign that they receive the inmate orientation manual.

The auditor was provided a demonstration of the initial risk assessment. The initial risk screening is conducted in booking and medical. Booking completes a portion of the risk assessment and medical staff complete the other portion. The booking staff member pulled up the risk screening and showed the questions that they complete. He stated prior to the inmate arriving at the facility they review the inmate's history. He confirmed he asks all required questions, even those he knows the answers to (i.e. prior criminal history). Questions eight through fifteen (victimization) and questions one through five (abusiveness) are completed by booking staff. He stated after his portion the inmate is escorted to medical. The medical portion of the risk screening is completed in the emergency room. Staff advised the door is typically left open. The staff member pulled up the questions that are asked. Medical staff ask questions one through seven of the victimization section. After all the information is entered into the system, the information is calculated electronically and a designation is determined related to known victim, potential victim, unknown victim, known predator, potential predator or unknown predator.

The auditor tested the PREA hotline during the tour in numerous housing units at MCI Concord and NECC. The hotline was functional in all units. The auditor reached a live person who advised that if they received a report of sexual abuse from an inmate they would immediately document the information and forward it to their supervisor and the Office of Investigative Services

for handling (investigation). Inmates have access to the phones anytime they are outside of their cell. Inmates in segregated housing are afforded four calls a week and are able to make calls via the phones on a rolling cart. The auditor also filled out a written report via an inmate grievance. The auditor placed it in the drop box located in the common area (entrance). The auditor requested a form from the housing unit staff, which was provided. The PCM forwarded the auditor a copy of the request the following day, showing it was received (signed and date stamped). Inmates in segregated housing are able to submit a written report by placing a grievance, request or sick call request in the mailbox. Staff come around daily with a locked box to collect any mail/correspondence. The auditor also had a staff member provide a demonstration on how they would document a verbal report and how they can report sexual abuse of an inmate confidentially. The mechanism is the same, with the exception of a checkbox. The staff member initiated a written report through the electronic reporting system. He showed the auditor how to pull up the incident report system and then advised that if it was confidential, he would check the confidential box. The staff stated this would ensure the report was sent to the Superintendent directly. The staff member stated he would fill out the form and send it and that a report can be completed on any computer. He stated the staff member just had to sign in and pull up the system. The auditor did not test the outside reporting mechanism as the mechanism is through the U.S. mail to the Massachusetts State Police (MSP). The auditor did however obtain information related to the mail process and how information is submitted to the MSP. Inmates are able to write a letter to the MSP related to sexual abuse and sexual harassment. The letter can be dropped in any box and would be sent via U.S. mail. Because inmates can report more than just sexual abuse and sexual harassment to the MSP, the method of requesting anonymity is adequate. The letters to MSP are not screened/opened by mail room staff and inmates are able to drop the letter in any of the outgoing mail boxes. Informal conversation with staff and inmates indicated that very few individuals were familiar with the MSP as the outside reporting mechanism.

The auditor tested the third party reporting mechanism prior to the on-site portion of the audit. The auditor viewed the agency PREA website and confirmed that the agency has an online form that the public can complete related to sexual abuse and sexual harassment. The auditor submitted the form on March 28, 2022. The PC contacted the auditor on March 29, 2022 indicating that the online form was received. The PC stated that the information from the form is immediately forwarded to the facility and the PC. The PC in turn sends a second notification to the Superintendent and PCM to ensure the information is investigated timely. On April 7, 2022 the auditor also contacted the Duty Station number that is provided online to report sexual abuse. The staff member advised the auditor to fill out the online form to report any allegations of sexual abuse or sexual harassment. The auditor contacted the PC related to the call to the Duty Station. The PC advised that verbal reports are accepted and that he would speak to the Duty Station related to the issue. The PC later advised the auditor that the Duty Station staff member was new and that information was provided to all Duty Station staff related to accepting verbal sexual abuse allegations. On May 3, 2022 the auditor called the Duty Station number a second time to confirm that verbal reports are taken over the phone. The staff advised the auditor that the number was incorrect and provided a different number to call. The number provided was not the number on the website (but was the PREA

hotline number on the posters). The PC indicated that they were changing the website to include the appropriate PREA hotline number for third parties to report.

The facility provides access to victim advocates through the BARCC hotline. The auditor tested the BARCC hotline during the on-site portion of the audit at MCI Concord and NECC. The hotline was working all units at MCI Concord with the exception of BRAVE. The hotline was not working at NECC and during the test the auditor received a recording indicating that the number was restricted. The initial attempt to contact BARCC was unsuccessful. The auditor dialed the number and was provided the option for services in English or Spanish. The automated message advised to hold and that they would be providing someone soon for services. The auditor remained on hold for five minutes and was then advised that there was not anyone to provide services at that time and to leave a message to have correspondence information mailed to them or to call back again between 9am-9pm. The auditor called the hotline number again in subsequent housing units and reached a live person. The BARCC staff member confirmed that they are available to provide services to any inmate who calls the line between the hours of 9am and 9pm. The BARCC hotline is an unmonitored line. If inmates want additional privacy, they can request a call with BARCC similar to a legal call (in a private room). Inmates in segregated housing are afforded four calls a week and have access to their tablet at all times. The phone is a rolling phone that they utilize in their cell. Inmates can also write to BARCC for services by sending correspondence. Letters to BARCC are not screened or opened. Informal conversation confirmed that the BARCC hotline is available for inmates to call when they are out of the cell. Inmate states phone are typically on from 7am-7pm.

The auditor had the facility conduct a mock demonstration of the comprehensive PREA education process. The auditor observed that inmates are provided comprehensive PREA education via video (PREA: What You Need to Know) and through the facility orientation video. The video covers the required components under Standard 115.33. During orientation the inmates watch the video and they are also provided verbal information on PREA. The orientation video covers numerous topics related to the facility including PREA. The video discussing ways to report, BARCC and inmates' rights. The PREA video was available in English and Spanish and also had closed captioning. Informal conversation with staff indicated that inmates are provided the information and then able to ask any questions. The staff stated inmates sign that they received the information and that typically orientation is completed in the Phase 2 area of the facility by staff.

Random staff interviews were conducted on April 13, 2022 through April 15, 2022. Some specialized staff were interviewed on April 13, 2022 through April 15, 2022, however most specialized staff were interviewed via phone as outlined in the PREA auditor handbook. Inmate interviews were conducted on April 13, 2022 through April 15, 2022. All staff and inmate interviews were conducted in a private office setting. During inmate interviews the auditor tested the accessibility of the language interpretation service (Lionsbridge) for three LEP inmate interviews. The facility provided the auditor a phone number to dial and the facility's pin number for services. The auditor was able to choose the appropriate language of interpretation and was connected to a live person. The auditor conducted the interview with the LEP inmate through translation of information by the interpreter over the speaker phone.

Interpretation services are only accessible to inmates through a staff member. Informal conversation with staff and inmates indicate that the interpretation service is easily accessible when needed.

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?

Yes

No

91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

During the audit the auditor requested personnel and training files of staff, inmate files, medical and mental health records, grievances, incident reports and investigative files for review. A more detailed description of the documentation review is below.

Personnel and Training Files. The facility has 302 staff assigned. The auditor reviewed a random sample of 27 personnel and training records that included five individuals hired within the past twelve months and three individuals hired over five years ago. Most of the files reviewed were of those staff interviewed. Additionally, personnel and training files for six volunteers, ten contractors and six medical and mental health care staff were reviewed.

Inmate Files. A total of 35 inmate files were reviewed, although some files were only reviewed for a specific area the auditor was reviewing. Nineteen inmate files were of those that arrived within the previous twelve months, six were disabled inmates, three were LEP inmates, two were transgender inmates and three were inmates who reported prior victimization during the risk screening.

Medical and Mental Health Records. During the past year, there were thirteen inmates that reported sexual abuse or sexual harassment at occurred at MCI Concord. Three of the inmates reported at a facility other than MCI Concord and as such their medical and mental health records were not available. The auditor reviewed the medical and mental health records of eight inmate victims, as well as mental health documents for three inmates who disclosed victimization during the risk screening.

Grievances. In the past year, the facility had five grievances of sexual abuse. The auditor reviewed the five sexual abuse grievances (a review determined that only two were sexual abuse), the grievance log from the previous twelve months and an additional sample of grievances to confirm that no other sexual abuse grievances were filed.

Hotline Calls. The facility has a PREA hotline as well as an Internal Perimeter Security (IPS) hotline. Inmates can report sexual abuse and sexual harassment through both hotlines. The facility had one sexual abuse allegation reported through the hotline in the previous twelve months. The auditor tested both hotlines during the tour to ensure functionality.

Incident Reports. The auditor reviewed incident reports for ten reported allegations as well as a sample of incident reports from the previous twelve months to confirm no additional sexual abuse allegations were reported.

Investigation Files. During the previous twelve months, there were thirteen allegations reported to have occurred at MCI Concord. Four of the allegations were investigated under two cases as the alleged inmate perpetrator made a counter claim against the alleged inmate victim and both allegations were investigated under the same case. During the on-site portion of the audit eleven allegations had a closed administrative investigation. The auditor reviewed ten investigations, including eight closed investigations to ensure all components were included from the investigating authority. In the previous twelve months there were zero criminal investigations and there were zero allegations referred for prosecution.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	3	0	3	0
Staff-on-inmate sexual abuse	5	0	5	0
Total	8	0	8	0

93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	3	0	3	0
Staff-on-inmate sexual harassment	2	0	2	0
Total	5	0	5	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

94. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	0	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	0	0	0	0	0

95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	3	0	0
Staff-on-inmate sexual abuse	1	3	1	0
Total	1	6	1	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	1	2	0
Staff-on-inmate sexual harassment	1	1	0	0
Total	1	2	2	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled:

8

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p> <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files) </p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>3</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p> <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files) </p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files) </p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>5</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p> <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files) </p>
<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files) </p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>2</p>

<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
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Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>1</p>
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<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
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Staff-on-inmate sexual harassment investigation files

<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>1</p>
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<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
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<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
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<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>There were zero criminal investigations completed and therefore the auditor did not review any criminal investigations.</p>
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SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

<p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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Non-certified Support Staff

<p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
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AUDITING ARRANGEMENTS AND COMPENSATION

<p>121. Who paid you to conduct this audit?</p>	<p><input checked="" type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
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Standards

Auditor Overall Determination Definitions

- Exceeds Standard
(Substantially exceeds requirement of standard)
- Meets Standard
(substantial compliance; complies in all material ways with the stand for the relevant review period)
- Does Not Meet Standard
(requires corrective actions)

Auditor Discussion Instructions

Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention Policy
3. 103 DOC 510 – Security Staffing and Analysis
4. 103 DOC 512 – Post Orders
5. 103 DOC 506 – Search Policy
6. 103 DOC 401 – Booking and Admissions
7. 103 DOC 408 – Reasonable Accommodations for Inmates
8. 103 DOC 488 – Interpreter Services
9. 103 DOC 201 – Selection and Hiring
10. 103 DOC 703 – Design Criteria and Planning Guidelines
11. 103 DOC 216 – Training and Staff Development
12. 103 DOC 650 – Mental Health Services
13. 103 DOC 652 – Identification, Treatment and Correctional Management of Inmates Diagnosed with Gender Dysphoria
14. 103 DOC 653 - Identification, Treatment and Correctional Management of Gender Non-Conforming Inmates
15. 103 DOC 750 – Hygiene Standards
16. 103 CMR 423 – Restrictive Housing
17. 103 CMR 491 – Inmate Grievances
18. 103 DOC 518 – Inner Perimeter Security Team
19. 103 DOC 230 – Discipline and Terminations
20. 103 CMR 430 – Inmate Discipline
21. 103 DOC 407 – Victim Services Unit
22. Post Order 1 – Shift Commander
23. PREA Coordinator Appointment Letter
24. Agency Organizational Chart
25. Facility Organizational Chart

Interviews:

1. Interview with the PREA Coordinator
2. Interview with the PREA Compliance Manager

Findings (By Provision):

115.11 (a): The agency has a comprehensive PREA policy, 103 DOC 519. Page 8 states that the Department has a zero-

tolerance towards all forms of sexual abuse and sexual harassment. Pages 4-5 include the definitions of sexual abuse and sexual harassment and prohibited behavior. Pages 17-18 include the sanctions and process for those found to have participated in prohibited behaviors. 103 DOC 519 outlines the strategies and responses to preventing, detecting and responding to sexual abuse and sexual harassment. In addition to 103 DOC 519, the agency has numerous other policies that touch on different actions for prevention, detection and response. These policies include: 103 DOC 510, 103 DOC 512, Post Order 1, 103 DOC 506, 103 DOC 401, 103 DOC 408, 103 DOC 488, 103 DOC 201, 103 DOC 703, 103 DOC 216, 103 DOC 650, 103 DOC 652, 103 DOC 653, 103 DOC 750, 103 CMR 423, 103 CMR 491, 103 DOC 518, 103 DOC 230, 103 CMR 430 and 103 DOC 407. The policies (including 103 DOC 519) address "preventing" sexual abuse and sexual harassment through the designation of a PC and PCMs, criminal history background checks (staff, volunteers and contractors), training (staff, volunteers and contractors), staffing, intake/risk screening, inmate education and posting of signage (PREA posters, etc.). The policies address "detecting" sexual abuse and sexual harassment through training (staff, volunteers, and contractors), and intake/risk screening. The policies address "responding" to allegations of sexual abuse and sexual harassment through reporting, investigations, victim services, medical and mental health services, disciplinary sanctions for staff and inmates, incident reviews and data collection. The policies are consistent with the PREA standards and outline the agency's approach to sexual safety.

115.11 (b): The PAQ indicated that the agency employs or designates an upper-level, agency-wide PREA Coordinator that has sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards in all of its facilities. The PAQ stated the position of the PC is the Chief of Operations and Investigations. The agency's organizational chart confirms that the PC position is an upper-level position and is agency-wide. The organization chart further confirms the PC is the Chief of PREA Audits, Operations and Investigations. The PC reports to the Deputy Commissioner of Prisons. The appointment letter states that the PC's responsibility is to ensure that the Department is in compliance with Department of Justice PREA standards and the Department's PREA related policies. Additionally, it states that the PC is also responsible for collaborating with facility PREA Managers on implementing and monitoring of the Sexual Harassment/Abuse Response Prevention Policy. The PC has fourteen PREA Compliance Managers that report to him. The interview with the PC indicated he has enough time to manage all of his PREA related responsibilities. He stated that there is a PCM at each facility, so there are fourteen total PCMs. He stated that they conduct quarterly training with the PCMs and they also conduct annual operation audits. The PC stated that his office assists, advises and trains the PCMs for the PREA audits. He stated they also visit the facilities and he is available anytime through email. The PC stated that if he identified an issue complying with PREA he would refer to the annual PREA safety and vulnerability assessment and also review the PREA standards. He stated his office would advise the facility of what changes need to be made and conduct any necessary training with staff. He confirmed the information would be forwarded to the Superintendent of any findings and issues and make sure they are aware of their responsibilities.

115.11 (c): The PAQ indicated that the facility has designated a PREA Compliance Manager that has sufficient time and authority to coordinate the facility's effort to comply with the PREA standards. The PAQ stated the position of the PCM at the facility is the Deputy Superintendent (Program Manager VIII) and this position reports to the Superintendent. A review of the facility organization chart confirms that the Deputy Superintendent (Program Manager VIII), who is the PCM, reports directly to the Superintendent. The interview with the PREA Compliance Manager indicated she has sufficient time to coordinate the facility's efforts to comply with PREA standards. She stated that as the PCM she is responsible for conducting the annual safety assessment, which includes looking at all areas of the facility, cameras placement, mirror placement and any vulnerable areas that may be problematic for inmate safety. She stated the facility holds monthly PREA meetings to ensure everyone is on the same page. She indicated during the meetings they discuss new inmates arriving at the facility and complete any sexual abuse incident reviews. She further stated she works closely with the American Correctional Association (ACA) Coordinator with regard to compliance information for folders. The PCM indicated if she identified an issue complying with a PREA standard she would immediately review the standard to make sure she has a clear understanding on what is required. She stated she would then review policy and procedure to see if there is something that would help understand the issue. She indicated she would then conduct a safety assessment and from there she would work with the Superintendent to create a corrective action plan to address the compliance issue.

Based on a review of the PAQ, 103 DOC 519, 103 DOC 510, 103 DOC 512, Post Order 1, 103 DOC 506, 103 DOC 401, 103 DOC 408, 103 DOC 488, 103 DOC 201, 103 DOC 703, 103 DOC 216, 103 DOC 650, 103 DOC 652, 103 DOC 653, 103 DOC 750, 103 CMR 423, 103 CMR 491, 103 DOC 518, 103 DOC 230, 103 CMR 430, the appointment letter, the organizational charts and information from interviews with the PC and PCM this standard appears to be compliant.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. Contracts with Other State Department of Corrections

Documents Received During the Interim Report:

1. Assurance Memorandum from the Agency's Contract Administrator
2. Documentation Illustrating Other State's PREA Compliance

Interviews:

1. Interview with the Agency's Contract Administrator

Findings (By Provision):

115.12 (a): The PAQ indicates the agency has not entered into or renewed a contract for the confinement of inmates since the last PREA audit and that the facility does not contract with private entities for confinement of inmates and as such this does not apply. Further communication with the PC indicated that all current contracts are with other state agencies related to interstate compact. He advised that none of these contracts are new or have been renewed since the last PREA audit. A review of interstate contract with Ohio, Florida, Idaho, Montana, Nevada, North Carolina and Pennsylvania confirm that contract language indicates that contracting parties are required to adopt and comply with the national standard to prevent, detect and respond to prison rape under the PREA and applicable PREA Standards. The contract language permits the parties to monitor the aspect of the agreement to ensure compliance with PREA.

115.12 (b): The PAQ indicates the agency has not entered into or renewed a contract for the confinement of inmates since the last PREA audit and that the facility does not contract with private entities for confinement of inmates and as such this does not apply. Further communication with the PC indicated that all current contracts are with other state agencies related to interstate compact. He advised that none of these contracts are new or have been renewed since the last PREA audit. A review of interstate contract with Ohio, Florida, Idaho, Montana, Nevada, North Carolina and Pennsylvania confirm that contract language indicates that contracting parties are required to adopt and comply with the national standard to prevent, detect and respond to prison rape under the PREA and applicable PREA Standards. The contract language permits the parties to monitor the aspect of the agreement to ensure compliance with PREA. The interview with the Agency Contract Administrator indicated that there is language in all the interstate compact contracts to comply with the National PREA Standards. She stated the agency does not conduct any audits on the agencies specifically. She indicated the understanding is that when the agency signs the contract they acknowledge that they will comply with PREA through signatures on the contract. She further stated they only have contracts with other State Department of Corrections and that they do not individually monitor each state and they do not request any documentation. She stated they just have the language in the contract. During the interim report period the Agency Contract Administrator provided an assurance memo that described the process moving forward on monitoring for PREA compliance. The agency has established that they will monitor PREA compliance through an annual check of the DOJ PREA Dashboard, which details whether states are in compliance with PREA. The agency provided documentation outlining the states they currently house inmates in under interstate compact. The document further indicated that the states either had a PREA certification or a PREA assurance, indicating they were compliant or working toward compliance.

Based on the review of the PAQ, contracts with other state agencies, information from the interview with the Agency Contract Administrator, the assurance memo and the documentation confirming that all current states under contract are PREA compliant or working toward PREA compliance indicates that this standard appears to have been corrected during the interim report period and as such is compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 510 – Security Staffing and Analysis
3. 103 DOC 512 – Post Orders
4. Post Order 1 – Shift Commander
5. The Staffing Plan
6. Staffing Plan Development Narrative
7. Annual Staffing Plan Reviews
8. Daily Staffing Rosters
9. Documentation of Unannounced Rounds

Interviews:

1. Interview with the Warden
2. Interview with the PREA Compliance Manager
3. Interview with the PREA Coordinator
4. Interview with Intermediate-Level or Higher-Level Facility Staff

Site Review Observations:

1. Staffing Levels
2. Video Monitoring Technology or Other Monitoring Materials

Findings (By Provision):

115.13 (a): The PAQ indicated that the agency requires each facility it operates to develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse. 103 DOC 510, page 4 states that the staffing plan must provide for adequate levels of staffing, and where applicable, video monitoring, to protect inmate's against sexual abuse. When calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration; generally accepted detention practices, any judicial findings of inadequacy, any finding of inadequacy from federal investigative agencies, any finding of inadequacy from internal or external oversight bodies, all components of the facility's physical plant, the composition of the inmate/detainee population, the number and placement of supervisory staff, the institutional programs occurring on a particular shift, any applicable State or local laws, the prevalence of substantiated and unsubstantiated incidents of abuse and any other relevant factors. The PAQ indicated that the current staffing plan is based on 485 inmates, which is the average daily population over the previous twelve months. The facility employs 302 staff. Security staff mainly make up three shifts, day shift works from 7am-3pm, evening shifts works 3pm-11pm and morning shift works from 11pm-7am. A review of the daily shift rosters indicate that each shift has a Shift Commander, at least one Lieutenant, at least one Sergeant and Correctional Officers. Staff are assigned to housing units, the control room, the tower, health services and the yard. Additional staff are assigned to transportation, food service, farm services, property, mailroom, vehicle trap, clothing, booking, visitation, activities, industries, chapel, school, laundry, canteen and orientation during the 7am-3pm shift and/or the 3pm-11pm shift. A review of the staffing plan development process narrative indicates that the facility utilizes the American Correctional Association report related to generally accepted practices. There are no known judicial findings of inadequacies or any inadequacies from federal oversight bodies. It further stated that the Annual Safety

and Vulnerability Assessment is utilized for any internal findings of inadequacies and for the analysis of the physical layout. The document states that inmate composition is reviewed via the data collection system Tableau. The document states that supervisory staff are determined and placed based on the staffing analysis and that shift logs are utilized to review and analyze programs and activities occurring on particular shifts. It further states that staffing follows all applicable state laws and that a review of the PREA database is conducted related to incidents of sexual abuse at the facility. During the tour the auditor confirmed that facility follows the staffing plan. There were at least two staff in each housing unit at MCI Concord. Additional staff were also present in the segregated housing unit due to the security level of the inmate and in the BRAVE unit, due to the age and program type. Program, work and education areas included both security and non-security staff. The auditor observed that staffing was adequate, staff had an excellent line of sight in the housing units and each housing unit was equipped with numerous video cameras to supplement supervision and monitoring. Staffing at NECC included at least three staff per building and was adequate based on the inmate population. Staff were also present in common areas and work areas. In areas where security staff were not directly assigned, routine security checks were required (usually every 30 to 60 minutes). In areas where security staff are assigned, staff are required to make security checks (rounds) at least once an hour. Informal conversation with staff confirmed that they are never understaffed and that they always find someone to cover positions. Staff indicated they make rounds at least every hour and that the Shift Supervisor (Captain) conducts rounds at least once a shift. Informal conversation with inmates also confirmed that there are always at least two staff in the housing units and that staff make rounds typically every 30-45 minutes. The inmates stated that they see the Captain at least every day and there is not any overcrowding in the units. During the tour the auditor observed areas of the facility that were blind spots. In J building, the housing units had a door that lead to a stairwell. The door is left open when inmates go out to recreation. The stairwell is a blind spot and as such mirrors and/or cameras will need to be installed. A blind spot was observed in the maintenance stair area as well. A mirror and/or camera will need to be installed to alleviate the blind spot. In food services, the auditor located a blind spot behind the cooler in the dry storage area. A mirror and/or camera will need to be installed to alleviate the blind spot. The auditor also recommended that cameras be installed in all stairwells that do not currently have video monitoring. Additionally, the auditor recommends that a camera and/or mirror be added to the J7 program area in the back corner near the bathrooms. At NECC the auditor recommends that the facility add cameras to the work areas and add a mirror and/or camera behind the cooler in the warehouse. It should be noted that during the tour the staff restroom, located in the gym, was left unsecured. The bathroom lead into a large unoccupied area that was secluded, was not utilized by the facility and did not have cameras. The facility staff advised that this area is required to be secured and that staff made a mistake and did not secure the area. The auditor advised that staff should be educated of the importance of secure this area as this is an extremely vulnerable area for sexual abuse. The auditor further recommends that cameras be installed in this area, or the area be restricted as much as possible through a locked door at the first entrance that is not necessary for staff to utilize for fitness/restroom purposes. The interview with the Warden confirmed that the facility has a staffing plan and that the plan provides for adequate levels to protect inmates from sexual abuse. She stated they regularly conduct a staffing analysis through the agency. She indicated that the staff bid on jobs at the facility and prior to the job bids they evaluate the staffing plan and process. She further stated that the staffing plan is based on the annual PREA assessment and this assessment identifies if any additional staffing is needed. She stated the facility allocates staff in appropriate areas to cover. The Warden confirmed that video monitoring is part of the staffing plan and that the staffing plan is part of the daily rosters and is documented daily. The Warden indicated that PREA reviews are conducted to look at areas and recommend any improvements, if needed. She stated they reallocate staff to appropriate areas if needed. The Warden stated they have closed buildings and have reallocated those staff to other areas to supplement monitoring. She confirmed that the staffing plan is based on the security level of the inmates and that the Behavioral Adjustment Unit (BAU) has additional staff due to the inmate population housed in the unit. She stated that due to the dorm style (physical plant) there are additional staff and that staff are assigned to program areas. She indicated that because the facility has two floors, staffing is based on that layout. The Warden indicated that the staffing plan is reviewed daily via the daily rosters. She stated the staffing plan is also reviewed annually. The PCM confirmed that all requirements under this provision are considered when creating and modifying the staffing plan. She stated they review the safety assessment to identify any vulnerable areas. She indicated they review current video monitoring technology and recommend or install additional cameras in any identified vulnerable spaces. She stated they consider the camera placement when they determine where to place staff. The PCM stated the staffing plan is based on the safety and security of staff and inmates. She indicated they place staff in strategic locations to increase safety for everyone. She further stated they place supervisors in areas where they are accessible to multiple areas and they try to make staff as visible as possible through the staffing plan. She confirmed that the staffing plan is based on security level and the structure of the housing units. She further confirmed there are more staff on day shift when there is more movement on the compound.

115.13 (b): The PAQ indicated that each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. The PAQ further stated the most common reasons for deviations from the staffing plan were staff shortages. 103 DOC 510, page 4 states that in circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. Further information from the PC indicated that the agency does not deviate from the staffing plans and any posts that do not get filled would be related to temporary building closures or to low inmate-count. A review of daily staffing rosters for five random days confirmed that the daily staffing roster included every

post, staff on overtime, staff on leave and other reasons staff are not working. Staff were observed to be working overtime for posts to ensure they were filled. The Warden stated that the facility had not had any deviations from the staffing plan, but if they did they would document the deviation and the reason why.

115.13 (c): The PAQ indicated that at least once a year the facility/agency, in collaboration with the PC, reviews the staffing plan to see whether adjustments are needed. 103 DOC 510, page 3 indicates that at least annually, each facility and special unit in consultation with the PREA Coordinator, shall assess, determine and document whether adjustments are needed to: the official staffing analysis; the deployment of video monitoring technology systems and other monitoring technology; and resources the facility/special unit has available to commit to ensure adherence to the staffing plan. The staffing plan was most recently reviewed on February 15, 2022 by the Superintendent and PC. The plan was reviewed in order to assess, determine and document whether any adjustments were needed to the staffing plan, the deployment of video monitoring technologies and/or the resources available to commit to ensuring adherence to the staffing plan. The review included a vulnerability assessment that assessed sexual abuse and sexual harassment allegations, the physical layout and camera locations. The staffing plan was previously also reviewed on April 2, 2021. The PC stated that he reviews the staffing plans annually for each facility. He stated that each year the facility completes a staffing analysis and it has to be reviewed by the PREA Division, where it needs to be reviewed and signed off on.

115.13 (d): The PAQ indicated that the facility requires that intermediate-level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The PAQ further indicated that the unannounced rounds are documented, they cover all shifts and the facility prohibits staff from alerting other staff of the conduct of such rounds. 103 DOC 512, page 8 indicates that supervisory level employees shall conduct and document unannounced rounds on every shift to identify and deter staff sexual abuse and sexual harassment. Additionally, page 4 states that alerting staff members of unannounced supervisory rounds is prohibited unless the announcement is related to the operational functions of the facility. Page 8 of Post Order 1 states that the Shift Commander is required to conduct at least one round of all areas of the facility to ensure that all rules, regulations, department and institutional policies are adhered to. A review of the PAQ supplemental documentation indicated that unannounced rounds were conducted on all three shifts in one building in February 2022. Informal conversation with staff confirmed that they are never understaffed and that they always find someone to cover the positions. Staff indicated they make rounds at least every hour and that the Shift Supervisor (Captain) conducts rounds at least once a shift. Informal conversation with inmates also confirmed that there are always at least two staff in the housing units and that staff make rounds typically every 30-45 minutes. The inmates stated that they see the Captain at least every day and there is not any overcrowding in the units. Interviews with intermediate-level and higher-level facility staff confirm that they make unannounced rounds and that the unannounced rounds are documented by the officers in the housing unit logs. The staff indicated they make rounds daily and they mix up the times and locations when they do their rounds to try to prevent staff from alerting one another they are doing their rounds. An additional review of documentation for five randomly selected days did not provide enough information for the auditor to determine compliance. Additional information is needed to confirm intermediate-level or higher-level staff make unannounced rounds on all shifts across all housing units.

Based on a review of the PAQ, 103 DOC 510, 103 DOC 512, Post Order 1, the staffing plan, the staffing plan development narrative, annual staffing reviews, daily staffing rosters, documentation of unannounced rounds, observations made during the tour and interviews with the Warden, PC, PCM and intermediate-level or higher-level facility staff, this standard appears to require corrective action. During the tour the auditor observed areas of the facility that were blind spots. In J building, the housing units had a door that lead to a stairwell. The door is left open when inmates go out to recreation. The stairwell is a blind spot and as such mirrors and/or cameras will need to be installed. A blind spot was observed in the J7 (maintenance) area as well. A mirror and/or camera will need to be installed to alleviate the blind spot. In food services, the auditor located a blind spot behind the cooler in the dry storage area. A mirror and/or camera will need to be installed to alleviate the blind spot. Additionally, a review of documentation for five randomly selected days did not provide enough information for the auditor to determine compliance. Additional information is needed to confirm intermediate-level or higher-level staff make unannounced rounds on all shifts across all housing units.

Corrective Action

The facility will need to make appropriate modifications to alleviate the identified blind spots and provide photos to the auditor to confirm the modifications. Additionally, the facility will need to provide more direct documentation showing unannounced rounds were conducted on each shift, in each of the housing units for the five selected days.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Photos of Mirror Placement
2. Memorandum Related to Stairwell Doors in Housing Units
3. Unannounced Rounds

On June 10, 2022 the facility provided the auditor with photographs confirming that mirrors were installed in the J7 hallway and in the food service blind spot. On June 20, 2022 the facility provided a memo that was sent to the staff prohibiting the use of the stairwell doors as a shortcut to the recreation area. The memo instructs staff to keep these doors locked at all times and use the alternative route to recreation. While the auditor still recommends that a cameras and/or mirror be installed, this alleviates the blind spot issue observed during the tour.

On June 6 2022 the facility provided the auditor with documentation more direct documentation related to unannounced rounds on the five selected days. The documents confirmed that unannounced rounds were made on all three shifts across each of the housing units.

Based on the documentation provided this standard has been corrected.

115.14	Youthful inmates
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 365 300">Documents:</p> <ol data-bbox="242 327 1043 468" style="list-style-type: none"> <li data-bbox="242 327 528 356">1. Pre-Audit Questionnaire <li data-bbox="242 383 1043 412">2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention Policy <li data-bbox="242 439 544 468">3. Massachusetts State Law <p data-bbox="242 557 352 586">Interviews:</p> <ol data-bbox="242 613 751 696" style="list-style-type: none"> <li data-bbox="242 613 547 642">1. Interview with the Warden <li data-bbox="242 669 751 696">2. Interview with the PREA Compliance Manager <p data-bbox="242 786 483 815">Findings (By Provision):</p> <p data-bbox="242 842 1453 969">115.14 (a): The PAQ indicated that no youthful inmates are or were housed at MCI Concord during the audit period. Additionally, 103 DOC 519, page 19 states that pursuant to M.G.L. c. 119, § 58, the Department of Corrections does not house youthful offenders. The Warden and PCM confirmed that the agency as a whole does not house inmates under the age of 18 and it is a state law. As such, this provision is not applicable.</p> <p data-bbox="242 1059 1453 1187">115.14 (b): The PAQ indicated that no youthful inmates are or were housed at MCI Concord during the audit period. Additionally, 103 DOC 519, page 19 states that pursuant to M.G.L. c. 119, § 58, the Department of Corrections does not house youthful offenders. The Warden and PCM confirmed that the agency as a whole does not house inmates under the age of 18 and it is a state law. As such, this provision is not applicable.</p> <p data-bbox="242 1276 1453 1404">115.14 (c): The PAQ indicated that no youthful inmates are or were housed at MCI Concord during the audit period. Additionally, 103 DOC 519, page 19 states that pursuant to M.G.L. c. 119, § 58, the Department of Corrections does not house youthful offenders. The Warden and PCM confirmed that the agency as a whole does not house inmates under the age of 18 and it is a state law. As such, this provision is not applicable.</p> <p data-bbox="242 1494 1493 1552">Based on a review of the PAQ, 103 DOC 519, Massachusetts State Law and information from the interviews with the Warden and PCM, this standard appears to be not applicable and as such compliant.</p>

115.15 **Limits to cross-gender viewing and searches**

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 506 – Search Policy
3. 103 DOC 519 – Sexual Harassment/Abuse Response Prevention Policy
4. 103 DOC 653 - Identification, Treatment and Correctional Management of Gender Non-Conforming Inmates
5. Body Searches – Clothed Training Curriculum
6. Body Searches – Unclothed Searches Training Curriculum
7. Staff Training Records

Interviews:

1. Interview with Random Staff
2. Interview with Random Inmates
3. Interview with Transgender/Intersex Inmates

Site Review Observations:

1. Observations of Privacy Barriers
2. Opposite Gender Announcement

Findings (By Provision):

115.15 (a): The PAQ indicated that the facility conducts cross gender strip and cross gender visual body cavity searches of inmates and that there have been zero searches of this kind in the previous twelve months. Further communication with the PCM indicated that this was incorrectly marked yes and that the facility does not conduct cross gender strip or cross gender visual body cavity searches of inmates. 103 DOC 506, page 7 states that except for gender non-conforming inmates, cross gender unclothed searches or cross gender visual body cavity searches shall not be conducted, except in exigent circumstances or when performed by medical practitioners. Should such a situation arise, permission from the Superintendent must be obtained prior to the search. The search must be documented in writing through a confidential incident report.

115.15 (b): The PAQ indicated that the facility does not house female inmates and therefore this provision of the standard does not apply. 103 DOC 506, page 13 states that fully clothes searches (pat search) should be employed for the relatively quick scrutiny of an inmate’s person. Searches are to be conducted professionally and respectfully, and in the least intrusive manner possible, consistent with security needs. Cross gender pat searches of female inmates shall not be permitted absent exigent circumstances. There were no cisgender females housed at the facility over the audit period. The two transgender inmates interviewed indicated that they had never been restricted from going anywhere because there was not a female to do a pat search. Interviews with sixteen random staff confirmed that the facility does not restrict transgender female inmates access to regularly available programming or other out-of-cell opportunities due to pat search preference and the availability of females.

115.15 (c): The PAQ indicated that facility policy requires all cross gender strip searches and all cross gender visual body cavity searches be documented. Additionally, the PAQ stated that facility policy requires that all cross-gender pat-down

searches of female inmates be documented. Further communication with the PCM indicated this was marked incorrectly and that the facility does not house female inmates and as such any documentation of cross gender pat down searches of female inmates would not apply. 103 DOC 506, page 7 states that except for gender non-conforming inmates, cross gender unclothed searches or cross gender visual body cavity searches shall not be conducted, except in exigent circumstances or when performed by medical practitioners. Should such a situation arise, permission from the Superintendent must be obtained prior to the search. The search must be documented in writing through a confidential incident report. There were no cisgender females housed at the facility over the audit period. Both transgender female inmates indicated they are searched by staff of the gender with which they prefer.

115.15 (d): The PAQ indicates that the facility has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. 103 DOC 519, page 18 states that Superintendents shall implement procedures which enable inmates to shower, perform bodily functions, and change clothing, without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Additionally, it states that pursuant to 103 DOC 512, Superintendents shall require staff of the opposite gender to verbally announce, or have verbally announced for them, their presence when entering an inmate housing unit whenever such entry changes the status quo of the gender of staff on duty in that area. 103 DOC 512, page 8 states that a verbal announcement shall be made at the commencement of a shift for any staff working in a unit of the opposite sex. This announcement shall be documented in the unit activity log. It also states that whenever entering a housing unit of the opposite sex, staff shall announce their presence. This shall be logged in the Institutional Management System (IMS) in the unit visitor log. During the tour the auditor confirmed that the general population housing units at MCI Concord and NECC, with the exception of the BRAVE unit, provided privacy to inmates through doors with windows and curtains. The auditor viewed that each cell door has a window and that the toilet is not visible through the window unless the staff is outside of the cell (incidental to official duties). The BRAVE unit showers provided privacy through curtains, however the cells were equipped with open bar stock and did not provide privacy for inmates utilizing the toilet or changing clothes. While female staff make an announcement, the housing unit is not gender specific and female staff work in the unit across all shifts. The segregated housing unit provided privacy through doors with windows. The auditor observed that the windows provided adequate privacy unless the staff was directly in front of the door (incidental to official duties). The showers in the segregated housing unit have a door with lattice type material. The location of the showers paired with the lattice material does not provide adequate privacy. The lattice type window should have partial coverage in order to afford privacy for inmates when showering. The shower in the health services unit also has a door with lattice type material and requires modification in order to provide adequate privacy. Outside of the housing units, inmates are provided privacy through mobile privacy barriers, solid doors and public style restroom wall barriers. The auditor observed that the strip search area for NECC's intake area is a door with a window. The auditor recommends that the facility utilize a window covering or mobile barrier to provide additional privacy when conducting strip searches. None of the housing units are equipped with cameras in the cells or bathroom areas. Additionally, a review of the video monitoring system confirmed that none of the cameras in the general population housing units showed areas where inmates would shower, use the restroom or change their clothes. The observation cells in the segregated housing unit did not contain video monitoring. A review of cameras in health services indicated there were cross gender viewing issues in the reception area and the holding cells. Both areas are equipped with a toilet, which is viewable on camera and does not provide adequate privacy. The video monitoring in the suicide observation cells included a blacked out section over the toilet area. Informal conversation with staff and inmates indicated that inmates have privacy when showering, using the restroom and changing clothes. The staff stated the curtain are always up for the inmates. In addition, the auditor heard the opposite gender announcement upon entry into some of the housing units. The announcement was infrequent at the beginning of the tour and became more consistent as the tour went on. The announcement was made prior to entry into the unit verbally via the intercom system. The facility provides hearing aids for inmates with a hearing impairment in order for them to hear the opposite gender announcement. Informal conversation with staff and inmates indicated that the opposite gender announcement is made. Staff indicated it is made at the beginning of the shift, when staff are on the unit and then when staff enter the housing units. Inmates stated they normally announce each time the female comes into the unit. The interviews with sixteen random staff confirmed that all sixteen stated that inmates have privacy from opposite gender staff when showering, using the restroom and changing their clothes. Additionally, fifteen stated that staff of the opposite gender announce when entering housing units. Interviews with 30 inmates indicated that all 30 have privacy when showering, using the restroom and changing their clothes through curtains. Additionally, 25 of the 30 inmates stated that opposite gender staff announce when entering housing units. Inmates indicated they state "female on tier" upon entering.

115.15 (e): The PAQ indicated that the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status and that no searches of this nature have occurred within the previous twelve months. 103 DOC 512 page 7, states that searches or physically examining a gender non-conforming inmate for the sole purpose of determining the inmate's genital status shall not be permitted. If the

inmate's genital status is unknown, it may be determined during conversation with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by the contracted medical provider. Interviews with sixteen staff indicated twelve were aware of a policy prohibiting searching a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Interviews with two transgender inmates indicated that neither felt they had been searched for the sole purpose of determining their genital status.

115.15 (f): 103 DOC 506, page 13 states that fully clothes searches (pat search) should be employed for the relatively quick scrutiny of an inmate's person. Searches are to be conducted professionally and respectfully, and in the least intrusive manner possible, consistent with security needs. Page 13 also describes the recommended fully clothed search technique. 103 DOC 653, page 6 states that upon request by the inmate, an unclothed search will be conducted by an officer of the gender which the inmate identifies, except in exigent circumstances. The PAQ indicated that 100% of staff had received training on conducting cross gender pat down searches and searches of transgender and intersex inmates. A review of the fully clothed and unclothed training curriculums confirmed that staff are trained to be professional and composed. Additionally, the training indicates that gender, sex and search preference will be found on the inmate's identification card and that the search should be conducted professionally and respectfully in the least intrusive manner possible. The training encompasses step by step instruction on how to conduct a professional search. Interviews with sixteen staff indicated that five had received training on cross gender searches and searches of transgender inmates. The auditor requested training records for nineteen staff related to cross gender and transgender search training. The facility provided eleven staff training records indicating staff received the fully clothed and unclothed training during the academy.

Based on a review of the PAQ, 103 DOC 506, 103 DOC 519, the clothed and unclothed search training curriculums, a random sample of staff training records, observations made during the tour as well as information from interviews with random staff, random inmates and transgender inmates indicates this standard appears to require corrective action. The BRAVE unit showers provided privacy through curtains, however the cells were equipped with open bar stock and did not provide privacy for inmates utilizing the toilet or changing clothes. The showers in the segregated housing unit have a door with lattice type material. The location of the showers paired with the lattice material does not provide adequate privacy. The lattice type window should have partial coverage in order to afford privacy for inmates when showering. The shower in the health services unit also has a door with lattice type material and requires modification in order to provide adequate privacy. A review of cameras in health services indicated there were cross gender viewing issues in the reception area and the holding cells. Both areas are equipped with a toilet, which is viewable on camera and does not provide adequate privacy. In addition, the auditor heard the opposite gender announcement upon entry into some of the housing units. The announcement was infrequent at the beginning of the tour and became more consistent as the tour went on. Additionally, interviews with sixteen staff indicated that five had received training on cross gender searches and searches of transgender inmates. The auditor requested training records for nineteen staff related to cross gender and transgender search training. The facility provided eleven staff training records indicating staff received the fully clothed and unclothed training during the academy.

Corrective Action

The facility will need to make appropriate modifications to the BRAVE unit and showers in the segregated housing unit and health services unit. The facility will also need to make modifications to the video monitoring technology in the holding cells and reception area in health services. Photos will need to be provided confirming the modifications. The facility will also need to complete refresher training with all staff on the opposite gender announcement and on conducting cross-gender searches and searches of transgender and intersex inmates. The facility will need to provide the training curriculum utilized as well as documentation that staff completed the trainings.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Photos of Modifications to the BRAVE Unit
2. Photos of the Segregation Showers
3. Photos of the Health Services Shower
4. Photos of the Health Services Cameras in Reception and Holding Cells
5. Staff Training on the Opposite Gender Announcement
6. Staff Training on Cross Gender Searches and Searches of Transgender and Intersex Inmates

On July 27, 2022 the facility provided three photos of the modifications to the BRAVE Unit. The facility added black barriers to the center of the open bar stock on each of the cells. The addition prevented an open view of the toilets in each cell. On September 7, 2022 the facility provided an assurance memo from the PCM confirming that additional materials were ordered to ensure all cells were equipped with appropriate barriers. The assurance memo further stated that all cells would be modified once the materials arrived.

On June 10, 2022 the facility provided photos confirming that a gray pixilated barrier was placed over the toilet areas of the health service reception area and holding cell cameras. This alleviated any cross gender viewing issues for inmates when using the restroom in these areas.

On July 27, 2022 the facility provided a memo that was discussed with staff prior to shift by each Shift Supervisor. The memo directed staff that opposite gender staff must verbally announce their presence when entering an inmate housing unit whenever the status quo changes and the announcements are required to be entered into the activity log. The memo further stated that clothed and unclothed searches are performed in the same manner regardless of gender designation and should be performed in a respectful and professional manner and in the least intrusive manner possible. The memo further advises that gender nonconforming inmates may choose the gender of the staff who will complete the searches and the preference is denoted IMS (inmate management system). On September 7, 2022 the facility provided further documentation confirming that the Shift Supervisor went over the information with staff on all three shifts. The Shift Supervisor signed the memo to provide confirmation that it was held on June 21, 2022.

On August 1, 2022 the facility provided photos confirming that modifications had been made to the showers in health services and segregation. A black barrier was affixed to the lattice type material windows. This barrier ensured coverage from the shoulders to the knees, which alleviated any cross gender viewing issues.

Based on the documentation provided this standard has been corrected.

115.16 Inmates with disabilities and inmates who are limited English proficient

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 401 – Booking and Admissions
3. 103 DOC 408 – Reasonable Accommodations for Inmates
4. 103 DOC 488 – Interpreter Services
5. Protecting Yourself from Sexual Assault Brochure
6. Inmate Orientation Manual
7. PREA Posters
8. Lionbridge Interactive Voice Response Information
9. Staff Translator List

Interviews:

1. Interview with the Agency Head Designee
2. Interview with Inmates with Disabilities
3. Interview with LEP Inmates
4. Interview with Random Staff

Site Review Observations:

1. Observations of PREA Posters in Accessible Formats

Findings (By Provision):

115.16 (a): The PAQ stated that the agency has established procedures to provide disabled inmates 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. 103 DOC 408, page 3 states that it is the Department’s policy not to discriminate against any person protected by the Americans with Disabilities Act (ADA). The Department shall ensure that its programs, activities and services when viewed in their entirety, are readily accessible to, and usable by inmates with a disability. Additionally, it states that the Department shall provide inmates access to trained, qualified individual(s) who are educated in the problems and challenges faced by inmates with physical and/or mental impairments. These individuals shall be knowledgeable in programs designed to educate and assist inmates with a disability, as well as in all the legal requirements for the protection of inmates with disabilities. A review of the inmate orientation manual, PREA posters and Protecting Yourself from Sexual Assault brochure confirm that they can be provided in larger print, if necessary. Additionally, staff (including mental health care staff) are available to read the information to any inmates with cognitive disabilities, vision impairment and limited reading skills. Page 31 of the inmate manual outlines that any inmate can request a reasonable accommodation under the Americans With Disabilities Act. It describes the process to request reasonable accommodations. A provided list indicated the facility has one staff member that can be utilized to interpret through American Sign Language. The interview with the Agency Head Designee confirmed that the agency takes appropriate steps to ensure inmates with disabilities and inmate who are limited English proficient have 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. The Agency Head Designee stated that each Superintendent ensures that inmates receive gender specific written, verbal and video education on PREA. He stated the video is shown in English and Spanish and also has closed captioning. The Agency Head Designee indicated that inmates are provided verbal and written information through the handbook (inmate orientation manual) in the inmate’s primary language. The interview

confirmed that the facility will take appropriate steps for inmates with disabilities, such as video or verbal, closed captioning, written or access to a TTY and assistance from medical and mental health care staff. He stated that they place posters at such a height that someone in a wheelchair would be able to see and that the posters are in larger font. He also confirmed that the agency has staff who can translate for LEP inmates as well as an interpreter service line. Interviews with six disabled inmates and three LEP inmates indicated seven were provided PREA information in a format that they could. The two that advised they had not received information in a format that they could understand stated that they had not received any PREA training at all. A review of documentation indicated that all LEP and disabled inmates interviewed had received PREA education and signed an acknowledgment confirming they received and understood the information. The auditor observed PREA information posted and painted throughout the facility. Each housing unit had a wooden placard with the PREA hotline number, the IPS hotline number and BARCC hotline number. Additionally, the BARCC and PREA hotline numbers were painted near the phones in the housing units. Additionally, PREA posters were observed in each housing unit (on the bulletin board on the one side of the officer station desk at MCI Concord and behind plexiglass in the units at NECC) and in common areas. The posters included information on the zero tolerance policy and reporting. Posters were red and black and were large in size. Posters and painted phone numbers were in adequate font (for vision impairment) and were placed appropriately in an inmate's line of sight (for physical impairments). PREA posters were observed to be in both English and Spanish. In addition to the PREA information being painted and posted, the information is also available to inmates through the inmate orientation manual and PREA brochure (provided to inmates at intake and also available in the library in the PREA information section). All inmates have tablets and can utilize a kiosk, however neither of these are equipped with a reporting mechanism. Informal conversation with staff and inmates confirmed that the painted and posted information has been up for a while. The inmates indicated that they are aware of the information and it is easy to read and understand. Inmates indicated that they can report verbally, through a grievance form and through the phone number anytime they are outside of their cell. Staff stated that inmates can report to the numbers on the wall anytime they are out of their cell. Additionally, during inmate interviews the auditor tested the accessibility of the language interpretation service (Lionsbridge) for three LEP inmate interviews. The facility provided the auditor a phone number to dial and the facility's pin number for services. The auditor was able to choose the appropriate language of interpretation and was connected to a live person. The auditor conducted the interview with the LEP inmate through translation of information by the interpreter over the speaker phone. Interpretation services are only accessible to inmates through a staff member. Informal conversation with staff and inmates indicate that the interpretation service is easily accessible when needed.

115.16 (b): The PAQ stated that the agency has established procedures to provide inmates with limited English proficiency 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. 103 DOC 401, page 13 indicates that each Superintendent/designee shall ensure that new inmates (to include inmates admitted directly to a Restrictive Housing Unit) receive written orientation materials in English and Spanish. When necessary, other non-English speaking inmates shall receive translation into their own language via the telephone interpreter service. When a literacy problem exists, a staff member may assist the inmate in understanding the problem. Page 10 also states that all facilities' orientation manuals will include information on telephonic interpreter service information. 103 DOC 488, page 4 states that telephonic interpreter services may be used to translate for inmates in the following areas: Internal Perimeter Security (IPS), Booking and Admissions, Health Services Unit (HSU), Classification Boards, Inmate Grievances and Disciplinary Hearings. If an inmate requests an interpreter or correctional or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. This policy does not prevent IPS or Department investigators from utilizing bilingual staff to interview inmates if the situation does not lend itself to the use of the telephonic interpreter service during the course of an investigations. Page 21 of the inmate orientation manual informs inmates that the Department of Corrections has contracted a service provider to provide over-the-phone interpretation, 24 hours a day, seven days a week. This service can provide translation of 140 different languages to any non-English speaking inmate. This service can only be used with a speaker telephone in the following areas whenever an inmate declares that he does not speak and/or understand English; Internal Perimeter Security, Booking and Admissions, Health Services Unit, Classification Boards and Disciplinary Hearings. A provided list indicated the facility has over 30 staff that can be utilized to interpret over ten different languages. A review of the inmate orientation manual, Protecting Yourself from Sexual Assault brochure and PREA poster confirmed that PREA information is available in Spanish. A review of the Lionsbridge user's guide confirms that the facility is able to call the hotline, enter their pin number and select a language for interpretive services. During inmate interviews the auditor tested the accessibility of the language interpretation service (Lionsbridge) for three LEP inmate interviews. The facility provided the auditor a phone number to dial and the facility's pin number for services. The auditor was able to choose the appropriate language of interpretation and was connected to a live person. The auditor conducted the interview with the LEP inmate through translation of information by the interpreter over the speaker phone. Interpretation services are only accessible to inmates through a staff member. Informal conversation with staff and inmates indicate that the interpretation service is easily accessible when needed. Interviews with six disabled inmates and three LEP inmates indicated nine were provided PREA information in a format that they could. Two LEP inmates stated that they had another inmate translate the information to them. During the tour, it was observed that PREA signage was posted throughout the facility in English and Spanish.

115.16 (c): The PAQ stated that agency policy prohibits the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances. 103 DOC 488, page 4 state that inmates shall not be used as interpreters for other inmates in IPS, Booking and Admissions, HSU, Classification Boards, Inmate Grievances and Disciplinary Hearings. The PAQ indicated the facility documents the limited circumstances in individual cases where inmate interpreters, readers or other assistants are used. The PAQ expressed that there were zero instances where an inmate was utilized to interpret, read or provide other types of assistance. Interviews with sixteen random staff indicated that ten were aware of a policy prohibiting the use of inmate interpreters, readers and assistants for sexual abuse allegations. The six staff that were unaware of the policy as well as the other ten staff confirmed that they were unaware of a time that another inmate was used to interpret, read or provide assistance for sexual abuse. Interviews with six disabled inmates and three LEP inmates indicated that two had information translated to them via another inmate.

Based on a review of the PAQ, 103 DOC 401, 103 DOC 408, 103 DOC 488, the Protection Yourself from Sexual Assault brochure, the inmate orientation manual, PREA posters, the staff translator list, the Lionsbridge user's guide, observations made during the tour to include the PREA signage, the auditor's use of Lionsbridge, as well as interviews with the Agency Head Designee, random staff and LEP and disabled inmates indicates that this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 201 – Selection and Hiring
3. Rules and Regulations Governing all Employees of the Massachusetts Department of Corrections
4. Memorandum from the Director of Human Resources
5. MA Department of Correction Application for Employment
6. MA Department of Correction Application for Employment Attachment X
7. PREA 201 Employer Addendum
8. Personnel Files of Staff
9. Contractor Background Files

Interviews:

1. Interview with Human Resource Staff

Findings (By Provision):

115.17 (a): The PAQ indicated that agency policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; 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 when the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. 103 DOC 201, page 21 states that all candidates for employment, regardless of whether for initial employment or promotion, who may have contact with inmates, shall be asked, in either written application(s) or interview(s), about whether he/she has: engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt threat or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. Policy further states that if a candidate for employment answers yes to 201.06 Section 9, subsection a), b), or c) (questions above) they will be prohibited from being hired or promoted by the MA Department of Corrections. Page 2 of the MA Department of Corrections Application for Employment indicates that an applicant for employment who meets the minimum entrance requirements, the Commonwealth may review later in the application process, if applicable: Criminal Offender Record Information (C.O.R.I); and Sex Offender Registry Information (S.O.R.I); and the Central Registry of Child Abuse/Neglect reports. If an offer of employment is made, the Commonwealth agency may declare that the offer is contingent upon the successful results of a medical exam, references, education, certification, professional licensure, driver's license (if required for job) and/or a tax and background check. A review of Attachment X (PREA Inquiries) indicates that applicants are asked to complete the form which includes the following questions: "Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?", "Have you ever 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 when the victim did not consent or was unable to consent or refuse?", "Have you even been civilly or administratively adjudicated to have engaged in the activity described above?", "Have you ever engaged in or been accused of engaging in sexual harassment in any prior employment?" and "Have you resigned from or quit any job following allegations that you engaged in any form of sexual misconduct?". A review of personnel files for five staff who were hired in the previous twelve months indicated that all five had a completed criminal background records check. Additionally, a review of six contractor files confirmed all six had a criminal background records check completed prior to enlisting their services.

115.17 (b): The PAQ indicated that agency policy requires the consideration of 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 inmates. 103 DOC 201, page 52, Attachment X (PREA Inquiries) indicates that applicants are asked to complete the form which includes the question "Have you ever engaged in or been accused of engaging in sexual harassment in any prior employment?". Additionally, Attachment Y, page 113 includes the memorandum sent from the Executive Director of Human Resources on April 1, 2021 which states that the agency shall 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 inmates. The Human Resource staff member confirmed that sexual harassment is considered when hiring or promoting staff or enlisting services of any contractors.

115.17 (c): The PAQ stated that agency policy requires that before it hires any new employees who may have contact with inmates, it conducts criminal background record checks and makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignations during a pending investigation. 103 DOC 201, pages 22-23 indicate that a criminal record check is conducted on all new employees prior to their assuming their duties in order to identify whether there are criminal convictions that may have a specific relationship to job performance in accordance with state and federal statutes. The background investigation shall include, but not be limited to, the following: a criminal records check including local police departments, Massachusetts Board of Probation, National Crime Information Center (NCIC), Nation Law Enforcement Telecommunications System (NLETS), Registry of Motor Vehicles, FBI fingerprints and Warrant Management Systems (WMS); past employment check, including the investigator's best efforts in contacting prior institutional employers for information on substantiated allegations of sexual abuse or any resignations during a pending investigation of an alleged sexual abuse and character reference check. The PAQ indicated that 70 people were hired in the previous twelve months who had a criminal background record check. Further communication with the PC indicated the facility characteristics were incorrect and that there were 70 people hired over the previous twelve months. A review of personnel files for five staff who were hired in the previous twelve months indicated that all five had a criminal background records check completed. Two of the staff had prior institutional employment and both were documented with the background investigator verbally asking the information of the prior employer. The interview with the Human Resource staff member confirmed that a criminal background records check is completed for all applicants and that the agency attempts to contact all prior institutional employers about any substantiated allegations of sexual abuse.

115.17 (d): The PAQ stated that agency policy requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates. 103 DOC 201, page 23 indicates that a full criminal record check and fingerprinting shall be conducted regarding all contractors as described in 103 DOC 201.09(1). The PAQ indicated that there have been seven contracts for services where criminal background record checks were conducted on all staff covered under the contract. A review of six contractor personnel files indicated that all six had a criminal background records check completed. Human Resource staff confirmed that all contractors have a criminal background records check completed prior to enlisting their services.

115.17 (e): The PAQ indicated that agency policy requires either criminal background checks to be conducted at least every five years for current employees and contractors who may have contact with inmates or that a system is in place for otherwise capturing such information for current employees. Attachment Y, page 114 states that the agency shall either conduct criminal background record checks at least every five years for current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees. The auditor requested five year background checks for three staff who were employed longer than ten years at the facility. At the time of the interim report the facility had not provided the requested documents. The interview with the Human Resource staff member indicated that a criminal background records check is completed through the CJIS system. He stated the system checks all local criminal history, national criminal history, sex offender registry and any active warrants. He stated if there is any information indicating they had prior institutional work they would also reach out to that institution for information related to sexual abuse and sexual harassment. The Human Resource staff confirmed the agency has a system in place to do criminal background records check on all active employees and contractors at least every five years.

115.17 (f): 103 DOC 201, page 21 state that all candidates for employment, regardless of whether for initial employment or promotion, who may have contact with inmates, shall be asked, in either written application(s) or interview(s), about whether he/she has: engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt threat or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied

threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. Page 2 of the MA Department of Corrections Application for Employment indicates that an applicant for employment who meets the minimum entrance requirements, the Commonwealth may review later in the application process, if applicable: Criminal Offender Record Information (C.O.R.I); and Sex Offender Registry Information (S.O.R.I); and the Central Registry of Child Abuse/Neglect reports. If an offer of employment is made, the Commonwealth agency may declare that the offer is contingent upon the successful results of a medical exam, references, education, certification, professional licensure, driver's license (if required for job) and/or a tax and background check. A review of Attachment X (PREA Inquiries) indicates that applicants are asked to complete the form which includes the following questions; "Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?", "Have you ever 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 when the victim did not consent or was unable to consent or refuse?", "Have you even been civilly or administratively adjudicated to have engaged in the activity described above?", "Have you ever engaged in or been accused of engaging in sexual harassment in any prior employment?" and "Have you resigned from or quit any job following allegations that you engaged in any form of sexual misconduct?". A review of five new hires indicated that all five had completed Attachment X. It should be noted that three of the new hires had applications prior to the change in the Attachment X form (end of 2021). The older Attachment X form only had two questions related to sexual abuse and sexual harassment. The auditor found this issue in 2021 during MADOC audits. The agency corrected the form to include the required three questions under this provision and the updated form was put into use late 2021. In addition, the auditor requested forms for staff who were promoted over the previous twelve months. Conversation with the PC and Human Resource staff further determined that these questions were not required as the agency does not promote through an interview process or an evaluation process. The Human Resource staff stated that there is an attachment that is included with the application that asks these questions and each applicant is required to answer the questions. He further stated that the agency imposes a continuing duty to disclose any such misconduct.

115.17 (g): The PAQ indicated that agency policy states that material omissions regarding such misconduct or the provision of materially false information, shall be grounds for termination. 103 DOC 201, page 21 states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. Page 3 of the Rules and Regulations Governing all Employees of the Massachusetts Department of Corrections states that staff are required to report promptly in writing to the Superintendent, DOC Department Head, or their designee, any changes of events regarding residential address, home telephone number, marital status, and any involvement with law-enforcement officials pertaining to any investigation, arrest or court appearance.

115.17 (h): The Human Resource staff member indicated that the agency would provide information related to any substantiated incidents of sexual abuse or sexual harassment when requested. He stated he was unaware of any laws that would prohibit the disclosure of this information.

Based on a review of the PAQ, 103 DOC 201, Rules and Regulations Governing all Employees of the Massachusetts Department of Corrections, the MA Department of Correction Application for Employment, the MA Department of Correction Application for Employment Attachment X, the PREA 201 Employer Addendum, a review of personnel files for staff and contractors and information obtained from the Human Resource staff interview indicates this standard requires corrective action. The auditor requested five year background checks for three staff who were employed longer than ten years at the facility. At the time of the interim report the facility had not provided the requested documents.

Corrective Action

The facility will need to provide the requested criminal background records checks.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Requested Five Year Backgrounds

On July 18, 2022 the facility provided the three requested five year backgrounds. Documentation confirmed staff received a criminal background check in 2015 as well as in 2019. Based on the documentation provided this standard has been corrected.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 703 – Design Criteria and Planning Guidelines
3. Facility Annual PREA Safety Assessments
4. Security Staffing Plan Assessment

Interviews:

1. Interview with the Agency Head Designee
2. Interview with the Warden

Site Review Observations:

1. Observations of Absence of Modification to the Physical Plant
2. Observations of Video Monitoring Technology

Findings (By Provision):

115.18 (a): The PAQ indicated that the agency/facility has not acquired a new facility or made substantial expansion or modifications to existing facilities since the last PREA audit. 103 DOC 703, page 3 states that when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design or modification upon the agency's ability to protect inmates from sexual abuse. 103 DOC 519, page 13 states that at least annually, each Superintendent or designee shall conduct a PREA Safety Assessment of his/her/their institution in accordance with Attachment IV. Considerations shall be given to past PREA events, staffing plants, recent changes to the institution environment and the unique mission and population assigned to the institution. Consideration shall be given to identifying operational practices which are in need of improvement. A review of documentation indicated that an annual PREA Vulnerability Assessment was completed in addition to the Security Staffing Plan Assessment. The documents referenced the modification to C building for the BRAVE unit and the additional staff requested and approved for the unit/building. The documents also outlined the addition of the Medication Assisted Treatment (MAT) program and the additional staff requested and approved for the program. The interview with the Agency Head Designee indicated that the agency holds monthly meetings and that the Division of Resource Management is part of the meeting. He stated that they would assist with new construction and video monitoring technology. The Agency Head Designee stated that all divisions would meet before any new construction is started and they would keep in mind the National PREA Standards during the meetings. He also stated that each year there is a PREA safety and vulnerability assessment completed at each facility which includes a review of cameras, blind spots and any new construction. He stated this information is submitted to the PC each year for review. The interview with the Warden indicated the facility has closed "L" building and opened "C" building since the last PREA audit. She stated based on the makeup of that building they have added additional staff because they have younger inmates. She stated they have overstaffed the building and have placed cameras in every nook and cranny of the building.

115.18 (b): The PAQ indicated that the agency/facility has not installed or updated a video monitoring system, electronic surveillance system or other monitoring technology since the last PREA audit. 103 DOC 703, page 9 states that when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. 103 DOC 519, page 13 states that at least annually, each Superintendent or designee shall conduct a PREA Safety Assessment of his/her/their institution in accordance with Attachment IV. Considerations shall be given to past PREA events, staffing plants, recent changes to the institution environment and the unique mission and population assigned to the institution.

Consideration shall be given to identifying operational practices which are in need of improvement. The interview with the Agency Head Designee indicated that the agency has, through grant funding, secured money for cameras. He stated that cameras are placed in housing, program and common areas and areas that may be considered vulnerable. The Agency Head Designee stated that the facilities conduct an annual safety and vulnerability assessment to identify any areas that cameras are needed. He confirmed that cameras are utilized to alleviate blind spots and that these vulnerable areas are also identified during sexual abuse incident reviews and any concerns are addressed after the reviews. The interview with the Warden confirmed that when they update or install video monitoring technology they consider how the technology will enhance their ability to protect inmates from sexual abuse. She stated they have installed video monitoring technology to be able to view areas when staff are not readily present in the area. She stated the facility has a video monitoring plan where all managers monitor areas of the facility throughout the month. She stated they do camera audits and they ensure cameras cover blind spots in addition to monitoring. The Warden stated that they have added cameras to "C" building in every nook and cranny. A review of the video monitoring system confirmed that the facility has numerous cameras in housing, work, program and common areas. The auditor verified that the cameras assisted with supervision through coverage of blind spots and high traffic areas. The auditor viewed the cameras and observed that the views assisted with monitoring in the housing units and the cameras were only accessible to certain staff, including IPS and administration. The facility has enhanced video monitoring technology during the previous three years. They currently have over 300 cameras. A review of Facility Annual PREA Safety Assessments indicated that camera placement was discussed during the assessments to ensure placement assisted with protecting inmates from sexual abuse. The facility requested additional cameras each year and identified potentially vulnerable areas that the cameras would assist in covering.

Based on a review of the PAQ, 103 DOC 73, annual PREA safety assessment, security staffing plan assessments, observations from the tour and information from interviews with the Agency Head Designee and Warden, this standard appears to be compliant.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 365 293">Documents:</p> <ol data-bbox="240 327 979 638" style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention 3. Wellpath 57.00 – Sexual Assault/PREA Compliance 4. Contract with Boston Area Rape Crisis Center (BARCC) 5. SANE PowerPoint 6. IPS Field Manual <p data-bbox="240 730 352 752">Interviews:</p> <ol data-bbox="240 786 804 983" style="list-style-type: none"> 1. Interview with Random Staff 2. Interview with SAFE/SANE 3. Interview with the PREA Compliance Manager 4. Interview with Inmates who Reported Sexual Abuse <p data-bbox="240 1072 483 1095">Findings (By Provision):</p> <p data-bbox="240 1128 1493 1727">115.21 (a): The PAQ indicated that the agency/facility is responsible for conducting both administrative and criminal investigations and that the Massachusetts State Police (MSP) also conducts criminal investigations. Additionally, the PAQ stated that when conducting sexual abuse investigations, the agency investigators follow a uniform evidence protocol which is the institutional response plan and includes elements in the PREA response bag. 103 DOC 519, page 18 states that the Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment/abuse utilizing those staff member who have received specialized training as it relates to a PREA investigation. Pages 14, 15 and 17 further explain the uniform evidence protocol including that each institution shall maintain an Emergency Response Plan and sexual assault response kits containing the necessary items to facilities their response to sexual assault allegations. It describes staff first responder duties including separating the inmates, securing the scene, asking the victim not to take any action to destroy any evidence and escorting the inmate to medical. Policy further states that evidence collection shall be conducted by a trained Sexual Assault Investigator prior to the inmate’s transport to an outside hospital. Evidence collected at the outside hospital involving inmate-on-inmate allegations shall be retained by the transporting officer while evidence collected involving a staff member shall require the outside hospital to notify the MSP who shall transport any evidence collected to the MSP Crime Lab for analysis. A review of the SANE PowerPoint and IPS Field Manual confirmed that it has enough detail to ensure staff take appropriate action to preserve and collect usable physical evidence. Interviews with sixteen random staff indicated that all sixteen know and understand the protocol for obtaining useable physical evidence. Additionally, sixteen staff indicated that investigations would be completed by the Internal Perimeter Security (IPS), the Shift Commander and/or the Superintendents Special Investigator (SSI).</p> <p data-bbox="240 1816 1493 2145">115.21 (b): The PAQ indicated that the protocol is not developmentally appropriate for youth as they do not house youthful inmates. The PAQ did state that the protocol was adapted from or otherwise based on the most recent edition of the DOJ’s Office of Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents” or similarly comprehensive and authoritative protocols developed after 2011. 103 DOC 519, pages 14, 15 and 17 explain the uniform evidence protocol including that each institution shall maintain an Emergency Response Plan and sexual assault response kits containing the necessary items to facilities their response to sexual assault allegations. It describes staff first responder duties including separating the inmates, securing the scene, asking the victim not to take any action to destroy any evidence and escorting the inmate to medical. Policy further states that evidence collection shall be conducted by a trained Sexual Assault Investigator prior to the inmate’s transport to an outside hospital. Evidence collected at the outside hospital involving inmate-on-inmate allegations shall be retained by the transporting officer while evidence</p>

collected involving a staff member shall require the outside hospital to notify the MSP who shall transport any evidence collected to the MSP Crime Lab for analysis. review of the SANE PowerPoint and IPS Field Manual confirmed that it has enough detail to ensure staff take appropriate action to preserve and collect usable physical evidence.

115.21 (c): The PAQ indicated that the facility offers inmates who experience sexual abuse access to forensic medical examination at an outside hospital. It stated that forensic exams are offered without financial cost to the victim. The PAQ indicated that examinations are conducted by SAFE or SANE. It further stated that the facility does not document its' efforts for SAFE/ANE. Further communication with the PC indicated that there was confusion on this question and all forensic examinations are performed at a local hospital. The hospital provides forensic examinations through SAFE/SANE, and if not available, through qualified medical professionals. The PC stated they have an MOU and they document the SAFE/SANE examinations. 103 DOC 519, pages 15-16 state that upon completion of the medical and mental health evaluation, the Superintendent/designee, in consultation with medical and mental health personnel, shall determine whether a referral to an outside hospital with a rape crisis unit and SANE Program services is warranted. If the determination is made the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to an outside hospital with a SANE Program where he/she shall receive essential medical intervention, including preventative treatment for HIV, sexually transmitted disease, and pregnancy, if appropriate. Page 17 further states rape crisis services shall be provided at no cost to the alleged victim unless the claim of being sexually assaulted was knowingly false. Additionally, Wellpath 57.00, page 2 states that healthcare staff shall not engage in the collection of forensic evidence, or the investigation of the complaint. Page 3 further states that healthcare staff shall follow guidelines for referring Massachusetts State prison patients to one of the designated SANE "designated hospitals" and shall notify the designated Hospital Emergency Unit (EU) triage nurse of the referral prior to transport. The designated hospitals attachment confirms that Beth Israel Deaconess Center is a designated SANE hospital. The PAQ stated that there were zero forensic exams conducted in the previous twelve months. A review of documentation confirmed there were zero forensic examination conducted in the previous twelve months. None of investigations involved a sexual abuse that occurred within the timeframe for evidence collection. The interview with the staff member at Beth Israel confirmed that they provide forensic medical examinations at the hospital and they would provide these services to any inmate transported to the hospital. The staff confirmed that examinations are always provided by SANE.

115.21 (d): The PAQ indicated that the facility attempts to make a victim advocate from a rape crisis center available to the victim, either in person or by other means. The agency utilizes BARCC to provide advocacy for all inmate victims of sexual abuse. The most recent contract with BARCC was executed June 3, 2020. The specifications in the Request for Response (which the contract is tied to) states the "DOC is seeking a Contractor for a PREA Victim Support Service. This service will provide victim advocacy and support services to inmates who allege that they have been the victims of sexual abuse. Additionally the PREA Victim Support Service will assist in the development and implementation of trainings for inmates and DOC staff, including specialized staff (e.g. investigators, medical and mental health providers). The service will administer quality, confidential services to inmates including individual support, accompaniment to investigatory and prosecutorial proceedings, information, and referrals". The PCM confirmed that if requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and provide emotional support, crisis intervention, information, and referrals during the forensic medical examination process and investigatory interviews. She stated that if there was a PREA event, as part of the intervention with the outside hospital, the facility would put the inmate in touch with outside advocates. She stated they provide advocacy through BARCC. She confirmed that inmates are provided contact information for BARCC. The interviews with the inmates who reported sexual abuse indicated that three were provided information related to BARCC. One inmate advised he did not want to contact BARCC as he did not need emotional support. Two stated they were offered information on BARCC but that they did not really know what it was and one inmate indicated he did not remember anything related to contacting BARCC, but that it was a stressful time.

115.21 (e): The PAQ indicated that as requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals. 103 DOC 519, pages 16-17 state that community based victim advocacy services are offered to the inmate as part of the SANE examination at the outside hospital/rape crisis center. Any contracted advocate or community-based advocate assigned shall be coordinated by the Director of Victim Services Unit. The advocate assigned shall accompany and support the victim through the forensic medical examination process and investigatory interview, informational meetings, and referrals. The agency utilizes BARCC to provide advocacy for all inmates who undergo a forensic medical examination at Beth Israel. The most recent contract with BARCC was executed June 3, 2020. The specifications in the Request for Response (which the contract is tied to) states the "DOC is seeking a Contractor for a PREA Victim Support Service. This service will provide victim advocacy and support services to inmates who allege that they have been the victims of sexual abuse. Additionally the PREA Victim Support Service will assist in the development and implementation of trainings for inmates and DOC staff,

including specialized staff (e.g. investigators, medical and mental health providers). The service will administer quality, confidential services to inmates including individual support, accompaniment to investigatory and prosecutorial proceedings, information, and referrals". While the contract does not specifically indicate that BARCC provides an advocate during forensic medical examination, the interview with the PCM and the BARCC staff member confirm this is the practice. All MADOC inmates are transported to Beth Israel for a forensic medical examination and BARCC provides advocates for all forensic examinations at Beth Israel. 103 DOC 407, page 13 states that it is the responsibility of the PREA Manager to notify the Director of the Victim Services Unit (VSU) when services of the inmate advocate are necessary. VSU services include, but are not limited to: meeting with the inmate victim; providing information to the inmate on his/her rights; providing information to the inmate on the status of the case; maintaining communication with the inmate during the investigation; and coordinating with the District Attorney if referral is made. The interview with the PCM indicated that BARCC is the local rape crisis center for the Boston area and that the organization is screened through the PREA Coordinator. She stated she assumes the staff have special training and credentials. The interviews with the inmates who reported sexual abuse indicated that three were provided information related to BARCC. One inmate advised he did not want to contact BARCC as he did not need emotional support. Two stated they were offered information on BARCC but that they did not really know what it was and one inmate indicated he did not remember anything related to contacting BARCC, but that it was a stressful time. It should be noted that none of the inmates interviewed had a forensic medical examination conducted. The auditor spoke with the Boston Area Rape Crisis Center (BARCC) related to victim advocacy services. The agency as a whole has a contract with BARCC to provide victim advocacy services to all inmates within the MADOC. The staff member at BARCC confirmed that they have a contract with MADOC and the contract includes MCI Shirley. He stated that the MOU was renewed in June 2020. The staff member stated they provide advocates to victims of sexual abuse for emotional support as well as accompaniment during forensic examinations 24 hours a day. He further indicated that inmates can also request an advocate for investigatory interviews. He stated all staff at BARCC complete a 40 hour rape crisis counseling training mandated by the Department of Health.

115.21 (f): The PAQ indicated that if the agency is not responsible for investigating administrative or criminal allegations of sexual abuse and relies on another agency to conduct these investigations, the agency has requested that the responsible agency follow the requirements under this standard. The agency/facility is responsible for conducting both administrative and criminal investigations and the Massachusetts State Police is also authorized to conduct criminal investigations. The agency has an MOU with the MSP that requires them to comply with PREA standards.

115.21 (g): The auditor is not required to audit this provision.

115.21 (h): The facility has a contract with BARCC to provide all advocacy services. BARCC is the local rape crisis center for Boston and surrounding areas and always provides advocacy services to inmates under this standard. The interview with the BARCC staff member confirmed all BARCC staff complete a 40 hour rape crisis counseling training mandated by the Department of Health.

Based on a review of the PAQ, 103 DOC 519, Wellpath 57.00, Response to Sexual Assault Incidents, the contract with BARCC, the MOU with MSP and information from interviews with the random staff, the SAFE/SANE, the PREA Compliance Manager and the inmates who reported sexual abuse the facility appears to be compliant.

Recommendation

The auditor recommends that the facility ensures that inmates who report sexual abuse are offered access to a victim advocate (via BARCC) either in-person or over the phone immediately following a report of sexual abuse, in addition to the availability of the hotline. Inmate victims of sexual abuse should be provided access to an advocate that is private due to the sensitive nature of the sexual abuse. The auditor recommends that this offer/contact should be documented in order to confirm that it was offered and/or provided.

115.22 Policies to ensure referrals of allegations for investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Memorandum of Understanding (MOU) with the Massachusetts State Police (MSP)
4. Investigative Reports

Interviews:

1. Interview with the Agency Head Designee
2. Interview with Investigative Staff

Findings (By Provision):

115.22 (a): The PAQ indicated that the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. 103 DOC 519, page 18 states that the Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment/abuse utilizing those staff member who have received specialized training as it relates to a PREA investigation. Page 19 states that the Department shall ensure that all available means are used to fully investigate allegations of sexual abuse and/or sexual harassment. Within 72 hours of the reported incident, the site's Superintendent will review and assess all reported allegations of sexual harassment/sexually abusive behavior and determine the appropriate course of action. The interview with the Agency Head Designee confirmed that all allegations are investigated by either Internal Perimeter Security (IPS) staff, the Superintendents Special Investigator (SSI) or the Professional Standards Unit (formerly the Internal Affairs Unit). He stated that they also refer any substantiated allegations to the District Attorney for prosecution. The Agency Head Designee further stated that when an allegation is made, the Superintendent receives the information through a confidential report and he/she would then refer it to the appropriate investigator. He further stated the investigator would then take appropriate steps as outlined in policy in order to investigate the allegation. The PAQ indicated that there were seven allegations of sexual abuse and/or sexual harassment reported within the previous twelve months and four resulted in an administrative investigation. Further communication with the PC indicated that four investigations were conducted by the SSI and three were conducted by IPS, so all seven had an administrative investigation completed. The PAQ indicated all investigations were completed in the past twelve months. A review of documentation indicated there were thirteen allegations reported and all thirteen were referred for investigation. Eleven of the thirteen were closed during the on-site portion of the audit. A review of ten sexual abuse and sexual harassment allegations confirmed all ten were referred for investigation. Eight were closed unfounded or unsubstantiated and two were still ongoing.

115.22 (b): The PAQ indicated that the agency has a policy that requires that all allegations of sexual abuse or sexual harassment be referred for investigations to an agency with the legal authority to conduct criminal investigations and that such policy is published on the agency website or made publicly available via other means. The PAQ also indicated that the agency documents all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. 103 DOC 519, page 7 states that the Superintendent shall ensure that the Duty Station is notified of all allegations of sexual harassment/sexually abusive behavior. If the allegations involves a possible violation of law, the Chief of the Office of Investigative Services (OIS)/Internal Affairs Unit (IAU), shall be promptly notified and shall then notify the jurisdictionally appropriate District Attorney's Office once it is determined that sufficient probable cause exists to warrant such notification. Page 19 states that the Department shall ensure that all available means are used to fully investigate allegations of sexual abuse and/or sexual harassment. Within 72 hours of the reported incident, the site's Superintendent will review and assess all reported allegations of sexual harassment/sexually abusive behavior and determine the appropriate course of action. Investigations of reported allegations of sexual harassment/sexually abusive behavior between inmates shall be initiated by the Superintendent utilizing appropriately trained facility investigative staff or upon request to the Chief of the Office of Investigative Services (OIS)/Internal Affairs Unit (IAU), in conjunction with an investigator from OIS. If a staff member is accused of sexual harassment/sexually abusive behavior with an inmate, the Superintendent shall request a Category II

investigation by submitting an Investigative Services Intake Form and shall notify his/her respective Assistant Deputy Commissioner. A review of the agency website (<https://www.mass.gov/lists/department-of-correction-public-policies>) confirms that 103 DOC 519 is published and available for public review. A review of the thirteen sexual abuse and sexual harassment allegations confirmed all thirteen were referred for investigation to facility/agency investigators. Two were investigated by IAU and nine were investigated by facility investigators. Four allegations were investigated under two cases as the alleged inmate perpetrator made a counter claim against the alleged inmate victim. None of the investigations were referred for prosecution. Interviews with investigators confirmed that policy requires that allegations of sexual abuse and sexual harassment be referred to an agency with the legal authority to conduct criminal investigations, unless the allegation is clearly not criminal. The agency investigator stated that if the Superintendent believes a felony has been committed the MSP would conduct a criminal investigation with the agency's assistance.

115.22 (c): 103 DOC 519, page 7 states that the Superintendent shall ensure that the Duty Station is notified of all allegations of sexual harassment/sexually abusive behavior. If the allegation involves a possible violation of the law, the Chief of OIS/IAU shall be promptly notified and shall then notify the jurisdictionally appropriate District Attorney's office once it is determined that sufficient probable cause exists to warrant such notification. A review of the agency website (<https://www.mass.gov/lists/department-of-correction-public-policies>) confirms that 103 DOC 519 is published and available for public review. The MOU with the MSP indicates that the MSP screens cases referred to their agency to determine if the MADOC may handle the case utilizing internal investigators, or if the case is most appropriately investigated by the MSP.

115.22 (d): The auditor is not required to audit this provision.

115.22 (e): The auditor is not required to audit this provision.

Based on a review of the PAQ, 103 DOC 519, the MOU with the MSP, investigative reports, the agency's website and information obtained via interviews with the Agency Head Designee and investigators, this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 216 – Training and Staff Development
3. Prison Rape Elimination Act (PREA) Lesson Plan
4. Staff Training Records

Interviews:

1. Interviews with Random Staff

Findings (By Provision):

115.31 (a): The PAQ stated that the agency trains all employees who may have contact with inmates on the following matters: the agency's zero tolerance policy, how to fulfill their responsibilities under the agency's sexual abuse and sexual harassment policies and procedures, the inmates' right to be free from sexual abuse and sexual harassment, the right of the inmate to be free from retaliation for reporting sexual abuse or sexual harassment, the dynamics of sexual abuse and sexual harassment in a confinement setting, the common reactions of sexual abuse and sexual harassment victims, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationship with inmates, how to communicate effectively and professionally with lesbian, gay, bisexual, transgender and intersex inmates and how to comply with relevant laws related to mandatory reporting laws. 103 DOC 216, page 10 states that all employees shall receive training on PREA. A review of the PREA Lesson Plan confirmed that the following topics are included: the agency's zero tolerance policy (pages 9 and 20), how to fulfill their responsibilities under the agency's sexual abuse and sexual harassment policies and procedures (pages 26-32), the inmates' right to be free from sexual abuse and sexual harassment (page 19), the right of the inmate to be free from retaliation for reporting sexual abuse or sexual harassment (pages 24-25), the dynamics of sexual abuse and sexual harassment in a confinement setting (pages 10-16), the common reactions of sexual abuse and sexual harassment victims (page 13), how to detect and respond to signs of threatened and actual sexual abuse (pages 28-29), how to avoid inappropriate relationship with inmates (pages 39-40), how to communicate effectively and professionally with lesbian, gay, bisexual, transgender and intersex inmates (pages 42-43) and how to comply with relevant laws related to mandatory reporting laws (page 29). A review of nineteen staff training records indicated that 100% of those reviewed received PREA training. Interviews with sixteen random staff confirmed that all sixteen had received PREA training. Staff stated they receive training each year during in-service. The staff stated that the training covers signs to look for, zero tolerance, first responder duties, LGBTI topics, that there is no consensual sex and that all allegations are taken seriously and investigated.

115.31 (b): The PAQ indicated that training is tailored to the gender of inmate at the facility and that employees who are reassigned to facilities with opposite gender inmates are given additional training. 103 DOC 216, pages 10-11 state that the employee shall receive additional training if the employee is reassigned from an institution that houses only male inmates to an institution that houses only female inmates, or vice versa, as well as the training requirement of 103 DOC 652 and 103 DOC 653 regarding the care and treatment of gender non-conforming inmates. A review of the PREA Lesson Plan confirmed that the anticipated responses section on page 14 includes information for male and female victims. Additionally, there are numerous lesson plans for how to handle female inmates and all staff that are assigned to female facilities complete these trainings. The facility houses male inmates and as such no additional training was required for staff.

115.31 (c): The PAQ indicated that between training the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment. The PAQ stated that staff are trained annually. 103 DOC 216, page 11 states that employees with inmate contact shall receive refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher

information on current sexual abuse and sexual harassment policies. A review of documentation confirmed that all nineteen staff received PREA training and all nineteen had received PREA training at least every two years. It should be noted that the agency typically conducts PREA training annually during in-service training, however due to COVID-19, some staff did not receive training annually.

115.31 (d): The PAQ stated that the agency documents that employees who may have contact with inmates understand the training they have received through employee signature or electronic verification. 103 DOC 216, page 11 states that appropriate documentation shall be maintained indicating they have received the training. A review of nineteen staff training records indicated that all nineteen completed a post training quiz and received a score which indicated their understanding.

Based on a review of the PAQ, 103 DOC 216, the PREA Lesson Plan, a review of a sample of staff training records as well as interviews with random staff indicates that the facility complies with this standard.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 216 – Training and Staff Development
3. NEO PREA Basic PowerPoint
4. Volunteer Orientation Handbook
5. Volunteer and Contractor Training and Acknowledgment of Prison Rape Elimination Act – PREA
6. Sample of Contractor Training Records
7. Sample of Volunteer Training Records

Interviews:

1. Interview with Volunteers and Contractors who have Contact with Inmates

Findings (By Provision):

115.32 (a): The PAQ indicated that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse/sexual harassment prevention, detection and response. 103 DOC 216, page 11 states that volunteers and contractors who have contact with inmates shall be trained on their responsibilities under the sexual abuse and sexual harassment prevention, detection and response policies and procedures. Page 16 of the Volunteer Orientation Handbook contains information on PREA, including the zero tolerance policy, responsibility to report and remedial measures for violating the sexual abuse and sexual harassment policies. Additionally, all contractors are required to complete new employee orientation that includes a PowerPoint presentation and covers all the topics required under the staff PREA training, including the zero tolerance policy and methods to report. The PAQ indicated that 182 volunteers and contractors (143 volunteers and 39 contractors) had received PREA training. Further communication with the PC indicated that the remaining 31 contractors are escorted contractors (i.e. vending machine suppliers) and do not go through the PREA training because they are always escorted by a staff member. A review of a sample of training documents for ten contractors and six volunteers indicated that fifteen had received PREA training. The auditor advised the facility that the one contractor missing PREA training would need to have it provided as soon as possible. Additionally, interviews with three contractors and two volunteers confirmed that they all received training on their responsibilities under the agency's sexual abuse and sexual harassment policies.

115.32 (b): The PAQ indicated that the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates. Additionally, the PAQ indicates that all volunteers and contractors who have contact with inmates have been notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed on how to report such incidents. 103 DOC 216, page 11 states the level and type of training provided shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Page 16 of the Volunteer Orientation Handbook contains information on PREA, including the zero tolerance policy, responsibility to report and remedial measures for violating the sexual abuse and sexual harassment policies. Additionally, all contractors are required to complete new employee orientation that includes a PowerPoint presentation and covers all the topics required under the staff PREA training, including the zero tolerance policy and methods to report. A review of a sample of training documents for ten contractors and six volunteers indicated that fifteen had received PREA training. Interviews with contractors and volunteers indicated that the contractors received the training upon hire. Two contractors stated they get training annually in addition to the training upon hire. The third contractor stated that the training went over scenarios, what to do if someone reports sexual abuse and who to report to. The volunteers stated they receive site specific training. One volunteer stated his training was via zoom while the other volunteer stated she received training numerous times. Both volunteers stated the training went over different aspects of PREA, including that it is not tolerated. All four individuals confirmed that the training included information

on the zero tolerance policy and who to report information to.

115.32 (c): The PAQ stated that the agency maintains documentation confirming that volunteers/contractors understand the training they have received. 103 DOC 216, page 11 states that appropriate documentation shall be maintained indicating they have received the training. Volunteers and contractors sign either a sign-in sheet or the Volunteer and Contractor Training and Acknowledgment of Prison Rape Elimination Act (PREA) form to confirm receipt of the training. Contractors also can take the training electronically and a certificate is issued upon completion to document the training. A review of a training documents for ten contractors and six volunteers indicated that fifteen of those reviewed had signed an acknowledgment or had an electronic certificate.

Based on a review of the PAQ, 103 DOC 216, the NEO PREA Basic PowerPoint, the Volunteer Orientation Handbook, the Volunteer and Contractor Training and Acknowledgment of Prison Rape Elimination Act – PREA, a review of a sample of contractor and volunteer training records as well as the interviews with contractors and volunteers indicates that this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 401 – Booking and Admissions
3. 103 DOC 408 – Reasonable Accommodations for Inmates
4. 103 DOC 488 – Interpreter Services
5. Inmate Orientation Manual
6. Inmate Orientation PowerPoint
7. PREA What You Need to Know Video
8. Protecting Yourself from Sexual Assault Brochure
9. PREA Posters
10. Inmate Training Records

Interviews:

1. Interview with Intake Staff
2. Interview with Random Inmates

Site Review Observations:

1. Observations of Intake Area
2. Observations of PREA Posters

Findings (By Provision):

115.33 (a): The PAQ stated that inmates receive information at the time of intake about the zero tolerance policy and how to report incidents or suspicions of sexual abuse or harassment. 103 DOC 401, page 8 states that each Superintendent shall develop a written procedures to ensure that each inmate receives an orientation upon admission within 24 hours after arrival. Inmates transferred from other institutions within the correctional system shall receive an orientation to the new institution. Except in unusual circumstances, this orientation is completed within seven calendar days after admission. Page 9 states that all PREA orientation information contained within Attachment #2 shall be included in all correctional facilities inmate orientation manuals and will be topics covered in orientation. A review of Attachment #2 confirms that it contains information on the zero tolerance policy, information on the facility PCM, ways to report, information on the local rape crisis center, information on investigations and ways to avoid becoming a victim. Additionally, a review of the inmate orientation manual confirmed that pages 27-29 include the same information as Attachment #2, however it is facility specific information for MCI Concord. The PAQ indicated that 363 inmates received information at intake on the zero tolerance policy and how to report incident of sexual abuse/sexual harassment. The is equivalent to 100% of inmates who arrived at the facility over the previous twelve months. A review of nineteen inmate files of those received in the previous twelve months indicated that all nineteen received PREA information at intake. During the tour the auditor observed the intake process through a demonstration. Inmate are provided PREA information at intake via the inmate orientation manual. The manual is available in both English and Spanish. The interviews with intake staff confirmed that inmates are provided information on the agency's sexual abuse and sexual harassment policies during intake. Both staff confirmed that inmates are provided an orientation manual when they arrive at the facility and they sign that they receive the manual. The staff also stated that the inmates watch a DVD during orientation that goes over PREA. One staff member indicated that the video goes over how to report, what numbers to call to report and other PREA topics. Both staff stated that they conduct orientation and every inmate goes

through orientation. The second intake staff member indicated the video also covers what to do if inmates feel unsafe and basic definitions and rights under PREA. One intake staff member confirmed that the video is in English, Spanish and closed captioning. Both staff indicated inmates are required to sign that they received the orientation. 28 of the 30 inmates that were interviewed indicated that they received information on the agency's sexual abuse and sexual harassment policies. The inmates stated the information was provided through the handbook, pamphlet and signs.

115.33 (b): 103 DOC 401, page 8 states that inmates transferred from other institutions within the correctional system shall receive an orientation to the new institution. Except in unusual circumstances, this orientation is completed within seven calendar days after admission. New inmates entering the correctional system for the first time receive an initial reception and orientation to the institution. Except in unusual circumstances, this orientation is completed within 30 calendar days after admission. The initial reception and orientation includes a review of the orientation PowerPoint and the "PREA What You Need to Know" video. Additionally, staff go over the PREA information contained in the inmate orientation manual. A review of the video and the inmate orientation manual confirms that inmates are provided information on the zero tolerance policy, inmates' right to be free from sexual abuse, inmates' rights to be free from retaliation from reporting, information on the facility PCM, ways to report, information on the local rape crisis center, information on investigations and ways to avoid becoming a victim. All inmates receive the PREA video upon admission to the MADOC. All MADOC facilities have the same policies, procedure and information, with the exception of the IPS facility specific hotline. As such, inmates are not required to be provided additional comprehensive education upon transfer to MCI Concord. While the facility is not required to conduct PREA education, the PCM indicated that the facility typically conducts the comprehensive PREA education again at MCI Concord. Inmates are provided an orientation which includes information on the zero tolerance policy, inmates' right to be free from sexual abuse, methods to report, BARCC information and the agency policy on sexual abuse and sexual harassment. The PAQ indicated that 312 inmates received comprehensive PREA education within 30 days of intake. This is equivalent to 100%. The auditor had the facility conduct a mock demonstration of the comprehensive PREA education process. The auditor observed that inmates are provided comprehensive PREA education via video (PREA: What You Need to Know) and through the facility orientation video. The video covers the required components under Standard 115.33. During orientation the inmates watch the video and they are also provided verbal information on PREA. The PREA video was available in English and Spanish and also had closed captioning. The orientation video covers numerous topics related to the facility including PREA. The video discusses ways to report, BARCC and inmates' rights. Informal conversation with staff indicated that inmates are provided the information and then are able to ask any questions. The staff stated inmates sign that they received the information and that typically orientation is completed in the Phase 2 area of the facility. A review of nineteen inmate files of those received in the previous twelve months indicated that all nineteen had received comprehensive PREA education within 30 days. The interviews with the intake staff confirmed that inmates are provided information on the agencies sexual abuse and sexual harassment procedures; including the inmates' right to be free from sexual abuse, the inmates' right to be free from retaliation and ways to report sexual abuse and sexual harassment. Both staff also stated that the inmates watch a DVD during orientation that goes over PREA. One staff member indicated that the video goes over how to report, what numbers to call to report and other PREA topics. Both staff stated that they conduct orientation and every inmate goes through orientation. The second intake staff member indicated the video also covers what to do if inmates feel unsafe and basic definitions and rights under PREA. One intake staff member confirmed that the video is in English, Spanish and closed captioning. Both staff indicated inmates are required to sign that they received the orientation. Both staff further stated that orientation is provided within five to seven days of arrival at the facility. Interviews with inmates indicated that 28 of the 30 were told about their right to be free from sexual abuse, their right to be free from retaliation from reporting sexual abuse and how to report incidents of sexual abuse. The majority of the inmates stated they received this information via video when they arrived at the facility and/or when they arrived at Walpole. The inmates stated they watched the video during orientation.

115.33 (c): The PAQ indicated that of those who were not educated within 30 days of intake, all inmates have been educated subsequently. The PAQ further stated that all inmates are educated upon admission to the facility. Additionally, it stated that agency policy requires that inmates who are transferred from one facility to another be educated regarding their rights to be free from both sexual abuse/harassment and retaliation from reporting such incidents and on any agency policies and procedures for responding to such incidents to the extent that the policies and procedures of the new facility differ from those of the previous facility. 103 DOC 401, page 8 states that each Superintendent shall develop written procedures to ensure that each inmate receives an orientation upon admission within 24 hours of arrival. Additionally, it states that inmates transferred from other institutions within the correctional system shall receive an orientation to the new institution. Except in unusual circumstances, this orientation is completed within seven calendar days after admission. The interviews with the intake staff confirmed that inmates are provided information on the agencies sexual abuse and sexual harassment procedures; including the inmates' right to be free from sexual abuse, the inmates' right to be free from retaliation and ways to report sexual abuse and sexual harassment. Both staff also stated that the inmates watch a DVD during orientation that goes over PREA. One staff member indicated that the video goes over how to report, what numbers to call to report and other PREA topics. Both staff stated that they conduct orientation and every inmate goes through orientation. The second

intake staff member indicated the video also covers what to do if inmates feel unsafe and basic definitions and rights under PREA. One intake staff member confirmed that the video is in English, Spanish and closed captioning. Both staff indicated inmates are required to sign that they received the orientation. Both staff further stated that orientation is provided within five to seven days of arrival at the facility. A review of documentation for 34 total inmates confirmed that all 34 had received comprehensive PREA education.

115.33 (d): The PAQ indicated that PREA education is available in accessible formats for inmates who are LEP, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills. 103 DOC 401, page 13, states that each Superintendent/designee shall ensure that new inmates receive written orientation material in English and Spanish. When necessary, other non-English speaking inmates shall receive translation into their own language via the telephonic interpreter service. When a literacy problem exists, a staff member may assist the inmate in understanding the problem. 103 DOC 408, page 3 states that it is the Department's policy not to discriminate against any person protected by the Americans with Disabilities Act (ADA). The Department shall ensure that its programs, activities and services when viewed in their entirety, are readily accessible to, and usable by inmates with a disability. Additionally, it states that the Department shall provide inmates access to trained, qualified individual(s) who are educated in the problems and challenges faced by inmates with physical and/or mental impairments. These individuals shall be knowledgeable in programs designed to educate and assist inmates with a disability, as well as in all the legal requirements for the protection of inmates with disabilities. A review of the inmate orientation manual, PREA posters and Protecting Yourself from Sexual Assault brochure confirm that they can be provided in larger print. Additionally, staff (including mental health care staff) are available to read the information to any inmates with cognitive disabilities, vision impairment and limited reading skills. 103 DOC 488, page 4 states that telephonic interpreter services may be used to translate for inmates in the following areas: Internal Perimeter Security (IPS), Booking and Admissions, Health Services Unit (HSU), Classification Boards, Inmate Grievances and Disciplinary Hearings. If an inmate requests an interpreter or correctional or medical staff believe the use of an interpreter is necessary, then the telephonic interpreter service shall be utilized. This policy does not prevent IPS or Department investigators from utilizing bilingual staff to interview inmates if the situation does not lend itself to the use of the telephonic interpreter service during the course of an investigations. Page 21 of the inmate orientation manual informs inmates that the Department of Corrections has contracted a service provider to provide over-the-phone interpretation, 24 hours a day, seven days a week. This service can provide translation of 140 different languages to any non-English speaking inmate. This service can only be used with a speaker telephone in the following areas whenever an inmate declares that he does not speak and/or understand English; Internal Perimeter Security, Booking and Admissions, Health Services Unit, Classification Boards and Disciplinary Hearings. A provided list indicated the facility has over 30 staff that can be utilized to interpret over ten different languages, including ASL. A review of the Lionsbridge user's guide confirms that the facility is able to call the hotline, enter their pin number and select a language for interpretive services. A review of the inmate orientation manual, Protecting Yourself from Sexual Assault brochure and PREA poster confirmed that PREA information is available in Spanish. A review of a sample of six disabled inmate files and three LEP inmate files indicated that all nine were documented with comprehensive PREA education.

115.33 (e): The PAQ indicated that the agency maintains documentation of inmate participation in PREA education sessions. 103 DOC 401, page 13 states that completion of all types of orientation and receipt of all materials shall be documented in the IMS Orientation Checklist screen. Reception Centers, if using an approved alternative orientation checklist that is signed and dated by the inmate, shall be exempt from signing and dating an IMS printout. It shall also be documented by the inmate signing and dating a printout of the completed IMS Orientation Checklist screen. If the inmate refuses or is incapable of reading and signing for the information included in the orientation manual, the staff member providing the inmate with the copy shall indicate such refusal/incapability in the IMS Orientation Checklist Screen, as well as the assistance offered/given to the inmate who is incapable of reading and signing. The checklist shall be filed in the inmate's case record. A review of nineteen inmate files of those received in the previous twelve months indicate that all nineteen were documented to have received PREA education, through either an acknowledgment of orientation form or through signature of the IMS screen.

115.33 (f): The PAQ indicates that the agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks or other written formats. A review of documentation indicates that the facility has PREA information via the inmate orientation manual, PREA posters and the Protecting Yourself from Sexual Assault brochure. During the tour, the auditor observed the PREA posters, wooden placards with phone numbers and painted PREA numbers in each housing unit and in common areas. Additionally, the auditor viewed the PREA information section of the library, which included information on the PREA standards, the agency PREA policy and other resources, including BARCC and the brochure.

Based on a review of the PAQ, 103 DOC 401, 103 DOC 408, 103 DOC 488, the inmate orientation manual, the PREA What You Need to Know video, the orientation video slides, PREA posters, the Protection Yourself from Sexual Assault brochure, a review of inmate records, observations made during the tour as well as information from interviews with intake staff, random inmates, LEP inmates and disabled inmates indicates that this standard is compliant.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 365 293">Documents:</p> <ol data-bbox="240 327 1046 584" style="list-style-type: none"> <li data-bbox="240 327 528 349">1. Pre-Audit Questionnaire <li data-bbox="240 383 979 405">2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention <li data-bbox="240 439 1046 461">3. Memorandum of Understanding (MOU) with the Massachusetts State Police <li data-bbox="240 495 831 517">4. PREA/Sexual Assault Investigator Training Curriculum <li data-bbox="240 551 584 573">5. Investigator Training Records <p data-bbox="240 669 352 692">Interviews:</p> <ol data-bbox="240 725 611 748" style="list-style-type: none"> <li data-bbox="240 725 611 748">1. Interview with Investigative Staff <p data-bbox="240 844 483 866">Findings (By Provision):</p> <p data-bbox="240 900 1489 1393">115.34 (a): The PAQ indicated that agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings. 103 DOC 519, page 10 states that specialized training shall be provided for those employees who respond to and investigate PREA incidents. This training is completed through the PREA/Sexual Assault Investigator Training. A review of the training curriculum confirms that it covers; techniques for interviewing sexual abuse victims (course 2, pages 2-6 and course 4, pages 3-16), proper use of Miranda and Garrity warnings (course 4, page 2), sexual abuse evidence collection in a confinement setting (course 3, pages 3-10) and the criteria and evidence required to substantiate a case for administrative action or prosecution referral (course 5, page 1). A review of documentation indicated that eleven facility staff have completed the specialized investigator training as well as two Professional Standards Unit (PSU – formally known as the Internal Affairs Unit) investigators. The interviews with the investigative staff confirmed that all four received specialized training. The IAU investigator stated that he received the initial training seven years ago and that it went over interview tactics, evidence collection, the process of conducting the investigation, the PREA database and possible procedures for SANE. The facility investigators stated that the training was part of the IPS introduction or sexual assault training. All four investigators stated the training went over interviewing and evidence collection. One investigator stated it also covered prosecution and administrative topics, while another stated it went over how to respond, initial reactions, SAFE/SANE and what to expect.</p> <p data-bbox="240 1482 1489 1841">115.34 (b): 103 DOC 519, page 10 states that specialized training shall be provided for those employees who respond to and investigate PREA incidents. This training is completed through the PREA/Sexual Assault Investigator Training. A review of the training curriculum confirms that it covers; techniques for interviewing sexual abuse victims (course 2, pages 2-6 and course 4, pages 3-16), proper use of Miranda and Garrity warnings (course 4, page 2), sexual abuse evidence collection in a confinement setting (course 3, pages 3-10) and the criteria and evidence required to substantiate a case for administrative action or prosecution referral (course 5, page 1). A review of documentation indicated that eleven facility staff have completed the specialized investigator training as well as two Professional Standards Unit (PSU – formally known as the Internal Affairs Unit) investigators. The interviews with the investigators confirmed that all four had received specialized training. All four confirmed that the training covered techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiated a case for administration investigation.</p> <p data-bbox="240 1930 1489 2065">115.34 (c): The PAQ indicated that the agency maintains documentation showing that investigators have completed the required training and that eleven facility investigator had completed the required training. A review of documentation indicated that eleven facility staff have completed the specialized investigator training as well as two Professional Standards Unit (PSU – formally known as the Internal Affairs Unit) investigators.</p>

115.34 (d): The auditor is not required to audit this provision.

Based on a review of the PAQ, 103 DOC 519, PREA/Sexual Assault Investigator Training Curriculum, investigator training records as well as information from interviews with investigative staff indicate that the facility appears to meet this standard.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. Wellpath 57.00 – Sexual Assault/PREA Compliance
3. 103 DOC 650 – Mental Health Services
4. 103 DOC 216 – Training and Staff Development
5. Wellpath – Prison Rape Elimination Act (PREA) Lesson Plan
6. Medical and Mental Health Training Records

Interviews:

1. Interview with Medical and Mental Health Staff

Findings (By Provision):

115.35 (a): The PAQ stated that the agency has a policy related to training medical and mental health practitioners who work regularly in its facilities. Wellpath 57.00, pages 4-5 state the contracted healthcare vendor shall ensure that 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 harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how to and whom to report allegations or suspicion of sexual abuse and sexual harassment. 103 DOC 650, page 44 states that the vendor, in conjunction with the Department, shall ensure that all full and part time mental health care practitioners who work regularly in its facilities have been trained in: how to detect and assess signs of sexual abuse and harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how to and whom to report allegations or suspicion of sexual abuse and sexual harassment. A review of the Wellpath Prison Rape Elimination Act (PREA) training curriculum confirms that it includes information on the following topics: how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how and whom to report allegations or suspicion of sexual abuse and sexual harassment. The PAQ indicated that the facility has 31 medical and mental health care staff and that 88% of the staff received the specialized training. Further communication with the PC indicated that only one staff still had not received the training, but that 100% would have the training prior to the on-site portion of the audit. A review of six medical and mental health training records indicated that five had received the specialized training. The facility advised the staff was newly hired and had not yet received the training. The auditor advised that the staff member would need to be provided the specialized training as soon as possible. Interviews with medical and mental health staff confirm that all three have received specialized training. One medical staff member indicated that this training is part of the initial training when hired and that it goes over making sure the victim is safe, preserving evidence and separating the individuals. The other medical staff member stated that the training went over preserving physical evidence, who to report to and how to be professional. The mental health staff member stated the training went over how to detect and assess signs of sexual abuse, who to report to, protocol on what to do and definitions of sexual abuse and sexual harassment. All three staff confirmed that the specialized training covered the required elements under this provision.

115.35 (b): The PAQ indicated that agency medical staff do not perform forensic exams and as such this provision does not apply. Forensic exams are conducted at Beth Israel Deaconess Medical Center. Interviews with medical and mental health staff confirm that they do not perform forensic medical examinations and that inmates are transported to Beth Israel for examinations.

115.35 (c): The PAQ indicated that the agency maintains documentation showing that medical and mental health practitioners have completed the required training. Wellpath 57.00, page 5 states the contracted healthcare vendor shall

maintain documentation that medical and mental health care have received the training. 103 DOC 650, page 44 states that the vendor shall maintain documentation that mental health practitioners have received the training and forward a list of trained staff to the DOC on a quarterly basis. Staff complete the Wellpath training and have to complete the course through an electronic acknowledgment. A review of training documents for six medical and mental health care staff confirm that the training is documented via a training certificate or on the staff's electronic training record.

115.35 (d): 103 DOC 216, page 11 states that volunteers and contractors who have contact with inmates shall be trained on their responsibilities under the sexual abuse and sexual harassment prevention, detection and response policies and procedures. Additionally, 103 DOC 216, page 10 states that all employees shall receive training on PREA. A review of the six medical and mental health staff training documents indicated that five had completed the contractor PREA training. The auditor advised the one contractor that did not have documented PREA training would need it completed as soon as possible.

Based on a review of the PAQ, 103 DOC 216, 103 DOC 650, 103 DOC 519, Wellpath 57.00, the Wellpath PREA lesson plan, a review of medical and mental health care staff training records as well as interviews with medical and mental health care staff indicate that this standard appears to be compliant.

115.41 Screening for risk of victimization and abusiveness

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 650 – Mental Health Services
3. Housing Risk Screen Assessment
4. Memorandum from the Superintendent
5. Inmate Assessment and Reassessment Documents

Interviews:

1. Interview with Staff Responsible for Risk Screening
2. Interview with Random Inmates
3. Interview with the PREA Coordinator
4. Interview with the PREA Compliance Manager

Site Review Observations:

1. Observations of Risk Screening Area
2. Observations of Where Inmate Files are Located

Findings (By Provision):

115.41 (a): The PAQ stated that the agency has a policy that requires screening upon admission to a facility or transfer to another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates. 103 DOC 650, page 9 states that all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Interviews with 22 inmates that arrived within the previous twelve months confirmed nineteen had been asked the risk screening questions upon arrival at MCI Concord. The interviews with the staff responsible for the risk screening indicated that inmates are screened upon admission for their risk of being sexually abused or being sexually abusive. During the tour, the auditor was provided a demonstration of the initial risk assessment. The initial risk screening is conducted in booking and medical. Booking completes a portion of the risk assessment and medical staff complete the other portion. The booking staff member pulled up the risk screening and showed the questions that they complete. He stated prior to the inmate arriving at the facility they review the inmate’s history. He confirmed he asks all required questions, even those he knows the answers to (i.e. prior criminal history). Questions eight through fifteen (victimization) and questions one through five (abusiveness) are completed by booking staff. He stated after his portion the inmate is escorted to medical. The medical portion of the risk screening is completed in the emergency room. Staff advised the door is typically left open. The staff member pulled up the questions that are asked. Medical staff ask questions one through seven of the victimization section. After all the information is entered into the system, the information is calculated electronically and a designation is determined related to known victim, potential victim, unknown victim, known predator, potential predator or unknown predator.

115.41 (b): The PAQ indicated that the policy requires that inmates be screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their intake. 103 DOC 650, page 9 states that intake screenings shall ordinarily take place within 72 hours of the arrival at the facility. The PAQ stated that 421 inmates of those that arrived in the previous twelve months, were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours. The auditor requested clarification from the facility but was not provided any clarification on the different in the facility number and the number in this provision. A review of nineteen inmate files of those that arrived within the previous twelve

months indicated that all nineteen had an initial risk screening, however four were over the 72 hours. Interviews with 22 inmates that arrived within the previous twelve months indicated that nineteen had been asked the risk screening questions upon arrival at MCI Concord. The majority indicated they were asked the questions in booking when they first arrived. The interviews with the staff responsible for the risk screening confirmed that inmates are screened for their risk of victimization and abusiveness within 72 hours. One staff member stated that it is completed as soon as they arrive as it is one of the first screens they have to complete in booking.

115.41 (c): The PAQ indicated that the risk assessment is conducted using an objective screening instrument. 103 DOC 650, page 9 states that such assessments shall be conducted using an objective screening tool. A review of the Housing Risk Screen Assessment indicates that the assessment includes fifteen questions related to sexual victimization factors and five questions related to sexual abusive factors. Directions are attached for staff to reference when completing the questions. The directions provide information on when to mark yes and when to mark no, as well as what it meant by the questions. The directions further explain what factor are self-reported and which factors are to be checked against other documentation. At the bottom of the form the directions outline how to score the responses. If the response to question one is "yes", which is the question related to being a victim of institutional sexual assault (as documented – not self-reported), the inmate is classified as a victim. If the risk screening has four or more "yes" responses on the victimization identifiers, the inmate is identified as a potential victim. With regard to abusiveness, if question one is a yes, which is the question related to a history or institutional sexual abuse toward others (as known and documented), the inmate is classified as an aggressor. If the risk screening has two or more "yes" responses on the abusiveness identifiers, the inmate is classified as a potential aggressor. All designations include known victim, potential victim, unknown victim, known perpetrator, potential perpetrator and unknown perpetrator.

115.41 (d): 103 DOC 650, pages 9-10 indicates that the intake screening shall consider, at minimum, the following criteria to assess inmates for risk of victimization: whether the inmate has a mental, physical or developmental disability; the age of the inmate; the physical build of the inmate; whether the inmate has previously been incarcerated; whether the inmate's criminal history is exclusively nonviolent; whether the inmate has prior convictions for sex offenses against an adult or child; whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming, whether the inmate has previously experienced sexual victimization; the inmate's own perception of vulnerability and whether the inmate is detained solely for civil immigration purposes. A review of the Housing Risk Screen Assessment indicates that the assessment includes fifteen questions related to sexual victimization factors including prior victimization, physical disability, mental disability, developmental disability, perception of vulnerability, LGBTI/Gender Dysphoria/gender non-conforming, age, physical stature, prior incarcerations, non-violent history, effeminate presentation and history of protective custody. The interviews with the staff who perform the risk screening indicated that the initial risk screening involves reviewing information in the system and also asking them questions. One staff member stated that most of the demographic information is already in the system so staff review it to confirm it is accurate and make any changes if necessary. The staff stated the risk screening considers violent offenses, if it is the inmates' first incarceration, weight, history of sexual abuse, domestic violence, gang affiliation, disabilities, criminal history, LGBTI identify/preference, if they feel like they would be a victim of sexual abuse and the screeners perception of LGBTI.

115.41 (e): A review of the Housing Risk Screen Assessment confirms that the screening tool considers prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence and/or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. The interviews with the staff who perform the risk screening indicated that the initial risk screening involves reviewing information in the system and also asking them questions. One staff member stated that most of the demographic information is already in the system so staff review it to confirm it is accurate and make any changes if necessary. The staff stated the risk screening considers violent offenses, if it is the inmates' first incarceration, weight, history of sexual abuse, domestic violence, gang affiliation, disabilities, criminal history, LGBTI identify/preference, if they feel like they would be a victim of sexual abuse and the screeners perception of LGBTI.

115.41 (f): The PAQ indicated that policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. 103 DOC 650, page 10 states that within a time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional relevant information received by the facility since the intake screening. The PAQ indicated that four inmates entering the facility were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility. The auditor requested clarification from the facility but was not provided any clarification on the different in the facility number and the number in this provision. The interviews with staff responsible for the risk screening indicated that inmates are reassessed within 30 days. One staff member stated that the

initial is done in booking and in medical and mental health and the reassessment is then done again within 30 days by the CPO. Interviews with 22 random inmates that arrived in the previous twelve months indicated that seven remember being asked the risk screening questions on more than one occasion. They stated they were asked the risk screening questions a second time a few days later by mental health. A review of a sample of nineteen inmate files of those that arrived in the previous twelve months indicated that eighteen inmates were reassessed. One inmate had arrived within the last 30 days and his reassessment was not yet due. Of the eighteen inmates with a reassessment, four were completed past the 30 day timeframe. While only seven inmates indicated they remember being asked the risk screening questions on more than one occasion, documentation and other interviews confirm they are routinely being completed.

115.41 (g): The PAQ indicated that policy requires that an inmate's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. 103 DOC 650, page 10 states that an inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. The interviews with staff responsible for risk screening confirmed that inmates are reassessed when warranted due to request, referral, incident of sexual abuse or receipt of additional information. Interviews with 22 random inmates that arrived in the previous twelve months indicated that seven remember being asked the risk screening questions on more than one occasion. They stated they were asked the risk screening questions a second time a few days later by mental health. A review of sexual abuse investigations indicated that one was unsubstantiated and the rest were unfounded. The agency does not complete reassessments for unfounded sexual abuse allegations. The one inmate victim that was involved in the unsubstantiated sexual abuse investigation reported the allegation at another facility (was received through a Warden to Warden notification) and as such the facility was unable to reassess the inmate.

115.41 (h): The PAQ indicated that policy prohibits disciplining inmates for refusing to answer whether or not the inmate has a mental, physical or developmental disability; whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming; whether or not the inmate has previously experienced sexual victimization; and the inmate's own perception of vulnerability. 103 DOC 650, page 10 states that inmates may not be disciplined for refusing to answer, or for not disclosing completed information in response to questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8) or (d)(9). The interviews with the staff responsible for risk screening confirmed that inmates are not disciplined for refusing to answer or for not fully disclosing information for any of the risk screening questions.

115.41 (i): 103 DOC 650, page 10 states that the agency shall implement appropriate controls on the dissemination within the facility of response to the questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. The PC stated that the agency has implemented appropriate controls on information from the risk screening to ensure sensitive information is not exploited. He stated that basically only the staff with a need to know have access to the information. He further stated these staff would include medical, mental health, intake and the PCM. The interview with the PCM confirmed that the agency has outlined who should have access to the risk screening information so that sensitive information is not exploited. She stated not everyone has access to the housing risk screens. She indicated this is to maintain confidentiality and that access is only on a need to know. She further stated that officers who assign jobs and housing, program officers who conduct orientation and those who conduct the risk assessment are the ones with a need to know. The staff responsible for the risk screening confirmed that the agency has outlined who should have access to the risk screening information so that sensitive information is not exploited. All three staff indicated that the information is only accessible to those who have a profile that is granted access to the screens. They stated profiles were based on a need to know. One staff member stated access would be restricted to IPS, booking, CPOs and administrative staff. During the tour the auditor observed that inmate medical and mental health records are paper and electronic (electronic after 2018). The auditor spoke with health service staff that confirmed medical and mental health care staff only have access to medical and mental health records. The staff indicated that if anyone else was requesting records or information they would have to obtain the information through a medical or mental health care staff member. The staff stated that medical records is staffed 8am-5pm and that when staff is not present the door is locked. Classification files are also electronic and paper. The staff indicated that classification records, including the inmate's risk screening information is accessible on certain screens that have limited access. The staff indicated that certain profiles have access to the records. The auditor confirmed this was accurate by asking a security staff member to attempt to pull up the screen. The staff did not have access to view the information. The paper classification files are maintained in records which is also staffed 8am-5pm daily and is locked after hours.

Based on a review of the PAQ, 103 DOC 650, Housing Risk Screening Assessment, a review of inmate files and information from interviews with the PREA Coordinator, PREA Compliance Manager, staff responsible for conducting the risk screenings

and random inmates indicates that this standard appears to require corrective action. During the tour the auditor observed that the medical portion of the risk screening is completed in the emergency room. Staff advised the door is typically left open. The auditor requested confirmation that the inmate victim was reassessed after the reported sexual abuse allegation. At the time of the interim report the documentation was not yet provided.

Corrective Action

The facility will need to ensure that the door is closed during the risk screening or another process is put in place to ensure privacy and confidentiality when conducting the risk assessment. The facility will need to provide confirmation of the process and documentation confirming the information was relayed to the appropriate staff. The facility will need to provide the auditor with the reassessment due to incident of sexual abuse for the one inmate with the unsubstantiated investigation.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Memorandum Related to the Risk Screening Process
2. Staff Training Documents

On July 21, 2022 the facility provided the auditor with a memo that stated staff conducting risk screenings were retrained on the process and have been directed to close the door to ensure privacy and confidentiality. In addition to the memo, the facility provided an email that was sent from the PCM to the staff who conduct the initial risk screening that instructed them to ensure they close the door when conducting a risk assessment. The facility also provided the monthly PREA meeting minutes where the PCM discussed during the June meeting to close doors when conducting housing risk assessment with inmates.

~~Based on the documentation provided this standard has been corrected.~~

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. 103 DOC 652 – Identification, Treatment and Correctional Management of Inmates Diagnosed with Gender Dysphoria
4. 103 DOC 653 - Identification, Treatment and Correctional Management of Gender Non-Conforming Inmates
5. 103 DOC 750 – Hygiene Standards
6. 103 DOC 401 – Booking and Admission
7. Sample of Housing Determination Documents
8. Transgender/Intersex Inmate Biannual Reviews
9. LGBTI Inmate Housing Documents

Interviews:

1. Interview with Staff Responsible for Risk Screening
2. Interview with PREA Coordinator
3. Interview with PREA Compliance Manager
4. Interview with Transgender/Intersex Inmates
5. Interview with Gay, Lesbian and Bisexual Inmates

Site Review Observations:

1. Location of Inmate Records.
2. Housing Assignments of LGBTI Inmates
3. Shower Area in Housing Units

Findings (By Provision):

115.42 (a): The PAQ stated that the agency/facility uses information from the risk screening to inform housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. 103 DOC 519, pages 10-11 state that the Department shall utilize an internal risk housing tool to assess inmates for their risk of vulnerability or predatory behavior in accordance with 103 DOC 401 – Booking and Admissions. Policy further states that once an inmate is identified as having been a victim, or as being at risk for such, the Superintendent shall carefully assess the inmate needs and housing assignment of that inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate’s victimization history and/or the inmate’s “at risk” status. Similar considerations shall be given for placement of an inmate in a dormitory setting. Additionally, page 12 continues that upon learning that an inmate has been identified as a predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate’s predatory history and/or the inmate’s “at risk” status. Similar considerations shall be given for placement of an inmate in a dormitory setting. The interview with the PREA Compliance Manager indicated that information from the risk screening is used to determine housing. She stated that they

generally separate the inmates who are identified with more predatory behavior from those who are more vulnerable. She stated the goal is to keep the two populations separated through different housing units. The interviews with the staff responsible for the risk screening indicated that the information from the risk screening is utilized to house inmates appropriately. All three staff stated that they would not put a potential victim with a potential predator. One staff member also stated that the information would also be utilized to inform certain staff, to a degree, so they can keep an eye on the inmates. A review of inmate files and of inmate housing and work assignments confirmed that inmates at high risk of victimization (known victim) and inmates at high risk of being sexually abusive (known predator) were not housed together. There was one known victim housed in the same unit as a known predator, however they were not in the same cell and two staff are assigned to each unit to supervise. The auditor recommends that one of the inmates be moved from the unit for additional safety. It should be noted that there were potential victims housed in the same unit as potential predators as well, however they were not housed in the same cells. Additionally, the known victims and known predators did not work/program together in unsupervised areas and generally, they did not work together at all. The facility utilizes the output categories from the risk screening to review housing for each individual who is at high risk of victimization or abusiveness.

115.42 (b): The PAQ indicated that the agency/facility makes individualized determinations about how to ensure the safety of each inmate. 103 DOC 519, pages 10-11 state that the Department shall utilize an internal risk housing tool to assess inmates for their risk of vulnerability or predatory behavior in accordance with 103 DOC 401 – Booking and Admissions. Policy further states that once an inmate is identified as having been a victim, or as being at risk for such, the Superintendent shall carefully assess the inmate needs and housing assignment of that inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate’s victimization history and/or the inmate’s “at risk” status. Similar considerations shall be given for placement of an inmate in a dormitory setting. Additionally, page 12 continues that upon learning that an inmate has been identified as a predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate’s predatory history and/or the inmate’s “at risk” status. Similar considerations shall be given for placement of an inmate in a dormitory setting. The interviews with the staff responsible for the risk screening indicated that the information from the risk screening is utilized to house inmates appropriately. All three staff stated that they would not put a potential victim with a potential predator. One staff member also stated that the information would also be utilized to inform certain staff, to a degree, so they can keep an eye on the inmates.

115.42 (c): The PAQ stated that the agency/facility makes housing and program assignments for transgender or intersex inmates in the facility on a case by case basis. 103 DOC 652, page 13 states that at the time of commitment, adjudicated individuals are court ordered into Department of Corrections custody and are transported to the reception institution based upon said court order. For all new commitments, an Internal Housing Risk Factor Assessment (Attachment #2) is completed and examines issues of risk of victimization and risk of violence/predatory behavior and/or abusiveness. Should an individual identify as Gender Dysphoric (GD) or appear to need additional clinical assessment, the process of confirmation will commence as outlined in 103 DOC 652.05. An assessment will inform housing, work, education and program assignments and will focus on individual safety. These assessments will occur on a case by case basis and will include security level, criminal and disciplinary history, medical and mental health assessment needs, vulnerability of sexual victimization and potential of perpetrating abuse based on prior history. Further information from the agency indicates that 103 DOC 653 outlines housing related to gender non-conforming inmates. Page 7 states if an inmate self-identifies as gender non-conforming (transgender), a facility based medical provider or qualified mental health professional assigned to the inmate, shall review the inmate’s gender non-conforming status to determine whether the inmate’s gender is sincerely held as part of the inmate’s core identity. Page 9 further states that a gender non-confirming inmate may request to be housed in a facility of the gender with which the inmate identifies. Upon receipt of the request, the site administrator shall notify the Department’s Director of Behavioral Health. In the event that a request may potentially present security, safety, or operational difficulties within the correctional environment, the Director of Behavioral Health shall refer the request to the Deputy Commissioner of the Prison Division and the Deputy Commissioner of Clinical Services and Reentry for a security review. The security review shall take into account the inmate’s individual history of incarceration and present circumstances. The agency as a whole houses 52 inmates who identify as gender non-conforming. Of the 52, three transgender females are housed at female facilities and zero transgender males are housed at male facilities. A review of documentation for the two transgender inmates at MCI Concord confirmed that the agency reviewed both inmate’s housing via the classification board. The PCM stated that transgender or intersex inmate housing is determined by the court determined gender typically. She stated all transgender and intersex housing determination are on a case by case basis and that they use the risk assessments to house them appropriately. She stated the goal is to prevent any inmate from being sexually victimized. The PCM confirmed that housing and placement of transgender and intersex inmates considers the health and safety of the inmate as well as any security or management problems the placement may present. Interviews with two transgender inmates indicated that both were asked how they felt about their safety and both did not believe that LGBTI inmates were housed solely on one floor, in

one housing unit or one facility.

115.42 (d): 103 DOC 519, page 12 states that placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. 103 DOC 652, page 13 and 103 DOC 653, page 5 state that an Internal Housing Risk Factor Assessment will be completed at least every six months in collaboration with medical, mental health and correctional professional to assess ongoing placement for each GD/gender non-confirming inmate. The biannual review will include a review of any threats to safety experienced by the inmate. The agency as a whole houses 52 inmates who identify as gender non-confirming, while MCI Concord houses two. A review of documentation confirmed that both transgender inmates had biannual assessments over the previous twelve months. The staff responsible for the risk screening indicated that transgender and intersex inmates would be reassessed at least twice a year. One staff member stated he only does the initial risk screening so he was not certain of the biannual assessments but the two other staff confirmed that this is the practice. One staff member stated they do the assessments every six months and initiate a for cause assessment. The PCM stated that transgender and intersex inmates are reassessed twice a year related to their safety.

115.42 (e): 103 DOC 652, page 13 and 103 DOC 653, page 5 state that a GD/gender non-confirming inmate's own views with respect to his or her own safety will be given serious consideration. The interviews with the PCM and staff responsible for the risk screening indicated that transgender and intersex inmates' view with respect to their safety are given serious consideration. The interviews with two transgender inmates indicated that both were asked about how they felt about their safety.

115.42 (f): 103 DOC 652, page 14 states that inmates diagnosed with Gender Dysphoria shall be given the opportunity to shower separately from other inmates per 103 DOC 750 – Hygiene Standards. 103 DOC 750, page 7 states that Superintendents shall develop procedures to ensure inmates identified as Gender Non-Conforming shall be given the opportunity to shower separately from other inmates. During the tour it was confirmed that all general population showers were single person with a curtain. The segregated housing unit shower and the health services shower had a door with lattice type material and required modification. However, the facility had enough accessible showers to ensure that transgender inmates are provided privacy when showering. The interviews with the PCM and the staff responsible for risk screening confirmed that transgender and intersex inmates can shower separately. The PCM stated that transgender or intersex inmates have their own schedule to shower separately. She further stated they are not required to shower at this time, but they are given the time and space for it. The interviews with two transgender inmates indicated that both are afforded the opportunity to shower separately from the rest of the inmate population. Both stated they have single showers with curtains and they are afforded a separate time to shower as well.

115.42 (g): 103 DOC 519, pages 10-11 state that the Department shall utilize an internal risk housing tool to assess inmates for their risk of vulnerability or predatory behavior in accordance with 103 DOC 401 – Booking and Admissions. Policy further states that once an inmate is identified as having been a victim, or as being at risk for such, the Superintendent shall carefully assess the inmate needs and housing assignment of that inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate's victimization history and/or the inmate's "at risk" status. Similar considerations shall be given for placement of an inmate in a dormitory setting. Additionally, page 12 continues that upon learning that an inmate has been identified as a predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the inmate. Where double bunking is necessary, the staff member making assignments shall rely upon standard guidelines for cell matching, and upon good judgment, in selecting a cellmate for the inmate, keeping in mind the inmate's predatory history and/or the inmate's "at risk" status. Similar considerations shall be given for placement of an inmate in a dormitory setting. The facility does not have a tracking mechanism for LGB inmates. As such the auditor requested that staff identify some of the LGB inmates known to staff for interview purposes and documentation purposes. A review of housing assignments for seven inmates who identified as LGBTI indicated that the inmates were not assigned to one floor, unit or facility based on their sexual preference or gender identity. The seven inmates were housed in four different housing units. The interviews with the PC and PCM confirmed that the agency does not have a consent decree and that LGBTI inmates are not placed in one housing unit or one facility based on their gender identify and/or sexual preference. The PC stated that the PREA standard prohibits it and as such they follow the standard. He indicated that each inmate is given a housing risk assessment and that they are housed based on the assessment. He stated that if LGBTI inmates are at an increased risk they may be placed closer to the officer station or something like that if they are more vulnerable. Interviews with four LGBTI inmates indicated that none felt that they were placed in any specific housing unit, facility or wing based on their sexual preference and/or gender identity.

Based on a review of the PAQ, 103 DOC 519, 103 DOC 652, 103 DOC 401, inmate housing determinations, transgender housing determinations, biannual reviews, LGBTI inmate housing assignments and information from interviews with the PC, PCM, staff responsible for the risk screenings and LGBTI inmates, indicates that this standard appears to be compliant.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 368 300">Documents:</p> <ol data-bbox="240 327 979 528" style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention 3. 103 CMR 423 – Restrictive Housing 4. Housing Assignments of Inmates at High Risk of Victimization <p data-bbox="240 613 352 642">Interviews:</p> <ol data-bbox="240 669 999 815" style="list-style-type: none"> 1. Interview with the Warden 2. Interview with Staff who Supervise Inmates in Segregated Housing 3. Interviews with Inmates in Segregated Housing for Risk of Victimization <p data-bbox="240 900 512 929">Site Review Observations:</p> <ol data-bbox="240 956 748 985" style="list-style-type: none"> 1. Observations in the Special Management Unit <p data-bbox="240 1070 485 1099">Findings (By Provision):</p> <p data-bbox="240 1126 1485 1928">115.43 (a): The PAQ indicated that the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregation unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. 103 DOC 519, page 11 states that inmates at high risk for sexual harassment/abuse victimization, and those who have reported being a victim of sexual abuse/harassment in the past either while housed in a prison setting or in the community shall not be placed in involuntary segregated housing unless an assessment has been made, and there has been a determination that there is no available alternative means of separating the inmate from likely abusers. If such institution cannot conduct such an assessment immediately, the institution may hold the inmate in segregated housing for less than 24 hours while completing the assessment. Additionally, page 8 of 103 CMR 423 states that upon verification that an inmate requires separation from general population to protect the inmate from harm by others, the inmate shall not be placed in Restrictive Housing, but shall be placed in a housing unit that provides approximately the same conditions, privileges, amenities and opportunities as in general population; provided however, that the inmate may be placed in Restrictive Housing for no more than 72 hours while suitable housing is located. An inmate shall not be held in Restrictive Housing to protect the inmate from harm by others for more than 72 hours, unless the Commissioner or a designee certify in writing; the reason why the inmate may not be safely held in the general population; that there is no available placement in a unit comparable to general population; that efforts are being undertaken to find appropriate housing and the status of the efforts; and the anticipated time frame for resolution. Such inmates will be reviewed thereafter by the Placement Review Committee every Monday, Wednesday and Friday. The PAQ indicated there have been zero instances where inmates have been placed in involuntary segregated housing due to their risk of sexual victimization. The interview with the Warden confirmed that the agency has a policy that prohibits placing inmates at high risk of victimization in involuntary segregated housing unless there are no other available alternative means of separation of likely abusers. She stated segregated housing would only be utilized as a last resort and they would try to transfer one of the individuals out of the facility as soon as possible if there was no other housing. A review of housing assignments for inmates at high risk of victimization (known victims and potential victims) indicated that one was housed in the segregated housing unit, however it was not due to the inmate’s risk of victimization rather disciplinary reasons.</p> <p data-bbox="240 2013 1485 2141">115.43 (b): 103 DOC 519, page 11 states that inmates at high risk for sexual harassment/abuse victimization, and those who have reported being a victim of sexual abuse/harassment in the past either while housed in a prison setting or in the community shall not be placed in involuntary segregated housing unless an assessment has been made, and there has been a determination that there is no available alternative means of separating the inmate from likely abusers. If such institution</p>

cannot conduct such an assessment immediately, the institution may hold the inmate in segregated housing for less than 24 hours while completing the assessment. During the tour the auditor observed the segregation housing unit had offices outside of the living area that can be utilized for programming and other services. The unit contained a separate outdoor recreation area. The PREA posters were observed in both English and Spanish on the bulletin board at the entrance to the housing unit. Additionally, the PREA hotline number and BARCC number were observed on the bulletin board. The audit announcements was also located outside the housing unit on the bulletin board in bright green paper. Staff advised inmates are brought in and out of the segregated housing unit through the entrance so this was the best way to ensure inmates viewed the information. Inmates in segregated housing are provide out of cell recreation time and four phone calls per week. Calls are made via a rolling phone. Correspondence, grievances and mail are collected daily by a staff member. The staff comes through with a locked box for inmates to place the documents. Inmates are provided grievance forms upon request. The interviews with the staff who supervise inmates in segregated housing confirmed that if an inmate is involuntarily segregated due to their risk of sexual victimization they would be afforded access to programs, privileges, education and work opportunities to the extent possible. One staff member indicated that they may not have access to work opportunities but that they would be able to accommodate for other privileges. Both staff stated any restrictions would be documented related to duration and reason for restriction. One staff member reiterated that they do not restrict access so the documentation would reflect the inmates refusal of participation. A review of housing assignments for inmates at high risk of victimization (known victims and potential victims) indicated that one was housed in the segregated housing unit, however it was not due to the inmate's risk of victimization rather disciplinary reasons. There were no inmates in segregated housing due to their risk of victimization and as such no interviews were conducted.

115.43 (c): The PAQ indicated there have been zero instances where inmates have been placed in involuntary segregated housing due to their risk of sexual victimization. The interview with the Warden indicated that inmates would only be placed in involuntary segregated housing until an alternative means of separation could be arranged. She stated that the timeframe in involuntary segregated housing would depend on the situation but that it could be anywhere from less than a day to a few weeks. The interviews with the staff who supervise inmates in segregated housing confirmed that any inmate at risk of victimization that is placed in involuntary segregated housing would only be placed there until an alternative means of separation could be arranged. One staff member stated that this has never occurred while the other stated that alternative placement would be determined by IPS, classification and mental health. Both staff stated that the facility would find alternative housing for the inmate and as such involuntary segregated housing would not occur. One staff member stated they would typically have the inmate released the same day. There were no inmates in segregated housing due to their risk of victimization and as such no interviews were conducted.

115.43 (d): The PAQ indicated there have been zero instances where inmates have been placed in involuntary segregated housing due to their risk of sexual victimization and as such no files had documentation related to this provision. A review of housing assignments for inmates at high risk of victimization (known victims and potential victims) indicated that one was housed in the segregated housing unit, however it was not due to the inmate's risk of victimization rather disciplinary reasons.

115.43 (e): The PAQ indicated that if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. 103 CMR 423, page 8 states that such inmates will be reviewed thereafter by the Placement Review Committee every Monday, Wednesday and Friday. Additionally, it states that all inmates in Restrictive Housing for 30 days or more shall be provided a review of his or her Restrictive Housing placement. The interviews with the staff who supervise inmates in segregated housing confirmed that inmates would be reviewed at least every 30 days. One staff member stated that inmates in segregated housing are reviewed weekly. There were no inmates in segregated housing due to their risk of victimization and as such no interviews were conducted.

Based on a review of the PAQ, 103 DOC 519, 103 CMR 423, housing assignments for inmates at high risk of victimization, observations from the facility tour as well as information from the interviews with the Warden and staff who supervise inmates in segregated housing indicates that this standard appears to be compliant

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Documents:</p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention 3. Inmate Orientation Manual 4. PREA Posters 5. Incident Reports (Verbal Reports) <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Random Staff 2. Interview with Random Inmates 3. Interview with the PREA Compliance Manager <p>Site Review Observations:</p> <ol style="list-style-type: none"> 1. Observation of Posted PREA Information <p>Findings (By Provision):</p> <p>115.51 (a): The PAQ stated that the agency has established procedures for allowing multiple internal ways for inmates to report privately to agency officials; sexual abuse or sexual harassment; retaliation by other inmates or staff for reporting sexual abuse or sexual harassment; and staff neglect or violation of responsibilities that may have contributed to such incidents. 103 DOC 519, page 8 states that the Department shall maintain for inmates, multiple internal mechanisms for privately reporting sexual harassment/abuse, retaliation by other inmates or staff members for reporting sexual harassment abuse, and/or staff member neglect or violation of responsibilities that may have contributed to incidents of sexual harassment/abuse and retaliation. A Department hotline (508-422-3486) shall be designated within the inmate telephone system. The Department shall allow for universal and unimpeded access by all inmates within the Department to the hotline number and it shall be listed in all institutional inmate orientation manuals. It is recorded and is available to all inmates without using their PIN number. Additionally, methods to report sexual harassment/abuse or retaliation include, but are not limited to, the inmate grievance system, staff access periods, the institution's PREA Compliance Manager, inner perimeter security staff (IPS), and third party reporting. A review of additional documentation to include the inmate orientation manual and PREA posters, indicated that there are multiple ways for inmates to report. These methods include: the PREA hotline, a site specific IPS hotline, the inmate grievance system, staff access periods, the facility PREA manager and inner perimeter security staff members. Additionally, the inmate manual states that the department shall accept and investigate verbal, written and anonymous third party reports of sexual abuse and sexual harassment. Third parties may report sexual abuse to the Department Duty Station. The inmate manual advises inmates that the PREA hotline is a universal number that is not recorded and is available to all inmates without using their PIN number. During the tour the auditor tested the PREA hotline during the tour in numerous housing units at MCI Concord and NECC. The hotline was functional in all units. The auditor reached a live person who advised that if they received a report of sexual abuse from an inmate they would immediately document the information and forward it to their supervisor and the Office of Investigative Services for handling (investigation). Inmates have access to the phones anytime they are outside of their cell. Inmates in segregated housing are afforded four calls a week and are able to make calls via the phones on a rolling cart. The auditor also filled out a written report via an inmate grievance. The auditor placed it in the drop box located in the common area (entrance). The auditor requested a form from the housing unit staff, which was provided. The PCM forwarded the auditor a copy of the request the following day, showing it was received (signed and date stamped). Inmates in segregated housing are able to submit a written report by placing a grievance, request or sick call request in the mailbox. Staff come around daily with a locked box to collect any mail/correspondence. Interviews with 30 inmates confirm that all were aware of at least one method to report sexual abuse and sexual harassment. Inmates stated they can report through the hotline number, a grievance and directly to</p>

IPS. The auditor had an inmate provide his identification card and confirmed that the PREA hotline number, IPS hotline number and BARCC hotline number were included on the back. Interviews with sixteen staff confirm that inmates have multiple ways to report including to staff, through the hotline, through a grievance and by telling a family member.

115.51 (b): The PAQ stated that the agency provides at least one way for inmates to report abuse or harassment to a public entity or office that is not part of the agency. The PAQ further stated that the agency has a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. Further communication with the PC indicated this was an error and the facility does not detain inmates for civil immigration purposes. 103 DOC 519, pages 8-9 state inmates may also report sexual harassment/abuse to external public or private agencies via correspondence or via the use of the inmate telephone systems. Calls to "privileged" numbers, including universally approved legal assistance phone numbers, pre-authorized personal attorney telephone numbers, a foreign national's pre-authorized telephone number to his/her/their consulate office or diplomat, pre-authorized clergy telephone numbers, and pre-authorized licensed psychologist, social worker and/or mental health professional telephone numbers, are not subject to telephone monitoring and are not recorded. The Department also provides a way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates can write to the Massachusetts State Police at 470 Worcester Road, Framingham, MA 01702. During the tour the auditor did not test the outside reporting mechanism as the mechanism is through the U.S. mail to the Massachusetts State Police (MSP). The auditor did however obtain information related to the mail process and how information is submitted to the MSP. Inmates are able to write a letter to the MSP related to sexual abuse and sexual harassment. The letter can be dropped in any box and would be sent via U.S. mail. Because inmates can report more than just sexual abuse and sexual harassment to the MSP, the method of requesting anonymity is adequate. The letters to MSP are not screened/opened by mail room staff and inmates are able to drop the letter in any of the outgoing mail boxes. Informal conversation with staff and inmates indicated that very few individuals were familiar with the MSP as the outside reporting mechanism. Additionally, during the tour the auditor observed the mail room and was provided a demonstration of the process for sending and receiving mail. Inmates are able to place outgoing mail in any of the drop boxes around the facility and through daily mail call when staff come through the housing units. There are numerous drop boxes in common areas, some boxes are labeled specific, such as grievances, U.S. mail, Warden, etc., however none of the drop boxes were specific to sexual abuse or sexual harassment. All drop boxes were locked and staff confirmed that only specific individuals had keys to the boxes. The mail room staff member advised that all incoming mail is opened and inspected for contraband, but the mail is not read. She stated the mail is collected and placed in a bag for the officers to pick up and distribute to the inmates. She confirmed she personally goes to each housing unit daily to collect mail. She confirmed mail is placed in a locked box that she has a key to. She stated she takes the mail back and then ensures it has postage for processing. She confirmed she does not open any outgoing mail or inspect it prior to being sent. The mail room staff stated that all correspondence has to have a return address and that the mail is processed the same, regardless of who the recipient is (i.e. MSP and/or BARCC). Inmates have the ability to purchase writing materials and they are also provided these materials by the facility if deemed indigent. The interview with the PCM indicated that inmates can report externally to the State Police (MSP). She indicated she was not completely sure of the process of how the information is reported back to the facility but that she knows it is provided back for investigation and they rely on the PC to relay the information. Interviews with 30 inmates indicated that eleven were aware that they could report to the MSP as an outside reporting mechanism and seventeen stated they knew they could report anonymously.

115.51 (c): The PAQ indicated that the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The PAQ also indicated that staff document verbal reports no later than the end of shift. 103 DOC 519, page 7 states staff members shall accept reports made verbally, in writing, anonymously and/or from third parties. All verbal reports shall be promptly documented using the IMS's Confidential Incident Report. Page 9 further states the Department shall accept and investigate all verbal, written and anonymous third party reports of sexual harassment/abuse. Page 17 also states any staff member receiving such a complaint shall follow institutional notification procedures, including the filing of an incident report. The inmate orientation manual, page 36 notifies inmates that the department shall accept and investigate verbal, written, anonymous and third party reports of sexual abuse and harassment. Interviews with 30 inmates confirmed that 28 knew they could report allegations of sexual abuse verbally or in writing to staff and 29 knew they could report via a third party. Interviews with sixteen random staff confirmed that inmates can report verbally, in writing, anonymously and through a third party. The staff stated that they would report any information immediately to the Captain or Superintendent and that they would document verbal reports in writing (via incident report) before the end of the shift (but typically immediately). A review of documentation indicated three of the ten allegations reviewed were reported verbally. Three were reported via Warden to Warden, one was reported via the hotline and a grievance and three were reported in writing. A review of documentation confirmed the verbally reported allegations were documented in a written (electronic) incident report the same day that the allegations were verbally reported. Additionally, a review of the incident report log and sample incident reports confirmed staff document verbal information through written

(electronic) incident reports. During the tour the auditor also had a staff member provide a demonstration on how they would document a verbal report and how they can report sexual abuse of an inmate confidentially. The mechanism is the same, with the exception of a checkbox. The staff member initiated a written report through the electronic reporting system. He showed the auditor how to pull up the incident report system and then advised that if it was confidential, he would check the confidential box. The staff stated this would ensure the report was sent to the Superintendent directly. The staff member stated he would fill out the form and send it and that a report can be completed on any computer. He stated the staff member just had to sign in and pull up the system.

115.51 (d): The PAQ indicated that the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. The PAQ stated that staff are informed of the private method through training, policy and post orders. 103 DOC 519, page 7 states that allegations of inmate-on-inmate or staff-on-inmate sexual harassment/sexually abusive behavior shall immediately be reported by staff members to the Shift Commander verbally and followed up with a confidential incident report to the Superintendent before the end of the staff member's shift. Further communication with the PC indicated staff are able to submit a confidential incident report to the Superintendent as the confidential reporting method. Interviews with sixteen staff confirmed all sixteen knew they could privately report sexual abuse and sexual harassment of inmates. Staff stated they can privately report through a confidential report or directly to a supervisor. During the tour, the auditor also had a staff member provide a demonstration on how they would document a verbal report and how they can report sexual abuse of an inmate confidentially. The mechanism is the same, with the exception of a checkbox. The staff member initiated a written report through the electronic reporting system. He showed the auditor how to pull up the incident report system and then advised that if it was confidential, he would check the confidential box. The staff stated this would ensure the report was sent to the Superintendent directly. The staff member stated he would fill out the form and send it and that a report can be completed on any computer. He stated the staff member just had to sign in and pull up the system.

Based on a review of the PAQ, 103 DOC 519, the orientation manual, PREA posters, observations from the facility tour related to PREA posted information and interviews with the PCM, random inmates and random staff, this standard appears to require corrective action. While the agency as a whole has an outside reporting mechanism, MSP, and the contact information is found in the inmate orientation manual and is discussed during orientation, the information did not indicate that inmates can remain anonymous and how they can remain anonymous. During the tour, the auditor did not observe any information posted about MSP. Additionally, Interviews with 30 inmates indicated that eleven were aware that they could report to the MSP as an outside reporting mechanism, while seventeen stated they knew they could report anonymously.

Corrective Action

The facility will need to update their current distributed information, to include the inmate orientation manual, with the information related to the ability to remain anonymous and how to remain anonymous. The facility will also need to ensure this information is posted around the facility for inmates to view. A copy of the updated inmate orientation handbook and photos of the posted information should be provided to the auditor. Additionally, the facility will need to educate all inmates on the outside reporting entity and the inmates' ability to remain anonymous upon request. Documentation confirming this education was completed will need to be provided to the auditor.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Updated Inmate Orientation Manual
2. Photos of Posted Information
3. Inmate Education Documents

On June 3, 2022 the facility provided the PREA Notice that would be added to the Inmate Orientation Manual. The notice included language related to the outside reporting mechanism and the ability to remain anonymous. On July 27, 2022 the facility provided the Updated Inmate Orientation Manual. Page 30 states that the Department provides a way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward the report to agency officials. The information further states that the third party allows inmates to remain anonymous upon request. Below the language is the Massachusetts State Police mailing address and inmates are advised they can write to the address.

On September 9, 2022 the facility provided the auditor with photos of the PREA Notice posted around the facility. Additionally, the facility provided documentation on October 4, 2022 confirming inmates were educated on the updated information, including the outside reporting mechanism and the ability to remain anonymous. A sample of the sign in sheets were provided to the auditor confirming that re-education of current inmates was completed on September 13, 2022 via the updates from the Inmate Orientation Manual.

Based on the documentation provided the facility has corrected this standard.

115.52	Exhaustion of administrative remedies
	<p data-bbox="240 143 740 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 208 453 239">Auditor Discussion</p> <p data-bbox="240 271 368 302">Documents:</p> <ol data-bbox="240 327 683 584" style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 CMR 491 – Inmate Grievances 3. Sexual Abuse Grievances 4. Grievance Log and Sample Grievances 5. Inmate Orientation Manual <p data-bbox="240 669 347 701">Interviews</p> <ol data-bbox="240 725 660 757" style="list-style-type: none"> 1. Inmates who Reported Sexual Abuse <p data-bbox="240 842 485 873">Findings (By Provision):</p> <p data-bbox="240 898 1449 963">115.52 (a): The PAQ indicated that the agency is not exempt from this standard. 103 CMR 491 is the agency’s grievance policy.</p> <p data-bbox="240 1048 1493 1346">115.52 (b): The PAQ indicated that agency policy or procedure allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred. Additionally, it indicated that the policy does not require the inmate to use an informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual abuse. 103 CMR 491, page 7 states that time limits established in 103 CMR 491.14(1) shall not apply to grievances alleging sexual abuse. It also states that inmates shall not be required to exhaust informal processes with regard to allegations of sexual abuse. A review of the inmate orientation manual indicated that it contains information on grievances on pages 21-23. While the inmate orientation manual did contain information related to grievance timelines and the formal and informal grievances process, there was key information missing related to the requirements under this provision.</p> <p data-bbox="240 1431 1477 1760">115.52 (c): The PAQ indicated that agency policy and procedure allow an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is subject of the complaint. The PAQ did not indicate if policy and procedure require that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint, but further communication with the PC indicated this should have been marked yes. 103 CMR 491, page 7 states that an inmate shall not be required to submit their grievance to a staff member who is the subject of the grievance. Additionally, page 9 states that employees named in a grievance shall not participate in any capacity in the processing, investigation or decision of the grievance. A review of the inmate orientation manual indicated that it contains information on grievances on pages 21-23. While the inmate orientation manual did contain information related to grievance timelines and the formal and informal grievances process, there was key information missing related to the requirements under this provision.</p> <p data-bbox="240 1845 1490 2143">115.52 (d): The PAQ indicated that agency policy and procedure require that a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. 103 CMR 491, page 10 states that the institutional grievance coordinator (IGC) shall respond to the grievance within ten business days from the receipt of the grievance unless the inmate has been provided a written extension of time periods. Page 12 states that the time periods for filing a grievance may be extended by ten business days and the time period for responding to a grievance may be extended by ten business days if the IGC or Superintendent determine that the initial period is insufficient to make an appropriate decision or if the inmate presents a legitimate reason for requesting an extension. Unless extenuating circumstances exist, the time frame for responding to a grievance shall not exceed 30 business days. Page 13 states that a written notice of all extensions shall be provided to the grievant on the applicable form. Additionally, page 8 indicates that the</p>

absence of a grievance response after six months shall be deemed a denial of the grievance. The PAQ indicated that there were five grievances of sexual abuse in the previous twelve months and four reached a decision was reached within 90 days. The PAQ stated that one sexual abuse grievances involved an extension. A review of the five grievances indicated that two were staff sexual harassment not repeated and did not rise to the level of PREA. One was not a PREA allegation (sexual abuse or sexual harassment) at all. Two were sexual abuse allegations and both were documented with a response to the inmate within 90 days. All four inmates who reported sexual abuse advised they were aware that they were to be informed of the outcome of the investigation into their allegation. All four stated they were informed either verbally and/or in writing and it was a month to a few months after they reported the allegation. Two inmates advised that they reported their allegation via grievance. One inmate stated he received a response verbally, but nothing in writing and the other stated he did not receive anything but a disciplinary ticket. The one inmate who advised he had a disciplinary ticket had a case that was closed during the on-site portion of the audit and as such did not receive a grievance response because the case was still open. The second inmate was documented with a response to the grievance within 90 days.

115.52 (e): The PAQ indicated that agency policy and procedure permit third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing grievances for administrative remedies related to allegations of sexual abuse and to file such request on behalf of inmates. It also states that agency policy and procedure require that if the inmate declines to have third-party assistance in filing a grievance of sexual abuse, the agency documents the inmate's decision to decline. 103 CMR 491, page 7 states that allegations of sexual abuse reported by third parties, including, but not limited to, other inmates, staff members, family members, attorneys, and outside advocates shall be addressed in accordance with 103 DOC 519 and 103 DOC 522. It further states that the Department of Corrections shall document if an inmate declines to have the request processed on his or her behalf. The PAQ indicated there were zero grievances filed by inmates in the previous twelve months in which the inmate declined third-party assistance. A review of the sexual abuse grievances indicated they were both reported by the inmate victim, rather than a third party. A review of the grievance log and a sample of ten additional grievances confirmed that none involved sexual abuse or a third party.

115.52 (f): The PAQ indicated that the agency has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to substantial risk of imminent sexual abuse. It also indicated that an initial response is required within 48 hours and a final agency decision be issued within five days. 103 CMR 491, pages 7-8 state that whenever an inmate files an emergency grievance alleging that he or she is at substantial risk of imminent sexual abuse, the grievance shall be responded to within 48 hours of receipt. Emergency grievance appeals shall be responded to within five calendar days of receipt. The PAQ stated there were two emergency grievances alleging imminent risk of sexual abuse over the previous twelve months. The PAQ indicated that both emergency grievances had an initial response within 48 hours. The PAQ further stated that zero emergency grievances reached a final decision within five days. Further communication with the PC indicated this information was incorrect and there were zero emergency grievances filed at the facility. A review of the sexual abuse grievances indicated they were reported by the inmate victim and they were not emergency grievances. A review of the grievance log and a sample of ten additional grievances confirmed that none involved imminent risk of sexual abuse.

115.52 (g): The PAQ indicated that the agency has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the inmate filed the grievance in bad faith. 103 CMR 491, page 15 states inmates who misuse the grievance process by knowingly submitting false documents, intentionally and in bad faith misrepresenting or omitting material information or utilizing threatening or abusive language or language that otherwise constitutes a violation of 103 CMR 430, Inmate Discipline, are subject to suspension of grievance privileges and/or disciplinary action. The PAQ noted there were two inmates grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith. A review of documentation indicated that one inmate reported a staff sexual harassment allegation via a grievance. The investigation was deemed unfounded through a review of video and numerous logs. The facility confirmed the inmate filed the allegation falsely and as such the inmate was disciplined. The second inmate filed a staff sexual abuse allegation via grievance. The investigation was deemed unfounded and as such the facility deemed the inmate filed the grievance in bad faith. A review of the investigative report indicated that the investigation did not have enough evidence to determine the incident did not occur and as such the investigation should have been unsubstantiated. The inmate victim should not have been provided discipline for filing the grievance in bad faith. The auditor notified the facility and it was determined that the facility did not write the discipline but rather the agency investigator did. The facility took immediate action and dismissed the discipline. The PC advised that they would be conducting training with the investigators related to issuing discipline to inmate victims of sexual abuse related to unfounded investigative outcomes.

Based on a review of the PAQ, 103 DOC 491, the sexual abuse grievances, the grievance log, a sample of grievances, the inmate orientation manual and the interview with the inmate who reported sexual abuse, this standard appears to require corrective action. While the inmate orientation manual did contain information related to grievance timelines, formal and informal grievances and the ability for inmates to file emergency grievances and grievances of sexual abuse without utilizing the informal grievance process, there was key information missing related to the requirements under this standard and as such inmates were not provided appropriate information on filing sexual abuse grievances. The PAQ noted there were two inmates grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith. A review of documentation indicated that one inmate reported a staff sexual harassment allegation via a grievance. The investigation was deemed unfounded through a review of video and numerous logs. The facility confirmed the inmate filed the allegation falsely and as such the inmate was disciplined. The second inmate filed a staff sexual abuse allegation via grievance. The investigation was deemed unfounded and as such the facility deemed the inmate filed the grievance in bad faith. A review of the investigative report indicated that the investigation did not have enough evidence to determine the incident did not occur and as such the investigation should have been unsubstantiated. The inmate victim should not have been provided discipline for filing the grievance in bad faith. The auditor notified the facility and it was determined that the facility did not write the discipline but rather the agency investigator did. The facility took immediate action and dismissed the discipline. The PC advised that they would be conducting training with the investigators related to issuing discipline to inmate victims of sexual abuse related to unfounded investigative outcomes.

Corrective Action

The agency/facility will need to update the current inmate orientation manual with the necessary information related to the sexual abuse grievance process. Once the information is added, the updated inmate orientation manual should be provided to the auditor. Additionally, the facility will need to educate the current inmate population on the additions that were added. Documentation of the education should be provided to the auditor to confirm the information was provided. Additionally, the agency will need to ensure they train applicable staff (to include investigators) on when inmates can be disciplined for filing a grievance in bad faith. This should include information related to unfounded investigations and when it is appropriate to issue discipline based on an investigative outcome (also appropriate standard for each investigative outcome as unfounded was not appropriate). A copy of the training records will need to be provided to the auditor.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Updated Inmate Orientation Manual
2. Meeting Minutes
3. Staff Training Documents
4. Photos of Updated Information Posted
5. Inmate Education Documents

On June 3, 2022 the facility provided the PREA Notice that would be added to the Inmate Orientation Manual. The notice contained the language under provisions (b) and (c) of this standard related to time limits and not submitting grievances to staff who are the subject of the allegation. On July 27, 2022 the auditor was provided a completed copy of the Updated Inmate Orientation Manual. Page 23 of the manual had a section for PREA grievances that included the language on the PREA Notice. On September 9, 2022 the facility provided the auditor with photos of the PREA Notice posted around the facility. Additionally, the facility provided documentation on October 4, 2022 confirming inmates were educated on the updated information, including the sexual abuse grievance process. A sample of the sign in sheets were provided to the auditor confirming that re-education of current inmates was completed on September 13, 2022 via the updates from the Inmate Orientation Manual.

On June 3, 2022 the facility provided meeting minutes from the May 10, 2022 meeting with the PREA Division and the Professional Standards Unit (PSU). The meeting minutes confirmed that there was discussion on ensuring appropriate investigative outcomes are derived as well as not disciplining inmates for reports made in good faith. On September 7, 2022 the auditor was provided a signed training form for the investigative staff member who issued the incorrect discipline to the inmate who filed the sexual abuse allegation.

Based on the documentation provided the facility has corrected this standard.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 401 – Booking and Admissions
3. Inmate Orientation Manual
4. Contract with the Boston Area Rape Crisis Center (BARCC)

Interviews:

1. Interview with Random Inmates
2. Interview with Inmates who Reported Sexual Abuse

Site Review Observations:

1. Observations of Victim Advocacy Information

Findings (By Provision):

115.53 (a): The PAQ indicated the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by; giving inmates mailing addresses and phone numbers for local, state or national victim advocacy or rape crisis organizations; and enabling reasonable communication between inmates and these organizations in as confidential a manner as possible. The PAQ indicated that the facility provides inmates with access to such services by giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes. Further communication with the PC indicated this was incorrect and that they do not detain inmates solely for civil immigration purposes. The inmate orientation manual, page 28 states that the Boston Area Rape Crisis Center provides inmates with access to outside victim advocates for emotional support services related to sexual abuse. This abuse does not need to have occurred during incarceration in order to seek support from BARCC. An inmate can contact BARCC either in writing or via use of a dedicated hotline. All calls are free of charge from any inmate telephone. Hours of operation are seven days a week from 9am to 9pm. These confidential support services can be provided in English and in Spanish. The inmate orientation manual provides the mailing address and telephone number. The inmate orientation manual further states that BARCC is not a third party entity to which you should report allegations of abuse, BARCC's purpose is to provide confidential support services. Pages 20-21 further provides instructions for dialing the universally approved services numbers, including BARCC. Page 18 states that all incoming non-privileged inmate mail shall be photocopied prior to distribution. It should be noted that all privileged mail will be opened and inspected for contraband in the presence of the inmate. It further states that outgoing mail is collected and mailed out daily, excluding weekend and holidays. All letters should be sealed by the inmate and should contain the inmate's name, number and return address. Additionally, the contract with BARCC indicates that BARCC provides a fifteen minute presentation to all newly received inmates at the two intake facilities. The facility provides access to victim advocates through the BARCC hotline. During the tour the auditor tested the BARCC hotline during the on-site portion of the audit at MCI Concord and NECC. The hotline was working all units at MCI Concord with the exception of BRAVE. The hotline was not working at NECC and the during the test the auditor received a recording indicating that the number was restricted. The initial attempt to contact BARCC was unsuccessful. The auditor dialed the number and was provided the option for services in English or Spanish. The automated message advised to hold and that they would be providing someone soon for services. The auditor remained on hold for five minutes and was then advised that there was not anyone to provide services at that time and to leave a message to have correspondence information mailed to them or to call back again between 9am-9pm. The auditor called the hotline number again in subsequent housing units and reached a live person. The BARCC staff member confirmed that they are available to provide services to any inmate who calls the line between the hours of 9am and 9pm. The BARCC hotline is an unmonitored line. If inmates want additional privacy, they can request a call with BARCC similar to a legal call (in a private room). Inmates in segregated housing are afforded four calls a week and have access via a rolling phone that they utilize in their cell. Inmates can also write to BARCC for services by sending correspondence. Letters to BARCC are not

screened or opened. Informal conversation confirmed that the BARCC hotline is available for inmates to call when they are out of the cell. Inmates stated phones are typically on from 7am-7pm. Interviews with 30 random inmates indicates that 22 were familiar with BARCC and were provided a mailing address and telephone number to the organization. Most inmates stated the information on BARCC is posted/painted in the housing units and is on their identification cards. Sixteen of the 22 inmates stated they knew they could call the number anytime, that is was free and what they told the organization was confidential. The interviews with the inmates who reported sexual abuse confirmed that three were provided the mailing address and phone number to BARCC. They stated the information is posted on the wall and also on their ID cards. The one inmate who stated he was not provided the information indicated that it was a stressful time for him and he did no remember anything like that. The auditor spoke with the Boston Area Rape Crisis Center (BARCC) related to victim advocacy services. The agency as a whole has a contract with BARCC to provide victim advocacy services to all inmates within the MADOC. The staff member at BARCC confirmed that they have a Memorandum of Understanding (MOU) with MADOC and the MOU includes MCI Concord. He stated that the MOU was renewed in June 2020. The staff member confirmed that they offer a free and confidential hotline from 9am-9pm, that they have a robust mail program which allows them to provide information and a variety of resources to the inmates. The staff member stated they also provide advocates to victims of sexual abuse for emotional support as well as accompaniment during forensic examinations 24 hours a day. He further indicated that inmates can also request an advocate for investigatory interviews. The BARCC staff member stated that they provide a fifteen minute presentation for all new MADOC inmates and that their services have been regularly utilized over the last seven years by inmates. He stated all staff at BARCC complete a 40 hour rape crisis counseling training mandated by the Department of Health. The staff member stated that he did not have any specific concerns related to sexual safety and PREA compliance at MCI Concord or within the MADOC. He did indicate that the concerns that are most often relayed to BARCC from the inmates are; fear of being placed in protective custody after reporting, fear of the issue not being addressed; concerns about availability of mental health services and concerns about how the inmate victim and perpetrator are always separated after a reported allegation.

115.53 (b): The PAQ stated that the facility informs inmates, prior to giving them access to outside support services, the extent to which such communication will be monitored. It also states that the facility informs inmates about mandatory reporting rules governing privacy, confidentiality and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates. The inmate orientation manual, page 20 states that all inmate calls, except those to pre-authorized attorney telephone numbers and other privileged calls as reflected in 103 CMR 482 are subject to recording and monitoring. Pages 20-21 further provides instructions for dialing the universally approved services numbers, including BARCC. Page 18 states that all incoming non-privileged inmate mail shall be photocopied prior to distribution. It should be noted that all privileged mail will be opened and inspected for contraband in the presence of the inmate. It further states that outgoing mail is collected and mailed out daily, excluding weekend and holidays. All letters should be sealed by the inmate and should contain the inmate's name, number and return address. page 28 states that the Boston Area Rape Crisis Center provides inmates with access to outside victim advocates for emotional support services related to sexual abuse. This abuse does not need to have occurred during incarceration in order to seek support from BARCC. An inmate can contact BARCC either in writing or via use of a dedicated hotline. All calls are free of charge from any inmate telephone. Hours of operation are seven days a week from 9am to 9pm. These confidential support services can be provided in English and in Spanish. The inmate orientation manual provides the mailing address and telephone number. The inmate orientation manual further states that BARCC is not a third party entity to which you should report allegations of abuse, BARCC's purpose is to provide confidential support services. Massachusetts mandatory reporting law require that victim advocates not disclose confidential communication without prior consent of the victim. A review of documentation indicated that inmates are not provided information on mandatory reporting requirements. Interviews with 30 random inmates indicates that 22 were familiar with BARCC and were provided a mailing address and telephone number to the organization. Most inmates stated the information on BARCC is posted/painted in the housing units and is on their identification cards. Sixteen of the 22 inmates stated they knew they could call the number anytime, that is was free and what they told the organization was confidential. The interviews with the inmates who reported sexual abuse confirmed that three were provided the mailing address and phone number to BARCC. They stated the information is posted on the wall and also on their ID cards. The one inmate who stated he was not provided the information indicated that it was a stressful time for him and he did no remember anything like that. The three inmates that were provided the contact information stated they could call anytime but that they were unsure of the level of confidentiality. One inmate stated he knew the call was free. It should be noted the information related to the times inmates can call the that the call is free is found in the inmate manual, which all inmates receive.

115.53 (c): The PAQ indicated that the agency or facility maintains MOUs or other agreements with community service providers that are able to provide inmates with emotional services related to sexual abuse. It also states that the agency or facility maintains copies of the MOU. The agency has a contract with BARCC that was signed on June 3, 2020. The agency maintains copies of the contract with BARCC.

Based on a review of the PAQ, 103 DOC 401, the inmate orientation manual, the contract with BARCC, observations from the facility tour related to posted information and interviews with random inmates and inmates who reported sexual abuse indicate that this standard appears to require corrective action. While the facility has a contract with BARCC and provides inmates with the mailing address and phone number, the facility does not adequately provides inmates with information related to the level of confidentiality and mandatory reporting. Inmates are provided information on telephone procedures and mail procedures in the inmate orientation manual, however none of the procedures clearly outline whether calls to BARCC are recorded or monitored and whether incoming/outgoing mail to BARCC is monitored/reviewed. Additionally, the facility does not provide inmates information related to mandatory reporting laws for victim advocates, if the inmate decides to disclose sexual abuse.

Corrective Action

The facility will need to update current inmate education documents (inmate orientation manual) to include the level of confidentiality for phone calls to BARCC and correspondence to and from BARCC. The facility will need to ensure they provide a reasonable level of confidentiality between inmates and BARCC. Additionally, the facility will need to add information related to the state's laws for victim advocates and reporting. Once the information is updated, the facility will need to provide all current inmates with education on the information. A copy of the updated documents as well as confirmation that all current inmates received the information should be provided to the auditor. Additionally, the auditor highly recommends that this information be added to the comprehensive PREA education and/or the BARCC presentation as well.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Updated Inmate Orientation Manual
2. Photos of Posted Information
3. Inmate Education Documents

On June 3, 2022 the facility provided the PREA Notice that would be added to the Inmate Orientation Manual. The notice included the BARCC contact information (mailing address and phone number) and also advised that BARCC was not a third party reporting entity but rather was a service to provide confidential support services to victims/survivors. The notice stated that such confidential communication shall not be subject to discover and shall be inadmissible in any criminal or civil proceedings without prior written consent of the victim/survivor. Additionally, it stated that all communication with BARCC on the hotline is confidential and not recorded by BARCC or the Department.

On July 27, 2022 the facility provided the updated Inmate Orientation Manual. Page 28 included the language already contained in the handbook, to include the contact information, hours of operation, cost (free) and what BARCC provides. Additionally, the language above from the PREA Notice was added to page 28.

On September 9, 2022 the facility provided the auditor with photos of the PREA Notice posted around the facility. Additionally, the facility provided documentation on October 4, 2022 confirming inmates were educated on the updated information, including how to contact BARCC and the level of confidentiality. A sample of the sign in sheets were provided to the auditor confirming that re-education of current inmates was completed on September 13, 2022 via the updates from the Inmate Orientation Manual.

Based on the documentation provided this standard has been corrected.

115.54

Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Department of Corrections Family and Friends Handbook
4. PREA Poster

Findings (By Provision):

115.54 (a): The PAQ indicated that the agency or facility provides a method to receive third-party reports of sexual abuse and sexual harassment and publicly distributes that information on how to report sexual abuse and sexual harassment on behalf of an inmate. The PAQ indicated the method is through the agency website. 103 DOC 519, page 12 states that the Department shall accept and investigate all verbal, written and anonymous third party reports of sexual harassment/abuse. Third party entities may report abuse to the Department Duty Station at 508-422-3481 and 508-422-3483. These reports shall be immediately forwarded to the appropriate Superintendent or Division head. The Family and Friends Handbook states that if a person suspects a loved one is being sexually harassed or pressured they should report to the facility Superintendent or call the Department hotline (508-422-3481). A review of the agency's website confirms that third parties can report by calling the PREA Division (508-422-3481) or by completing an online form. The third party reporting information is found at <https://www.mass.gov/how-to/report-a-prea-allegation>. Additionally, a review of the PREA poster confirmed that it includes the PREA hotline number (508-422-3486). It should be noted this is a different number than outlined on the website and in the Family and Friends Handbook. The auditor tested the third party reporting mechanism prior to the on-site portion of the audit. The auditor viewed the agency PREA website and confirmed that the agency has an online form that the public can complete related to sexual abuse and sexual harassment. The auditor submitted the form on March 28, 2022. The PC contacted the auditor on March 29, 2022 indicating that the online form was received. The PC stated that the information from the form is immediately forwarded to the facility and the PC. The PC in turn sends a second notification to the Superintendent and PCM to ensure the information is investigated timely. On April 7, 2022 the auditor also contacted the Duty Station number that is provided online to report sexual abuse. The staff member advised the auditor to fill out the online form to report any allegations of sexual abuse or sexual harassment. The auditor contacted the PC related to the call to the Duty Station. The PC advised that verbal reports are accepted and that he would speak to the Duty Station related to the issue. The PC later advised the auditor that the Duty Station staff member was new and that information was provided to all Duty Station staff related to accepting verbal sexual abuse allegations. On May 3, 2022 the auditor called the Duty Station number a second time to confirm that verbal reports are taken over the phone. The staff advised the auditor that the number was incorrect and provided a different number to call. The number provided was not the number on the website (but was the PREA hotline number on the posters). The PC indicated that they were changing the website to include the appropriate PREA hotline number for third parties to report. Additionally, during the tour the auditor observed that PREA posters were visible at the front entrance and the general population visitation area. The PREA posters had the PREA hotline number for reporting.

Based on a review of the PAQ, 103 DOC 519, the Family and Friends Handbook, the agency's website, the submission of the online form and the phone call testing the third party reporting mechanism, this standard appears to require corrective action. While the facility has an electronic reporting form that the auditor confirmed functionality, the main third party method of reporting that is included in the Family and Friends Handbook and on the agency website (calling the Duty Station) was confusing and not adequate in functionality. The first time the auditor called the number the auditor was instructed to submit an online form. The second time the auditor was provided a different phone number to contact (the PREA hotline number that is included on the PREA posters). As such, the agency will need to review current procedures and correct the process.

Corrective Action

The agency will need to update the website, as well as distributed documents on reporting, including the Family and Friends Handbook to include the appropriate phone number or the facility will need to develop a process to ensure that reports of sexual abuse and sexual harassment are able to be reported through the current Duty Station hotline. The facility will need to provide the auditor with documentation on which process they will utilize as well as any updated documents, if applicable. The facility will need to ensure that if they plan to use the current system, all Duty Station staff are provided training on accepting verbal third party reports of sexual abuse. The auditor will need to be provided the training records. If documentation is updated with the PREA hotline number, the auditor will need confirmation that the website has been updated, the family and friends handbook has been updated and that the updated friends and family handbook was updated on the website as well. The facility should also ensure that they place third party posters in the segregated housing unit visitation area.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Updated Agency Website

On July 19, 2022 the PREA Coordinator advised that the Family and Friends handbook is an outdated and not centrally supported document and as such the agency was discontinuing the use of the document. The document was removed from the agency website. The PC advised that the agency updated their website and deleted the Duty Station number that caused the issue. The phone number on the PREA posters (PREA hotline). The auditor reviewed the agency website and confirmed that it directs individuals to report any allegations to 508-422-3486, which is the PREA hotline number.

Based on the information provided, this standard has been corrected.

115.61

Staff and agency reporting duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Wellpath 57.00 - Sexual Assault/PREA Compliance
4. Investigative Reports

Interviews:

1. Interview with Random Staff
2. Interview with Medical and Mental Health Staff
3. Interview with the Warden
4. Interview with the PREA Coordinator

Findings (By Provision):

115.61 (a): The PAQ stated that the agency required all staff to report immediately and according to agency policy; any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; any retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. 103 DOC 519, page 7 states that allegations of inmate-on-inmate or staff-on-inmate sexual harassment/sexually abusive behavior shall immediately be reported by staff members to the Shift Commander verbally and followed up with a confidential incident report to the Superintendent before the end of the staff member's shift. This includes specific knowledge, reasonable suspicion, or credible information, regarding an allegation of sexual harassment/abuse which occurred at an institution, an act of retaliation against an inmate or staff member who reported such an allegation, and any staff neglect or violation of responsibilities that may have contributed to an incident, allegation and/or an act of retaliation. Interviews with sixteen random staff confirm that they are required to report any knowledge, suspicion or information regarding an incident of sexual abuse and/or sexual harassment and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation Staff stated that they would immediately report the information to the Captain or Superintendent.

115.61 (b): The PAQ indicated that apart from reporting to designated supervisors or officials and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than the extent necessary to make treatment, investigation and other security and management decision. 103 DOC 519, page 7 states that apart from reporting to designated supervisors and/or officials, staff members shall not reveal any information related to an allegation of sexual harassment/abuse or anyone other than to the extent necessary to provide treatment, to conduct an investigation, and/or to make other security and management decision. Interviews with sixteen random staff confirm that they are required to report any knowledge, suspicion or information regarding an incident of sexual abuse and/or sexual harassment and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation Staff stated that they would immediately report the information to the Captain or Superintendent.

115.61 (c): 103 DOC 650, page 43 states that unless precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (A) of this section (per 103 DOC 519) and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. Wellpath 57.00, pages 2-3 state that Healthcare staff shall maintain confidentiality regarding care and condition of the patient. However, healthcare professionals shall immediately report to the Shift Commander any acts of violence or reports of sexual activity between patients and with staff. Policy further states that medical and mental health practitioners are required to inform patients at the initiation of services of their duty to report, and the limitations of confidentiality, unless otherwise

precluded by Federal, State or local law. A review of investigations indicated that three were reported to medical and/or mental health care staff. All three were reported to security and investigated. Interviews with medical and mental health care staff confirm that at the initiation of services with an inmate they disclose their limitation of confidentiality and their duty to report. The staff stated they are mandatory reporters and they advise inmates of this. All three staff stated they are required to report any allegation, incident or information related to sexual abuse that occurred within an institutional setting. One of the three staff interviewed stated that she had an inmate disclose sexual abuse to her and she reported the information to security.

115.61 (d): 103 DOC 650, page 43 states that if the alleged victim is under the age of eighteen or considered a vulnerable adult under a State or local vulnerable person statute, the agency shall report the allegation to the designated State or local service agency under applicable mandatory reporting laws. A review of investigative reports confirmed that none were reported by an inmate under eighteen or anyone considered a vulnerable adult. The PC stated that he is not familiar with the juvenile system because the agency does not house youthful inmates. He stated that as mandated reporters the agency would follow-up and report the information to the appropriate agencies. The interview with the Warden indicated that they do not house inmates under eighteen, but for those under eighteen and/or vulnerable adults they would report the information to the designated state or local services as part of mandatory reporting laws.

115.61 (e): 103 DOC 519, page 7 states that the Superintendent shall ensure that the Duty Station is notified of all allegations of sexual harassment/sexually abusive behavior. If the allegations involve a possible violation under the law, the Chief of OIS/IAU shall be promptly notified and shall notify the jurisdictionally appropriate District Attorney's office once it is determined that sufficient probable cause exists to warrant such notification. Additionally, page 13 states that each Superintendent or designee shall ensure that reports by staff members and third parties regarding reasonable suspicion of sexual harassment/sexually abusive behavior or related activities are referred to investigators for follow-up and/or investigation. The interview with the Warden confirmed that all allegations are reported to the Shift Commander who in turn notifies IPS immediately. A review of ten investigative reports indicated that three were reported Warden to Warden, three were reported in writing, one was reported via a grievance and the hotline and three were verbally reported. All ten allegations were documented and investigated.

Based on a review of the PAQ, 103 DOC 519, Wellpath 57.00, investigative reports and interviews with random staff, medical and mental health care staff, the PREA Coordinator and the Warden confirm this standard appears to be compliant.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Documents:</p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with the Agency Head Designee 2. Interview with the Warden 3. Interview with Random Staff <p>Findings (By Provision):</p> <p>115.62 (a): The PAQ indicated that when the agency or facility learns that an inmate is subject to substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate. 103 DOC 519, page 10 states that if the Department learns that an inmate is subject to a substantial risk of imminent sexual harassment/abuse, it shall take immediate action to protect that inmate. The PAQ stated that there have been zero inmates who were subject to substantial risk of imminent sexual abuse within the previous twelve months. The Agency Head Designee stated that they would assess the inmate's housing needs and potentially place that inmate in a single cell or in a cell closest to the officer's station. He stated they want to ensure that they do not victimize the inmate and that they would more than likely send the inmate to medical or the Health Services Unit and then conduct interviews and an investigation. The Warden stated that if there was an inmate deemed at imminent risk of sexual abuse the facility would utilize the housing risk factor form to determine where they should be housed at the facility. She stated that more predatory inmates are placed on the north side and the more vulnerable inmates are placed on the south side. She further stated that the two sides do not share a yard (recreation area). The Warden further stated that they would open a for cause assessment to determine if his/her designation may change. She also indicated that if a housing change was necessary based on the risk they would do that as well. The Warden stated the allegation would also be referred for investigation. Interviews with sixteen random staff confirmed that all sixteen would take action by removing the inmate from the cell/area or moving the inmate out of the housing unit. Staff also stated they would report the information to the supervisor.</p> <p>Based on a review of the PAQ, 103 DOC 519 and interviews with the Agency Head Designee, Warden and random staff indicate that this standard appears to be compliant.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Investigative Reports
4. Notification Letters

Interviews:

1. Interview with the Agency Head Designee
2. Interview with the Warden

Findings (By Provision):

115.63 (a): The PAQ indicated that the agency has a policy that requires that upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. 103 DOC 519, page 8 states that upon a Superintendent's receipt of an allegation that an inmate was sexually harassed/abused while confined at another institution or agency, the Superintendent shall notify the appropriate Superintendent or Chief Administrative Officer of the agency where the alleged abuse occurred. Such notifications shall be provided as soon as possible, not no later than 72 hours after receiving the allegation, and shall be documented in writing. The PAQ indicated that during the previous twelve months, the facility had four inmates report that they were sexually abused while confined at another facility. A review of documentation indicated that there were three inmates report sexual abuse that occurred at another facility. The facility had one inmate that was transferred to them from another facility and the Warden to Warden letter followed the inmate so they were aware of the investigation. A review of documentation confirmed that three notification letters were sent from the Superintendent at MCI Concord to the Superintendent at the facility where the sexual abuse occurred within 72 hours of the reported sexual abuse.

115.63 (b): The PAQ indicated that agency policy requires that the facility head provide such notifications as soon as possible, but not later than 72 ours after receiving the allegation. 103 DOC 519, page 8 states that upon a Superintendent's receipt of an allegation that an inmate was sexually harassed/abused while confined at another institution or agency, the Superintendent shall notify the appropriate Superintendent or Chief Administrative Officer of the agency where the alleged abuse occurred. Such notifications shall be provided as soon as possible, not no later than 72 hours after receiving the allegation, and shall be documented in writing. A review of documentation indicated that there were three inmates report sexual abuse that occurred at another facility. The facility had one inmate that was transferred to them from another facility and the Warden to Warden letter followed the inmate so they were aware of the investigation. A review of documentation confirmed that three notification letters were sent from the Superintendent at MCI Concord to the Superintendent at the facility where the sexual abuse occurred within 72 hours of the reported sexual abuse.

115.63 (c): The PAQ indicated that the agency or facility documents that is has provided such notification within 72 hours of receiving the allegation. 103 DOC 519, page 8 states that upon a Superintendent's receipt of an allegation that an inmate was sexually harassed/abused while confined at another institution or agency, the Superintendent shall notify the appropriate Superintendent or Chief Administrative Officer of the agency where the alleged abuse occurred. Such notifications shall be provided as soon as possible, not no later than 72 hours after receiving the allegation, and shall be documented in writing. A review of documentation indicated that there were three inmates report sexual abuse that occurred at another facility. The facility had one inmate that was transferred to them from another facility and the Warden to Warden letter followed the inmate so they were aware of the investigation. A review of documentation confirmed that three notification letters were sent from the Superintendent at MCI Concord to the Superintendent at the facility where the sexual abuse occurred within 72 hours of the reported sexual abuse.

115.63 (d): The PAQ indicated that the agency or facility requires that allegations received from other facilities/agencies are investigated in accordance with the PREA standards. 103 DOC 519, page 8 states the Superintendent or agency office receiving such notifications shall ensure the allegation is investigated, and shall provide periodic updates and a copy of the final investigation report to the notifying institutions which currently houses the alleged inmate victim. The Agency Head Designee stated that the Superintendent at each facility would be the designated point of contact for receiving allegations from other facilities/agencies. He stated that the Superintendent would ensure an investigation is completed for any allegation that was provided to the Superintendent. The Agency Head Designee confirmed that they have had examples of receiving allegations from other facilities/agencies and that the information is reviewed annually during audits. He also stated that if they received an allegation at one of their facilities, the Superintendent would write the Warden at the facility where it occurred within 72 hours. The interview with the Warden confirmed that if they received an allegation that an inmate was abused while housed at MCI Concord they would immediately start an investigation. The Warden confirmed they have had recent examples and these allegations and an investigation was conducted. The PAQ stated that there were four allegations received from another Warden/Agency Head within the previous twelve months. A review of documentation indicated there were three Warden to Warden notifications during the previous twelve months. All three had a completed investigation.

Based on a review of the PAQ, 103 DOC 519, notification letters, a review of investigations and interviews with the Agency Head Designee and Warden, this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Investigative Reports

Interviews:

1. Interviews with First Responders
2. Interviews with Random Staff
3. Interviews with Inmates who Reported Sexual Abuse

Findings (By Provision):

115.64 (a): The PAQ indicated that the agency has a first responder policy for allegations of sexual abuse. The PAQ states that upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall; separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence, request that the alleged victim and ensure that the alleged perpetrator not take any action that could destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, smoking, eating or drinking. 103 DOC 519, pages 14-15 state that each institution shall maintain an Emergency Response Plan and sexual assault response kits containing the items necessary to facilitate their response to sexual assault allegations. Response plans shall contain the following actions: separate alleged victim and perpetrator; immediately notify the Shift Commander; secure the scene, if warranted, for subsequent crime scene processing and ask the victim and ensure the perpetrator does not take any action that would destroy physical evidence (e.g., washing, eating, drinking, brushing teeth, changing clothes, etc.). The PAQ indicated that during the previous twelve months, there were seven allegations of sexual abuse. The PAQ noted that none of the sexual abuse allegations involved first responder duties. A review of documentation confirmed none of the ten reviewed investigations involved first responder duties. One allegation involved the inmate perpetrator being moved from general population to the segregated housing unit and thus involved a separation, but there was no immediate need for separation. While evidence was collected in all ten investigations, none involved a crime scene or any physical evidence (all included video review and/or a review of a variety of document logs). The interview with the security first responder confirmed that he would isolate the inmates, notify the Shift Commander, preserve the scene so no contamination can occur, take the inmate victim to medical and not let the inmate victim to wash up or anything like that. The staff member stated that he would record information to help recall what happened and write his report. The non-security first responder stated she would immediately alert security staff. The interviews with the inmates who reported sexual abuse indicated that none involved immediate first responder duties. Two inmates stated they reported via grievance and they were against staff members. Both inmates stated they remained in the same housing unit. One inmate indicated the staff was not moved from his unit after reporting and the other stated the staff was not assigned to his unit. The other two inmates advised their allegation was against another inmate and both inmate perpetrators were moved from their housing unit after the report. Two inmates stated they had action within 24 hours and the other two indicated it was a week or so (those who submitted grievances).

115.64 (b): The PAQ stated that agency policy requires that if the first responder is not a security staff member, that responder shall be required to request the alleged victim not take any actions to destroy physical evidence, and then notify security staff. The PC further stated that the agency policy does not differentiate between security and non-security first responders. All first responders are trained on first responder duties. 103 DOC 519, pages 14-15 state that each institution shall maintain an Emergency Response Plan and sexual assault response kits containing the items necessary to facilitate their response to sexual assault allegations. Response plans shall contain the following actions: separate alleged victim and perpetrator; immediately notify the Shift Commander; secure the scene, if warranted, for subsequent crime scene processing and ask the victim and ensure the perpetrator does not take any action that would destroy physical evidence (e.g., washing, eating, drinking, brushing teeth, changing clothes, etc.). The PAQ indicated that during the previous twelve months, there were zero allegations of sexual abuse that involved a non-security staff first responder. The interview with the security first

responder confirmed that he would isolate the inmates, notify the Shift Commander, preserve the scene so no contamination can occur, take the inmate victim to medical and not let the inmate victim to wash up or anything like that. The staff member stated that he would record information to help recall what happened and write his report. The non-security first responder stated she would immediately alert security staff. Interviews with sixteen random staff confirmed that they are aware of their first responder duties. Staff stated they would separate the individuals, not let the inmates destroy any evidence, take the victim to health services, secure the scene and notify the supervisor. A review of documentation indicated that none of the ten reviewed investigations involved first responder duties. Three allegations were reported to medical or mental health staff and they reported the information to security and completed an incident report. None of the three involved any first responder duties as they verbally reported in health services to the staff and were already separated.

Based on a review of the PAQ, 103 DOC 519, investigative reports and interviews with random staff, staff first responders and inmates who reported sexual abuse, this standard appears to be compliant.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Documents:</p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. PREA Response Plan <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with the Warden <p>Findings (By Provision):</p> <p>115.65 (a): The PAQ indicated that the facility shall develop a written institutional plan to coordinate actions taken to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. The PREA Response Plan outlines the duties to take after a reported sexual abuse allegation. The document includes a checklist, appropriate numbers to call related to the investigation and items included in the sexual assault response kit. The document touches on the emergency response plan, the PREA response kits, transportation and evidence collection, notifications, refusal of treatment, record keeping, interdiction, the vulnerability assessment and the PREA Committee. The document outlines first responder duties, Shift Commander duties, initial investigative duties and medical and mental health information. The Warden stated the facility has a response plan. She indicated the plan is in policy, procedure, Post Orders and they have a PREA bag. She confirmed that everyone is trained on their specific responsibilities under the plan.</p> <p>Based on a review of the PAQ, the PREA Response Plan, and the interview with the Warden, this standard appears to be compliant.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	<p data-bbox="242 145 742 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 454 237">Auditor Discussion</p> <p data-bbox="242 271 367 300">Documents:</p> <ol data-bbox="242 327 1129 472" style="list-style-type: none"> <li data-bbox="242 327 529 356">1. Pre-Audit Questionnaire <li data-bbox="242 383 917 412">2. Agreement with Alliance, AFSCME-SEIU Local 509 Units 8 & 9 <li data-bbox="242 439 1129 468">3. Agreement with the Massachusetts Correctional Officers Federated Union (MCOFU) <p data-bbox="242 557 354 586">Interviews:</p> <ol data-bbox="242 613 705 642" style="list-style-type: none"> <li data-bbox="242 613 705 642">1. Interview with the Agency Head Designee <p data-bbox="242 732 486 761">Findings (By Provision):</p> <p data-bbox="242 788 1481 1182">115.66 (a): The PAQ indicated that the agency, facility or any other governmental entity responsible for collective bargaining on the agency's behalf has entered into or renewed a collective bargaining agreement or other agreement since the last PREA audit.. A review of the Agreement with the Alliance, AFSCME-SEIU Local Units 8 & 10, page 70 states that no employee who has been employed in the bargaining units described in Article 1 for nine months or more, except for three consecutive years for teachers shall not be discharged, suspended, or demoted for disciplinary reasons without just cause. Additionally, the agency has an expired agreement with MCOFU. The agreement will not be renewed until June 2022. The expired agreement with the Massachusetts Correctional Officers Federated Union confirms that page 64 states that no employee who has been employed in Bargaining Unit 4 for six consecutive month or more, except for nine consecutive months for entry-level Correction Officers, shall be discharged, suspended or demoted for disciplinary reasons without just cause. It additionally states that any discipline imposed shall be consistent with Departmental policy. The interview with the Agency Head Designee confirmed that the agency has a collective bargaining agreement however the agreement does not prohibit the facility/agency's ability from removing the staff or disciplining the staff, up to and including termination.</p> <p data-bbox="242 1272 849 1301">115.66 (b): The auditor is not required to audit this provision.</p> <p data-bbox="242 1391 1455 1447">Based on a review of the PAQ, Agreements between the MCOFU and the Alliance, AFSCME-SEIU as well as information from the interview with the Agency Head Designee, this standard appears to be compliant.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Investigative Reports
4. Sexual Abuse Retaliation Monitoring Log – Attachment V

Interviews:

1. Interview with the Agency Head Designee
2. Interview with the Warden
3. Interview with Designated Staff Member Charged with Monitoring Retaliation
4. Interview with Inmates who Reported Sexual Abuse

Findings (By Provision):

115.67 (a): The PAQ indicated that the agency has a policy to protection all inmates and staff who report sexual abuse and sexual harassment or who cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. 103 DOC 519, page 20 states that retaliation by any staff member against another employee, contractor, volunteer or inmate, for reporting an allegation of sexual harassment/sexually abusive behavior, for assisting in making such a report, or for cooperating in the investigation of such an allegation, regardless of the merits or disposition of the allegation, is strictly prohibited. Any such occurrence is a very serious matter that may result in discipline, up to and including termination. The Department protects all inmates and staff members who report sexual harassment/abuse, or who cooperate with sexual harassment/abuse investigations, from retaliation by other inmates or staff members. The PAQ indicated that the PCM is responsible for monitoring for retaliation. Further communication indicated this was incorrect and monitoring for retaliation is completed by IPS staff.

115.67 (b): 103 DOC 519, page 20 states that the Department employs multiple protective measures including, but not limited to, housing changes or transfers for inmate victims or inmate abusers from contact with victims. The Department also provides emotional support services for inmates or staff members who fear retaliation for reporting sexual harassment/abuse or for cooperating with an investigation. A review of investigative reports indicated that one inmate victim was moved from his housing unit to the health services unit after the reported allegation. The seven inmate victims that were at the facility at the time of the reported sexual abuse allegation were offered emotional support services through mental health. None of the other inmate victims required protective measures (three of the inmate victims were not at the facility at the time of the reported allegation). Interviews with the Agency Head, Warden and staff responsible for monitoring retaliation all indicated that protective measures would be taken if an inmate or staff member expressed fear of retaliation. The Agency Head stated that the agency has a stringent no tolerance policy and that staff are constantly trained on the issue. He indicated that if there is a violation related to retaliation that they have a disciplinary process and a rule book that addresses retaliation. The Agency Head Designee stated that within the PREA policy (103 DOC 519) there is an attachment that is started and conducted by IPS. He stated some of the monitoring tools utilized would be a review of video, phone calls and email. He stated they look at disciplinary reports, staff attendance and any overall change in the individual. The Agency Head Designee confirmed that if there was a conflict they would take appropriate action such as housing changes, transfers and removal of alleged staff abuser from contact with the inmate. The Warden stated that anyone involved in the sexual abuse investigation would be monitored for up to 90 days. She stated the facility monitors disciplinary reports, housing changes, job changes, sick calls for staff and bid assignments of staff. The Warden indicated that possible protective measures include change in housing, transfers, placement of staff on no inmate contact, etc. The interviews with the inmates who reported sexual abuse confirmed three felt protected against retaliation. The one inmate who stated he did not feel protected said it was due to the fact that the staff member did what he did and got away with it. The auditor reviewed monitoring documents and confirmed that the inmate did not report any retaliation during the process, however after a review of the investigative report and

disciplinary report the auditor determined the disciplinary report was not appropriate. The facility staff did not write the disciplinary report (the IAU investigator did) and the IAU investigator was following procedure in writing a disciplinary report for unfounded investigations. The auditor determined that the investigation should not have been unfounded, but rather unsubstantiated, and as such, based on the information, the disciplinary report was inappropriate but not retaliatory.

115.67 (c): The PAQ stated that the agency/facility monitors the conduct and treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff. The PAQ indicated that monitoring is conducted for 90 days and that the agency/facility acts promptly to remedy any such retaliation and that the agency/facility will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need. 103 DOC 519, pages 20-21 state that for a period of at least 90 days following a report of sexual harassment/abuse, IPS staff shall regularly meet with and monitor the conduct and treatment of inmates or staff members who reported the sexual abuse, and of inmates who were reported to have suffered sexual abuse, to see if there are claims and/or changes that may suggest possible retaliation by inmates or staff members, and shall act promptly to remedy any such retaliation. IPS staff should monitor any inmate disciplinary reports, housing changes, program changes, or negative performance reviews or reassignments of staff members. Monitoring shall continue beyond 90 days if the initial monitoring indicates a continued need. The PAQ indicated that there had been zero instances of retaliation in the previous twelve months. The Warden stated that if they suspect retaliation they would start an investigation and take appropriate measures depending on the outcome. The staff responsible for monitoring indicated that they monitor the inmate through different measures, including housing changes, staff transfers, disciplinary reports, job history, program history and face to face contact. The staff both stated that protective measures can include transfer to a different facility, housing changes, removal of staff, emotional support and the 90 day monitoring. The one staff stated that if it is a staff member they may not allow staff direct contact with inmates and/or they may transfer the staff to a different facility. Both staff stated they have face to face contact with inmates during monitoring. One staff member stated he meets with them weekly, while the other stated that he meets with them at least once a month. A review of ten investigations indicated that eight allegations were sexual abuse. Three were reported at another facility and as such the facility was not required to monitor for retaliation. Two of the investigations were still open and the monitoring documentation was included in the investigative file, as such the auditor was unable to review the information. The three remaining closed sexual abuse allegations all had monitoring for retaliation completed for a 90 day period. Monitoring included a review of discipline, housing changes, phone calls, emails and program changes. Additionally, witnesses and staff were documented with monitoring for retaliation, however none stated they feared retaliation. A review of the monitoring documents indicated that none included any reports of retaliation.

115.67 (d): 103 DOC 519, page 21 indicates that in the case of inmates, such monitoring shall also include periodic status checks. The monitoring staff indicated that she conducts periodic status checks every 30 days. A review of monitoring documents confirmed that staff conducted periodic face to face status checks during the monitoring period.

115.67 (e): 103 DOC 519, page 21 states that if any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against any form of retaliation. A review of ten investigations indicated that eight allegations were sexual abuse. Three were reported at another facility and as such the facility was not required to monitor for retaliation. Two of the investigations were still open and the monitoring documentation was included in the investigative file, as such the auditor was unable to review the information. The three remaining closed sexual abuse allegations all had monitoring for retaliation completed for a 90 day period. Monitoring included a review of discipline, housing changes, phone calls, emails and program changes. Additionally, witnesses and staff were documented with monitoring for retaliation, however none stated they feared retaliation. A review of the monitoring documents indicated that none included any reports of retaliation. The interview with the Agency Head Designee indicated there are policies in place to protect individual who cooperate with an investigation or express a fear of retaliation. He stated procedures could include housing changes, transfers, removal of staff abusers, reassignments of staff, emotional support services and 90 day monitoring. The Agency Head Designee confirmed that individuals would be afforded the same monitoring as an alleged victim. The Warden stated that anyone involved in the sexual abuse investigation would be monitored for up to 90 days. She stated the facility monitors disciplinary reports, housing changes, job changes, sick calls for staff and bid assignments of staff. The Warden indicated that possible protective measures include change in housing, transfers, placement of staff on no inmate contact, etc. She further stated that if they suspect retaliation they would start an investigation and take appropriate measures depending on the outcome.

115.67 (f): Auditor not required to audit this provision.

Based on a review of the PAQ, 103 DOC 519, investigative reports, monitoring documents and information from interviews with the Agency Head Designee, Warden, staff charged with monitoring for retaliation and the inmate who reported sexual abuse, the facility appears to meet this standard.

115.68 Post-allegation protective custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. 103 CMR 423 – Restrictive Housing
4. Investigative Reports
5. Inmate Victim Housing Documents

Interviews:

1. Interview with the Warden
2. Interview with Staff who Supervise Inmates in Segregated Housing

Site Review Observations:

1. Observations of the Segregated Housing Unit

Findings (By Provision):

115.68 (a): The PAQ indicated that the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no alternative means of separation from likely abusers. The PAQ also indicated that if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. 103 DOC 519, page 11 states that inmates at high risk for sexual harassment/abuse victimization, and those who have reported being a victim of sexual abuse/harassment in the past either while housed in a prison setting or in the community shall not be placed in involuntary segregated housing unless an assessment has been made, and there has been a determination that there is no available alternative means of separating the inmate from likely abusers. If such institution cannot conduct such an assessment immediately, the institution may hold the inmate in segregated housing for less than 24 hours while completing the assessment. Additionally, page 8 of 103 CMR 423 states that upon verification that an inmate requires separation from general population to protect the inmate from harm by others, the inmate shall not be placed in Restrictive Housing, but shall be placed in a housing unit that provides approximately the same conditions, privileges, amenities and opportunities as in general population; provided however, that the inmate may be placed in Restrictive Housing for no more than 72 hours while suitable housing is located. An inmate shall not be held in Restrictive Housing to protect the inmate from harm by others for more than 72 hours, unless the Commissioner or a designee certify in writing; the reason why the inmate may not be safely held in the general population; that there is no available placement in a unit comparable to general population; that efforts are being undertaken to find appropriate housing and the status of the efforts; and the anticipated time frame for resolution. Such inmates will be reviewed thereafter by the Placement Review Committee every Monday, Wednesday and Friday. The PAQ indicated that zero inmates who alleged sexual abuse were involuntarily segregated for zero to 24 hours or longer than 30 days. A review of housing documentation for eight inmates who reported sexual abuse (two of the ten reviewed were sexual harassment) indicated that three inmate victims were not at the facility (reported via Warden to Warden), one was moved to the health services unit, two remained in general population and one was in segregated housing at the time of the reported allegation. The documentation reviewed confirmed none of the inmate victims were placed in involuntary segregated housing after the reported sexual abuse allegation. During the tour the auditor observed the segregation housing unit had offices outside of the living area that can be utilized for programming and other services. The unit contained a separate outdoor recreation area. The PREA posters were observed in both English and Spanish on the bulletin board at the entrance to the housing unit. Additionally, the PREA hotline number and BARCC number were observed on the bulletin board. The audit announcement was also located outside the housing unit on the bulletin board in bright green paper. Staff advised inmates are brought in and out of the segregated housing through the entrance so this was the best way to ensure inmates viewed the information. Inmates in segregated housing are provide out of cell recreation time and four phone calls per week. Calls

are made via a rolling phone. Correspondence, grievances and mail are collected daily by a staff member. The staff comes through with a locked box for inmates to place the documents. Inmates are provided grievance forms upon request. The interview with the Warden confirmed that the agency has a policy that prohibits placing inmates who report sexual abuse in involuntary segregated housing unless there are no other available alternative means of separation of likely abusers. She stated segregated housing would only be utilized as a last resort and they would try to transfer one of the individuals out of the facility as soon as possible if there was no other housing. She further indicated that inmates would only be placed in involuntary segregated housing until an alternative means of separation could be arranged. She stated that the timeframe in involuntary segregated housing would depend on the situation but that it could be anywhere from less than a day to a few weeks. The interviews with the staff who supervise inmates in segregated housing confirmed that if an inmate is involuntarily segregated due to a report of sexual abuse, they would be afforded access to programs, privileges, education and work opportunities to the extent possible. One staff member indicated that they may not have access to work opportunities but that they would be able to accommodate for other privileges. Both staff stated any restrictions would be documented related to duration and reason for restriction. One staff member reiterated that they do not restrict access so the documentation would reflect the inmates refusal of participation. The staff confirmed that any inmate who reported sexual abuse that is placed in involuntary segregated housing would only be placed there until an alternative means of separation could be arranged. One staff member stated that this has never occurred while the other stated that alternative placement would be determined by IPS, classification and mental health. Both staff stated that the facility would find alternative housing for the inmate and as such involuntary segregated housing would not occur. One staff member stated they would typically have the inmate released the same day. The interviews confirmed that inmates would be reviewed at least every 30 days. One staff member stated that inmates in segregated housing are reviewed weekly.

Based on a review of the PAQ, 103 DOC 519, 103 CMR 423, investigative reports, housing assignments for inmate victims of sexual abuse and the interviews with the Warden and staff who supervise inmates in segregated housing, this standard appears to be compliant.

115.71 Criminal and administrative agency investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 518 – Inner Perimeter Security Team (IPS)
3. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
4. Investigator Training Records
5. Massachusetts Statewide Records Retention Schedule
6. Investigative Reports (Current & Historical)

Interviews:

1. Interview with Investigative Staff
2. Interview with Inmates who Reported Sexual Abuse
3. Interview with the Warden
4. Interview with the PREA Coordinator
5. Interview with the PREA Compliance Manager

Findings (By Provision):

115.71 (a): The PAQ states that the agency/facility has a policy related to criminal and administrative agency investigations. 103 DOC 519, page 18 states that the Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual harassment/abuse utilizing those staff member who have received specialized training as it relates to a PREA investigation. Page 19 further states that investigations of reported allegations of sexual harassment/sexually abusive behavior between inmates will be initiated by the Superintendent utilizing appropriately trained facility investigative staff or, upon request to the Chief of OIS/IAU, in conjunction with an investigator from OIS. The investigator assigned is responsible for producing an investigative report and completing the PREA database case file within 30 days. There were thirteen allegations of sexual abuse or sexual harassment reported at the facility over the previous twelve months, however two of the allegations were investigated under the same case as the alleged inmate perpetrator made a counter claim of sexual abuse against the alleged inmate victim. A review of ten investigative reports confirmed that all were investigated by facility/agency investigators. Two of the investigations were still open during the on-site portion of the audit. The investigations were complete but they were not yet approved and/or provided to the facility from the agency investigator. Five of the investigations were completed within 30 days, two were completed within 60 and one was completed over 90 days, but did involve two approved requests to extend the investigation. All investigations were thorough and objective. None of the ten allegations were reported through a third party or anonymously. All completed investigations followed a template that included information related to the allegation, statements/interviews, evidence collected and facts and findings. The interviews with the investigators confirmed that an investigations is initiated within 72 hours of the reported allegation. The agency investigator stated that the investigation should be started immediately but that investigations are typically started at the facility level and referred to him, if necessary. The three facility investigators stated the investigations are required to be initiated within 72 hours but they typically initiate them once the report is received. All four investigators confirmed that a third party and/or anonymous report would be investigated through the same process. The agency investigator stated that the only difference is how the allegation was received and regardless of how it is received the process would start by interviewing the inmate victim and then going through the normal investigative process.

115.71 (b): 103 DOC 519, page 10 states that specialized training shall be provided for those employees who respond to and investigate PREA incidents. This training is completed through the PREA/Sexual Assault Investigator Training. A review of the training curriculum confirms that it covers; techniques for interviewing sexual abuse victims (course 2, pages 2-6 and

course 4, pages 3-16), proper use of Miranda and Garrity warnings (course 4, page 2), sexual abuse evidence collection in a confinement setting (course 3, pages 3-10) and the criteria and evidence required to substantiate a case for administrative action or prosecution referral (course 5, page 1). A review of documentation indicated that eleven facility staff have completed the specialized investigator training as well as two Professional Standards Unit (PSU – formally known as the Internal Affairs Unit) investigators. The interviews with the investigators confirmed that all four had received specialized training. All four confirmed that the training covered techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiated a case for administration investigation.

115.71 (c): 103 DOC 519, page 18 states that the assigned trained sexual assault investigator shall ensure that all evidence collected at the institution or at any hospital is transported to the State Police Laboratory as soon as possible. Potential witnesses shall be interviewed in an attempt to gather information, corroborate the victim's statement, and/or to identify any suspect(s). The Massachusetts Statewide Records Retention Schedule, page 190 confirms that inmate investigative records are retained for ten years. There were thirteen allegations of sexual abuse or sexual harassment reported at the facility over the previous twelve months, however two of the allegations were investigated under the same case as the alleged inmate perpetrator made a counter claim of sexual abuse against the alleged inmate victim. A review of ten investigative reports confirmed that all were investigated by facility/agency investigators. Two of the investigations were still open during the on-site portion of the audit. The investigations were complete but they were not yet approved and/or provided to the facility from the agency investigator. A review of the eight completed investigations confirmed that all included interviews of the alleged victim, alleged perpetrator and victims, when applicable. All eight included evidence collection in the form of video review and/or a review of logs, housing risk assessments and /or bed assignments. The interviews with investigative staff indicated that the investigative process starts by reviewing the reports and talking to the alleged victim to determine the complaint. The facility investigators indicated they would report the allegation to the Superintendent and initiate the investigation by entering the information in the PREA database. The investigators stated they would collect any evidence, review video and conduct interviews. Additionally they would make sure the inmate received medical and mental health treatment and then review all the information to determine an investigative finding. All four investigators stated they would be responsible for collecting physical evidence, DNA evidence, video footage, statements/interviews, etc. The facility investigators confirmed they would review prior complaints to determine the alleged perpetrators history.

115.71 (d): 103 DOC 519, page 17 states that if the Superintendent believes a felony may have been committed, he/she, in consultation with the Chief of OIS/IAU, shall notify the appropriate District Attorney's office and the State Police detective unit assigned to the District Attorney's office and shall ensure that the Department seeks assistance and begins a cooperative investigation with these agencies. A review of investigative reports indicated none of the investigations were substantiated and/or referred for prosecution. The interviews with the investigators confirmed that they would consult with prosecutors prior to conducting any compelled interviews. The agency investigator stated they would contact prosecutors to determine the route to take and if compelled interviews were necessary he would do Miranda or Garrity or have the MSP conduct the interviews.

115.71 (e): 103 DOC 519, page 17 states that all reports of sexual activity are to be considered PREA until a full investigation indicates otherwise. The interviews with the investigators confirmed that the agency does not require the inmate victim to submit to a polygraph test or any other truth-telling device in order to continue with the investigation. Additionally, the investigators stated that credibility is based on consistency, details and corroborating evidence. The facility investigators stated all allegations are taken seriously despite any history and that they take the evidence as presented. The investigators indicated credibility would be on an individual basis. The interviews with the inmates who reported sexual abuse indicated none were not required to take a polygraph or truth telling device test.

115.71 (f): 103 DOC 519, page 19 states that the Department shall ensure that all available means are used to fully investigate allegations of sexual abuse and/or sexual harassment. Within 72 hours of the reported incident, the site's Superintendent will review and assess all reported allegations of sexual harassment/sexually abusive behavior and determine appropriate course of action. Page 20 states that the Chief of the OIS/IAU shall provide necessary access to the complaint intake and status screens of PREA cases for review by the institution's Superintendent. The format for the investigative report shall follow the procedures set forth in 103 DOC 518. Additionally, 103 DOC 518, page 9 states that all PREA investigations shall be in a six part format and the six part investigation shall remain on file in the IPS office, in a secure area, and be kept confidential. Pages 8-9 state that the six-part folder investigation shall include: table of contents; case activity chronology; executive summary; reports; supportive documentation and evidence and miscellaneous. There were thirteen allegations of sexual abuse or sexual harassment reported at the facility over the previous twelve months,

however four of the allegations were investigated two cases as the alleged inmate perpetrators made a counter claim of sexual abuse against the alleged inmate victims. A review of ten investigative reports confirmed that all were investigated by facility/agency investigators. Two of the investigations were still open during the on-site portion of the audit. The investigations were complete but they were not yet approved and/or provided to the facility from the agency investigator. A review of the eight closed investigations confirmed that all were documented in a written report. The report included the initial allegation, a chronology of events during the investigative process, a description of interviews, a description of evidence, facts and findings and other supplemental document associated with the investigation (i.e. incident reports). The interviews with investigative staff confirmed that administrative investigations are documented in a written report. The facility investigators stated the report includes the initial allegation, chronology, investigative summary, interviews, description of evidence, findings and a conclusion. They also stated any reports generated due to the incident and any miscellaneous documents would be included in the report as well. The agency investigator stated similar elements and stated reports would also include lab results for DNA and any policy violations. He also stated that the investigation is documented in a six part folder that includes incident reports and information on the inmates and staff involved. All investigators stated that during the investigative process they determine if staff actions or failure to act contributed to the sexual abuse. They stated they determine this through a review of video and logs. The agency investigators stated that they would document any violations in the report which would potentially involve discipline. The facility investigators stated they would make sure the video matches the logs and staff did rounds like they were supposed to.

115.71 (g): 103 DOC 519, page 20 states that the Chief of the OIS/IAU shall provide necessary access to the complaint intake and status screens of PREA cases for review by the institution's Superintendent. The format for the investigative report shall follow the procedures set forth in 103 DOC 518. 103 DOC 518, page 9 states that all PREA investigations shall be in a six part format and the six part investigation shall remain on file in the IPS office, in a secure area, and be kept confidential. Pages 8-9 state that the six-part folder investigation shall include: table of contents; case activity chronology; executive summary; reports; supportive documentation and evidence and miscellaneous. A review of documentation confirmed there were zero criminal investigations completed during the previous twelve months. The interviews with investigative staff confirmed that criminal investigations would be documented in written reports and include similar information as an administrative investigative report. This would include all available evidence, testimony, findings, etc. The investigators stated they have not had many criminal investigations recently and they typically do not get the report from the MSP.

115.71 (h): The PAQ indicated that substantiated allegations of conduct that appear to be criminal will be referred for prosecution. 103 DOC 519, page 17 states that if the Superintendent believes a felony may have been committed, he/she, in consultation with the Chief of OIS/IAU, shall notify the appropriate District Attorney's office and the State Police detective unit assigned to the District Attorney's office and shall ensure that the Department seeks assistance and begins a cooperative investigation with these agencies. The PAQ indicated that there have not been any allegations referred for prosecution since the last PREA audit. A review of investigative reports indicated that there were zero investigations that were substantiated and/or referred for prosecution. The facility investigators stated they refer cases for prosecution when a criminal investigation is required and/or if the administrative case has been substantiated.

115.71 (i): The PAQ stated that the agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. The Massachusetts Statewide Records Retention Schedule, page 190 confirms that inmate investigative records are retained for ten years. A review of a sample of three historic investigations confirmed retention is being met.

115.71 (j): 103 DOC 518, page 10 states that the departure of the alleged abuser or victim from the employment or control of the institution or the Department shall not provide a basis for terminating an investigation. The interviews with the investigators confirmed that an investigation would continue regardless of whether the staff member and/or inmate remained employed/incarcerated with the MADOC. The agency investigator stated that whether the staff member or inmate leaves the MADOC it is still a significant allegation and potentially a crime. The investigation would proceed and there would still be an investigative outcome.

115.71 (k): The auditor is not required to audit this provision.

115.71 (l): 103 DOC 519, page 17 states that if the Superintendent believes a felony may have been committed, he/she, in consultation with the Chief of OIS/IAU, shall notify the appropriate District Attorney's office and the State Police detective unit

assigned to the District Attorney's office and shall ensure that the Department seeks assistance and begins a cooperative investigation with these agencies. The interview with the PC indicated that leadership or the PREA Division would stay informed through emails, phone calls and written correspondence. The interview with the Warden indicated that the facility remains informed of the progress of the investigation through the Office of Investigations. The PCM stated that the if an outside agency conducts an investigation (MSP) they remain informed through contact with IPS. She stated that IPS monitors and works with MSP on the investigations. Investigative staff stated that when an outside agency conducts an investigation they serve as a liaison and provide them with any assistance or information that they need.

Based on a review of the PAQ, 103 DOC 519, 103 DOC 518, investigator training records, the Massachusetts Statewide Records Retention Schedule, investigative reports and information from interviews with the Warden, PREA Coordinator, PREA Compliance Manager, investigative staff and inmates who reported sexual abuse, the facility appears to meet this standard.

115.72	<p>Evidentiary standard for administrative investigations</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Documents:</p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 518 – Inner Perimeter Security Team (IPS) 3. Investigative Reports <p>Interviews:</p> <ol style="list-style-type: none"> 1. Interview with Investigative Staff <p>Findings (By Provision):</p> <p>115.72 (a): The PAQ indicated that the agency imposes a standard of a preponderance of the evidence or a lower standard of proof when determining whether allegations of sexual abuse or sexual harassment are substantiated. 103 DOC 518, page 10 states that the Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. A review of investigative reports indicated that thirteen sexual abuse or sexual harassment administrative investigations were initiated within the previous twelve months. A review of eight closed investigations indicated that all were closed with findings of unsubstantiated or unfounded. A review of the reports indicated the none of the investigations had reason to be substantiated based on the evidence. Interviews with four investigators confirmed that the level of evidence required to substantiate an administrative investigation is a preponderance of evidence.</p> <p>Based on a review of the PAQ, 103 DOC 518, investigative reports and information from the interviews with investigative staff it appears this standard is compliant.</p>
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Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Attachments I, II and III (Notification Letters)
4. Investigative Reports

Interviews:

1. Interview with the Warden
2. Interview with Investigative Staff
3. Interview with Inmates who Reported Sexual Abuse

Findings (By Provision):

115.73 (a): The PAQ indicated that the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation by the agency. 103 DOC 519, page 21 states that following an investigation into an inmate's allegation that he/she suffered sexual harassment/abuse in a Department institution, the Superintendent shall inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by utilizing Attachment I. The PAQ indicated that there were five sexual abuse investigations completed within the previous twelve months and five notifications were made. The interview with the Warden confirmed that inmate victims are notified of the outcome of the investigation into their allegation. The interviews with investigative staff confirmed that inmates are informed of the outcome of the investigation into their allegation. The agency investigator stated that he does not personally notify the inmate victim but that facility staff do. One facility staff member stated inmates are notified via a memorandum. The interviews with inmate who reported abuse indicated that all four knew they were supposed to be notified of the outcome of the investigation into their allegation. All four stated they were notified verbally and/or in writing. A review of eight sexual abuse investigations indicated that two were still open and did not have an inmate victim notification. Three were reported Warden to Warden, but the facility provided a letter to the inmate victim at the other facility. The remaining three investigations were also documented with a victim notification. Additionally, the two sexual harassment investigations had a documented inmate victim notification.

115.73 (b): The PAQ indicated that the agency conducts administrative and criminal investigations and this provision is not applicable. Further communication with the PC indicated that the agency conducts criminal and administrative investigations, however the MSP also conducts criminal investigations. He stated if an outside entity conducts such investigations, the agency shall request the relevant information from the investigative entity in order to inform the inmate of the outcome of the investigation. 103 DOC 519, page 21 states that if the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate. The PAQ indicated that there were zero investigations completed within the previous twelve months by an outside agency. A review of investigative reports confirmed that all ten reviewed investigations were investigated by facility or agency investigators. None of the reported allegations were documented with a criminal investigation.

115.73 (c): The PAQ indicated that following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency/facility subsequently informs the inmate whenever: the staff member is no longer posted within the inmate's unit, the staff member is no longer employed at the facility, the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. The PAQ stated that there has been a substantiated or unsubstantiated complaint of sexual abuse committed by a staff member against an inmate in an agency facility in the past

twelve months. The PAQ further stated that there were zero notifications under this provision because the staff was not required to be moved or was fired. 103 DOC 519, page 21 states that following the inmate's allegation that a staff member has committed sexual harassment/abuse against him/her, the Department shall subsequently inform the victim inmate of the staff member's status utilizing Attachment II. A review of Attachment II confirms that it includes information on whether: the staff member is no longer posted within the inmate's unit, the staff member is no longer employed at the facility, the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. A review of ten investigative reports indicated there were five staff-on-inmate sexual abuse allegations reported in the previous twelve months, two of which was unfounded, one that was unsubstantiated and two that were still open. None of the investigations involved any notifications under this provision. The interviews with the inmates who reported sexual abuse indicated that two allegations were against a staff member. Both inmates stated they were not notified about anything related to the alleged staff perpetrator. One inmate advised that the staff member stayed in his housing unit during the investigation and that he thinks he works in property now.

115.73 (d): The PAQ indicates that following an inmate's allegation that he or she has been sexually abused by another inmate, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. 103 DOC 519, page 21 states that following an inmate's allegation that he or she has been sexually harassed/abused by another inmate, the Department shall subsequently inform the alleged victim inmate of the legal status of the incident utilizing Attachment III. A review of Attachment III confirms that it contains information on whenever the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. A review of investigative reports indicated three were inmate-on-inmate sexual abuse allegations; however none were substantiated. As such none required notifications under this provision. The interviews with the inmates who reported sexual abuse indicated that two involved an allegation against another inmate. Both inmates advised they were not notified of anything related to the other inmate. One inmate indicated he knew the inmate stayed in segregated housing the whole time until he was transferred/moved.

115.73 (e): The PAQ indicated that the agency has a policy that all notifications to inmates described under this standard are documented. 103 DOC 519, page 21 states that following an investigation into an inmate's allegation that he/she suffered sexual harassment/abuse in a Department institution, the Superintendent shall inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by utilizing Attachment I. Additionally it states that following the inmate's allegation that a staff member has committed sexual harassment/abuse against him/her, the Department shall subsequently inform the victim inmate of the staff member's status utilizing Attachment II. And finally, it states that that following an inmate's allegation that he or she has been sexually harassed/abused by another inmate, the Department shall subsequently inform the alleged victim inmate of the legal status of the incident utilizing Attachment III. The PAQ stated that there were five notifications to inmates under this standard and all five were documented. A review of eight sexual abuse investigations indicated that two were still open and did not have an inmate victim notification. Three were reported Warden to Warden, but the facility provided a letter to the inmate victim at the other facility. The remaining three investigations were also documented with a victim notification. Additionally, there were zero notifications required under provisions (c) and (d), based on investigative outcomes.

115.73 (f): This provision is not required to be audited.

Based on a review of the PAQ, 103 DOC 519, Attachments I, II and III (notification letters), a review of investigative reports and information from interviews with the Warden, investigative staff and inmates who reported sexual abuse, this standard appears to be compliant.

115.76	Disciplinary sanctions for staff
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 365 300">Documents:</p> <ol data-bbox="242 329 727 470" style="list-style-type: none"> <li data-bbox="242 329 528 358">1. Pre-Audit Questionnaire <li data-bbox="242 387 727 416">2. 103 DOC 230 – Discipline and Terminations <li data-bbox="242 445 499 474">3. Investigative Reports <p data-bbox="242 557 483 586">Findings (By Provision):</p> <p data-bbox="242 616 1493 712">115.76 (a): The PAQ stated that staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. 103 DOC 230, page 10 states that staff shall be subject to disciplinary sanction up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 795 1493 992">115.76 (b): The PAQ indicated there was one staff member who violated the sexual abuse and sexual harassment policies and one staff member who was terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies. The PAQ stated that the staff terminated employment during the investigation. 103 DOC 230, page 10 states that termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. A review of investigative reports confirmed there were zero substantiated staff-on-inmate sexual abuse allegations. As such there was not disciplinary documents to review.</p> <p data-bbox="242 1075 1493 1375">115.76 (c): The PAQ stated that disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts, the staff member's disciplinary history and the sanctions imposed for comparable offense by other staff members with similar histories. 103 DOC 230, page 10 states that disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and the sanctions imposed for comparable offense by other staff members with similar histories. The PAQ indicated there were zero staff members that were disciplined, short of termination, for violating the sexual abuse and sexual harassment policies within the previous twelve months. A review of investigative reports confirmed there were zero substantiated staff-on-inmate sexual abuse allegations. As such there was not disciplinary documents to review.</p> <p data-bbox="242 1458 1493 1758">115.76 (d): The PAQ stated that all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would not have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. 103 DOC 230, page 10 states that all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would not have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. The PAQ indicated that there have been zero staff member who were reported to law enforcement or licensing boards following their termination for violating agency sexual abuse or sexual harassment policies. A review of investigative reports confirmed there were zero substantiated staff-on-inmate sexual abuse allegations. As such there was not disciplinary documents to review.</p> <p data-bbox="242 1841 1477 1870">Based on a review of the PAQ, 103 DOC 230 and investigative reports indicates that this standard appears to be compliant.</p>

115.77	Corrective action for contractors and volunteers
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 365 300">Documents:</p> <ol data-bbox="242 329 978 470" style="list-style-type: none"> <li data-bbox="242 329 528 358">1. Pre-Audit Questionnaire <li data-bbox="242 387 978 416">2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention <li data-bbox="242 445 499 474">3. Investigative Reports <p data-bbox="242 557 352 586">Interviews:</p> <ol data-bbox="242 616 547 645" style="list-style-type: none"> <li data-bbox="242 616 547 645">1. Interview with the Warden <p data-bbox="242 728 483 757">Findings (By Provision):</p> <p data-bbox="242 786 1485 1149">115.77 (a): The PAQ stated that the agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Additionally, it stated that policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with inmates. 103 DOC 519, pages 19-20 state that contractors who are accused of sexual harassment/sexually abusive behavior may be removed from the institution until the investigation is completed. Policy further states that all volunteers who are accused shall be barred from entering any correctional institution until the investigation is completed. The memo from the Superintendent indicated that over the previous three months there have been no findings of sexual abuse against a volunteer or contractor. The PAQ indicated that there have been zero contractors or volunteers who have been reported to law enforcement or relevant licensing bodies within the previous twelve months. A review of investigative reports confirmed there were zero substantiated sexual abuse or sexual harassment allegations that involved a volunteer or contractor.</p> <p data-bbox="242 1234 1493 1597">115.77 (b): The PAQ stated that the facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. 103 DOC 519, pages 19-20 state that contractors who are accused of sexual harassment/sexually abusive behavior may be removed from the institution until the investigation is completed. Additionally, it states that all volunteers who are accused shall be barred from entering any correctional institution until the investigation is completed. The PAQ indicated that there have been no contractors or volunteers who have been reported to law enforcement or relevant licensing bodies within the previous twelve months. The interview with the Warden indicated that any violation of the sexual abuse and sexual harassment policies by contractors or volunteers would result in the volunteer or contractor being barred from the facility until the investigation is completed. The Warden confirmed that the volunteer or contractor could be prevented from contact with inmates and that depending on the level of allegation, the volunteer or contractor would be required to be retrained. She stated if the allegation was substantiated the person would not be allowed back into the facility.</p> <p data-bbox="242 1682 1485 1747">Based on a review of the PAQ, 103 DOC 519, the memo from the Superintendent, investigative reports and information from the interview with the Warden, this standard appears to be compliant.</p>

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. 103 CMR 430 – Inmate Discipline
4. 103 DOC 650 – Mental Health Services
5. Investigative Reports

Interviews:

1. Interview with the Warden
2. Interview with Medical and Mental Health Staff

Findings (By Provision):

115.78 (a): The PAQ stated that inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative or criminal finding that the inmate engaged in inmate-on-inmate sexual abuse. 103 DOC 519, page 6 states that all intentional acts of sexual harassment/sexually abusive behavior or intimacy between an inmate and a staff member, or between inmates, regardless of consensual status, are prohibited. The perpetrators shall, where appropriate, be subject to administrative, criminal and/or disciplinary sanctions. The PAQ indicated there have been zero administrative findings of guilt for inmate-on-inmate sexual abuse and zero criminal findings of guilt for inmate-on-inmate sexual abuse within the previous twelve months. A review of investigative reports confirmed there were zero substantiated inmate-on-inmate sexual abuse or sexual harassment allegations during the previous twelve months.

115.78 (b): 103 DOC 430, page 15 states that if the inmate is found guilty, the Hearing Officer may recommend one or more of the sanctions listed in 103 CMR 430.25. The inmate's disciplinary chronology shall not be considered by the Hearing Officer in determining the guilt or innocence of the inmate, but may be considered in deciding appropriate sanctions. Specifically 103 CMR 430.25 outline the sanctions that can be imposed based on the category and offense. The interview with the Warden indicated that the inmate perpetrator would have a housing risk factor form completed so that they would be identified as a known predator in the future for housing purposes. She stated the inmate would be reclassified and they could potentially go to the BAU. She indicated they could possibly be recommended for sex offender treatment and that they could also go to the secure adjustment unit. The Warden confirmed that sanctions would be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

115.78 (c): 103 DOC 650, page 77 states that site mental health staff shall be notified prior to service of a disciplinary report on any inmate with Serious Mental Illness (SMI) who is charged with a category 1 or category 2 disciplinary offense. It further states that during regularly scheduled reviews of recently issued disciplinary reports, the Superintendent or designee shall receive consultation from a site mental health staff member regarding mental health issues that may be implicated in the events described by the disciplinary report, and whether there are appropriate alternatives for addressing the matter by means other than the disciplinary process. The interview with the Warden confirmed that the inmates' mental illness or mental disability would be considered in the disciplinary process.

115.78 (d): The PAQ states that the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse and the facility does not consider whether to require the offending inmate to participate in these interventions as a condition of access to programming and other benefits. 103 DOC 650, page 45 states

that a mental health evaluation of all known inmate-on-inmate abusers shall be conducted within 60 days of learning of such abuse history and mental health staff shall offer treatment when deemed clinically appropriate. Interviews with medical and mental health staff indicated that medical staff were unaware of this provision, but that the mental health staff member confirmed that they do offer therapy, counseling and other services designed to address and correct underlying issues and that they have a facility specifically for treatment of sex offenders and they would offer the services to the inmate perpetrator. The mental health staff member stated that they do not require the inmate's participation in order to gain access or privileges to other benefits or services/programs.

115.78 (e): The PAQ stated that the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact. 103 CMR 430, pages 18-19 outline the category one offense of sexual assault on a staff member, contract employee, member of the public or volunteer. Inmates would be charged with this category one offense if they had sexual contact with a staff member who did not consent.

115.78 (f): The PAQ stated that the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. 103 CMR 430, pages 20-21 outline the category three offense of lying or providing false information to a staff member. Inmates would be disciplined under this code if they falsely report sexual abuse. During an interview with an inmate who reported sexual abuse, the auditor was advised that he was issued discipline prior to the investigation being completed. A review of documentation indicated the inmate reported the allegation recently in 2022. The investigation was deemed unfounded and as such the facility deemed the inmate filed the grievance in bad faith and the inmate was issued discipline for providing a false allegation. A review of the investigative report indicated that the investigation did not have enough evidence to determine the incident did not occur and as such the investigation should have been unsubstantiated. The investigator reviewed video, however the video did not show into the cell where the alleged incident occurred. There were no witnesses to the incident. The investigator indicated that the inmate was lying based on his demeanor and his confusion on some of the questions. The inmate victim should not have been provided discipline based on the evidence. The auditor notified the facility and it was determined that the facility did not write the discipline but rather the agency investigator did. The facility took immediate action and dismissed the discipline. The PC advised that they would be conducting training with the investigators related to issuing discipline to inmate victims of sexual abuse related to unfounded investigative outcomes.

115.78 (g): The PAQ indicates that the agency prohibits all sexual activity between inmates and the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced. 103 DOC 519, page 6 states that all intentional acts of sexual harassment/sexually abusive behavior or intimacy between an inmate and a staff member, or between inmates, regardless of consensual status, are prohibited. It further states that the Department resolves to prohibit all forms of sexual harassment and sexual activity involving inmates.

Based on a review of the PAQ, 103 DOC 519, 103 DOC 650, 103 DOC 430, investigative reports and information from interviews with the Warden and medical and mental health care staff, this standard appears to require corrective action. During an interview with an inmate who reported sexual abuse, the auditor was advised that he was issued discipline prior to the investigation being completed. A review of documentation indicated the inmate reported the allegation recently in 2022. The investigation was deemed unfounded and as such the facility deemed the inmate filed the grievance in bad faith and the inmate was issued discipline for providing a false allegation. A review of the investigative report indicated that the investigation did not have enough evidence to determine the incident did not occur and as such the investigation should have been unsubstantiated. The investigator reviewed video, however the video did not show into the cell where the alleged incident occurred. There were no witnesses to the incident. The investigator indicated that the inmate was lying based on his demeanor and his confusion on some of the questions. The inmate victim should not have been provided discipline based on the evidence. The auditor notified the facility and it was determined that the facility did not write the discipline but rather the agency investigator did. The facility took immediate action and dismissed the discipline. The PC advised that they would be conducting training with the investigators related to issuing discipline to inmate victims of sexual abuse related to unfounded investigative outcomes.

Corrective Action

The agency will need to ensure they train applicable staff (to include investigators) on when alleged inmate victims can be

disciplined related to sexual abuse allegations. This should include information related to unfounded investigations and when it is appropriate to issue discipline based on an investigative outcome (also appropriate standard for each investigative outcome as unfounded was not appropriate). A copy of the training records will need to be provided to the auditor.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Meeting Minutes
2. Staff Training Documents

On June 3, 2022 the facility provided meeting minutes from the May 10, 2022 meeting with the PREA Division and the Professional Standards Unit (PSU). The meeting minutes confirmed that there was discussion on ensuring appropriate investigative outcomes are derived as well as not disciplining inmates for reports made in good faith. On September 7, 2022 the auditor was provided a signed training form for the investigative staff member who issued the incorrect discipline to the inmate who filed the sexual abuse allegation.

Based on the documentation provided the facility has corrected this standard.

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

- 1. Pre-Audit Questionnaire
- 2. 103 DOC 650 – Mental Health Services
- 3. Housing Risk Screen Assessments
- 4. Medical/Mental Health Documents (Secondary Documents)
- 5. Deficiency and Corrective Action Memorandum

Interviews:

- 1. Interview with Staff Responsible for Risk Screening
- 2. Interview with Medical and Mental Health Staff

Site Review Observations:

- 1. Observations of Risk Screening Area

Findings (By Provision):

115.81 (a): The PAQ indicated all inmates at the facility who have disclosed prior sexual victimization during a screening pursuant to 115.41 are offered a follow-up meeting with a medical or mental health practitioners. The PAQ stated that the meetings were not offered within fourteen days of the intake screening. Further communication indicated that this was incorrect and inmates are offered a follow-up within medical or mental health within fourteen days. 103 DOC 650, page 10 states that if the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen days of the intake screening. The PAQ indicated that 2% of those inmates who reported prior victimization were seen within fourteen days by medical or mental health practitioners. Further communication with the PC indicated that all inmates that disclosed sexual victimization during the risk screening were offered a follow-up with medical or mental health. The PAQ also indicated that medical and mental health do not maintain secondary materials documenting compliance with the required services. The PAQ supplemental documents indicated that the agency identified a deficiency with this provision during a prior MADOC audit. The memo indicated that the Assistant PREA Coordinator provided the prior MADOC training via a round table training on August 20, 2021 related to offering a mental health follow-up to all inmates who disclose prior sexual victimization, whether in an institutional setting or not. The documentation provided was not for staff at MCI Concord, but rather MCI Norfolk. The auditor requested a list of inmates that disclosed prior sexual victimization during the risk screening. The facility did not have a running list and therefore the PCM had risk screening staff identify inmates they knew disclosed prior sexual victimization during the risk screening. Four inmates were identified who disclosed prior victimization during the risk screening over the previous twelve months. All four inmates had a mental health contact documented after arrival at the facility and the mental health contact documented prior sexual victimization. However, two of the inmates identified did not disclose the prior sexual victimization during the risk screening until the 30 day reassessment. The documentation confirmed that while they did not disclose during the risk screening, the history of victimization was discussed during the prior mental health contact. It should be noted that in addition to the housing risk assessment screening, mental health also conducts an initial screening with inmates on the first day of arrival. Mental health staff ask inmates about prior sexual victimization during their initial risk screening. All inmates that arrive at the facility meet with mental health prior to being housed. All inmates are provided the opportunity to disclose prior sexual victimization to mental health care staff during this assessment. Additionally, the risk screenings do not differentiate from prior sexual victimization that was previously disclosed on prior risk assessments and any sexual victimization that was not disclosed previously. As such, many inmates have already disclosed the prior sexual victimization and had a mental health follow-up at prior MADOC facilities. MCI Concord is not an intake facility and as such, most inmates have had numerous, but at least two, prior risk screenings completed before arrival at MCI Concord. Interviews with staff responsible for the risk screening, indicated that after an inmate discloses prior victimization they are immediately referred to medical or mental health staff. The

one staff member stated that after he completes the initial questions the inmate is taken to medical or mental health for additional assessment and they can discuss it with them then. The interviews with the inmates who disclosed prior victimization indicated that one was offered a follow-up with mental health. One inmate stated that mental health asked him about the information and offered him services that same day. The second inmate stated mental health asked him the questions related to prior victimization but they did not talk to him about it and did not ask him if he wanted to talk about it.

115.81 (b): The PAQ indicated all prison inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to 115.41 are offered a follow-up meeting with a medical or mental health practitioners. The PAQ did not state whether inmates are offered a follow-up meeting were not offered within fourteen days of the intake screening. The PAQ stated that training was conducted in 2021 related to this standard. 103 DOC 650, page 10 states that if the screening indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with a mental health practitioner within fourteen days of the intake screening. The PAQ indicated that 0% of those inmates who reported prior victimization were seen within fourteen days by medical or mental health practitioners. The PAQ also indicated that medical and mental health do not maintain secondary materials documenting compliance with the required services. The PAQ included supplemental documents indicated that the facility identified a deficiency with this provision in 2021. The memo provided indicated staff at MCI Norfolk were provided training related to provision (a) and (c). The documents were not training specific at MCI Concord and did not address requirements under this standard related to prior sexual abusiveness. The facility did not have a list of inmates who had prior sexual abusiveness, however the facility is not an intake facility and as such all prior sexual abusiveness in the inmate's history would be addressed at the intake facility or after a sexual abuse investigation was deemed substantiated. During documentation review the auditor did not identify any inmates with prior sexual abusiveness that was not previously identified at another MADOC facility (i.e. current charges or prior charges). It should be noted that in addition to the housing risk assessment screening, mental health staff also conduct an initial screening with inmates on the first day of arrival. All inmates that arrive at the facility meet with mental health prior to being housed. All inmates are provided the opportunity to discuss any issues or concerns with mental health at that time. Additionally, the risk screenings do not differentiate from prior sexual abusiveness that was already addressed/referred to mental health during a prior risk screening. As such, many inmates have already had the opportunity to meet with mental health for a follow-up at prior MADOC facilities. MCI Concord is not an intake facility and as such, most inmates have had numerous, but at least two, prior risk screenings completed before arrival at MCI Concord. The interviews with the risk screening staff indicated that inmates who are identified with prior sexual abusiveness are offered a follow-up with mental health immediately. They stated all inmates are seen by mental health staff for an assessment after they are seen in booking.

115.81 (c): The PAQ indicated all inmates at the facility who have disclosed prior sexual victimization during a screening pursuant to 115.41 are offered a follow-up meeting with a medical or mental health practitioners. The PAQ stated that the meetings were not offered within fourteen days of the intake screening. Further communication indicated that this was incorrect and inmates are offered a follow-up within medical or mental health within fourteen days. 103 DOC 650, page 10 states that if the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen days of the intake screening. The PAQ indicated that 2% of those inmates who reported prior victimization were seen within fourteen days by medical or mental health practitioners. Further communication with the PC indicated that all inmates that disclosed sexual victimization during the risk screening were offered a follow-up with medical or mental health. The PAQ also indicated that medical and mental health do not maintain secondary materials documenting compliance with the required services. The PAQ supplemental documents indicated that the agency identified a deficiency with this provision during a prior MADOC audit. The memo indicated that the Assistant PREA Coordinator provided the prior MADOC training via a round table training on August 20, 2021 related to offering a mental health follow-up to all inmates who disclose prior sexual victimization, whether in an institutional setting or not. The documentation provided was not for staff at MCI Concord, but rather MCI Norfolk. The auditor requested a list of inmates that disclosed prior sexual victimization during the risk screening. The facility did not have a running list and therefore the PCM had risk screening staff identify inmates they knew disclosed prior sexual victimization during the risk screening. Four inmates were identified who disclosed prior victimization during the risk screening over the previous twelve months. All four inmates had a mental health contact documented after arrival at the facility and the mental health contact documents prior sexual victimization. However, two of the inmates identified did not disclose the prior sexual victimization during the risk screening until the 30 day reassessment. The documentation confirmed that while they did not disclose during the risk screening, the history of victimization was discussed during the prior mental health contact. It should be noted that in addition to the housing risk assessment screening, mental health also conducts an initial screening with inmates on the first day of arrival. Mental health staff ask inmates about prior sexual victimization during their initial risk screening. All inmates that arrive at the facility meet with mental health prior to being housed. All inmates are provided the opportunity to disclose prior sexual victimization to mental health care staff during this assessment. Additionally, the risk screenings do not differentiate from prior sexual victimization that was previously disclosed on prior risk assessments and any sexual victimization that was not disclosed

previously. As such, many inmates have already disclosed the prior sexual victimization and had a mental health follow-up at prior MADOC facilities. MCI Concord is not an intake facility and as such, most inmates have had numerous, but at least two, prior risk screenings completed before arrival at MCI Concord. Interviews with staff responsible for the risk screening, indicated that after an inmate discloses prior victimization they are immediately referred to medical or mental health staff. The one staff member stated that after he completes the initial questions the inmate is taken to medical or mental health for additional assessment and they can discuss it with them then. The interviews with the inmates who disclosed prior victimization indicated that one was offered a follow-up with mental health. One inmate stated that mental health asked him about the information and offered him services that same day. The second inmate stated mental health asked him the questions related to prior victimization but they did not talk to him about it and did not ask him if he wanted to talk about it.

115.81 (d): The PAQ indicated that information related to sexual victimization and abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners. Further communication with the PC indicated this is incorrect and that medical and mental health care staff have access to an electronic system and that the Superintendent gives limited access to a separate PREA database based on job responsibilities to view this information. He stated that the information is only shared with other staff to inform security and management decisions, including treatment plans, housing, bed, work education and program assignments. 103 DOC 650, page 11 states that any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law. During the tour the auditor observed that inmate medical and mental health records are paper and electronic (electronic after 2018). The auditor spoke with health service staff that confirmed medical and mental health care staff only have access to medical and mental health records. The staff indicated that if anyone else was requesting records or information they would have to obtain the information through a medical or mental health care staff member. The staff stated that medical records is staffed 8am-5pm and that when staff is not present the door is locked. Classification files are also electronic and paper. The staff indicated that classification records, including the inmate's risk screening information is accessible on certain screens that have limited access. The staff indicated that certain profiles have access to the records. The auditor confirmed this was accurate by asking a security staff member to attempt to pull up the screen. The staff did not have access to view the information. The paper classification files are maintained in records which is also staffed 8am-5pm daily and is locked after hours.

15.81 (e): The PAQ indicated that medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of eighteen. 103 DOC 650, page 11 states that medical and mental health practitioners shall obtain informed consent from inmates prior to reporting information about prior sexual victimization that did not occur within an institutional setting, unless the inmate is under eighteen. Interviews with medical and mental health staff confirmed that they obtain informed consent prior to reporting any sexual abuse that did not occur in an institutional setting. All three staff indicated the facility houses adult inmates only and they do not house inmates under eighteen.

Based on a review of the PAQ, 103 DOC 650, housing risk screening assessments, medical and mental health documents and information from interviews with staff who perform the risk screening, medical and mental health care staff and inmates who disclosed victimization during the risk screening, this standard appears to require corrective action. While all inmates that arrive at MCI Concord are provided contact with mental health upon arrival, to include a screening through medical or mental health staff where they ask about prior sexual victimization, because there is not a formal process related to referrals after disclosure during the risk screening, there may be inmates that do not disclose to medical or mental health but disclose during the risk screening that are not referred to mental health. The facility does not track inmates who report prior sexual victimization during the risk screening and the facility does not have a way to differentiate inmates who are disclosing prior victimization for the first time from those who disclosed previously and have already been referred to mental health. Additionally, the facility does not have a way to differentiate inmate who were previously identified with prior sexual abusiveness and were referred to mental health from those who have newly identified prior sexual abusiveness. Four inmates were identified who disclosed prior victimization during the risk screening over the previous twelve months. All four inmates had a mental health contact documented after arrival at the facility and the mental health contact documents prior sexual victimization. However, two of the inmates identified did not disclose the prior sexual victimization during the risk screening until the 30 day reassessment. The documentation confirmed that while they did not disclose during the risk screening, the history of victimization was discussed during the prior mental health contact.

Corrective Action

The facility will need to develop a process to ensure inmates who disclose prior sexual victimization (new) and inmates who are identified with prior sexual abusiveness (new) are offered a follow-up with mental health. The facility will need to develop a way to track these populations in order to provide lists for future audits. While inmates are seen by mental health on the date of arrival and are asked about prior victimization during the contact, the facility will need to ensure that any inmate who discloses prior victimization during the risk screening was provided mental health services during that screening or offered mental health services related to the prior sexual abusiveness during the contact. If the prior victimization was not discussed or documented during the contact, the facility should ensure the inmate is offered a follow-up with mental health. If the inmate declines the follow-up, the refusal should be documented. The same should be adapted for inmates who are identified with prior sexual abusiveness. Once the facility determines the process they will utilize they should provide the auditor with a process memo indicating a detailed description of the process. Necessary staff should be trained on the process and sign that they were trained. A copy of the training and staff signatures should be provided to the auditor. Additionally, examples of inmates who reported prior sexual victimization and inmates who were identified with prior sexual abusiveness and their mental health follow-ups (or refusals) should be provided to the auditor.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Corrective Action Plan and Process Memorandum
2. Tracking Spreadsheet
3. Mental Health Documents

On June 7, 2022 the facility provided a memo that outlined the corrective action plan for this standard. The memo advised that at the time of intake/transfer, a patient's response to the question of any history or perpetrator or victimization of sexual abuse will be documented in the mental health documentation via the Initial Appraisal for new commits or the Intake/Transfer checklist for those transferring from another MADOC facility (both found in ERMA). Upon offering the patient this mental health follow-up within fourteen days, it will be documented via the Mental Status Update form found in ERMA and will note whether the patient engaged in or declined this offered mental health contact. The memo further stated that it is the responsibility of the mental health vendor to track and ensure these mental health follow-ups occur within fourteen days.

The memo also included a section on training which detailed that all Mental Health Directors received training on the process during the February monthly Mental Health Director's meeting. Additionally, it was covered in the April monthly Mental Health Director's meeting to review how the process has been implemented. The Mental Health Directors then disseminated this information to their mental health teams during a daily mental health meeting.

On July 27, 2022 the facility provided another memo indicating that mental health staff created a tracking spreadsheet that they document disclosure of sexual victimization or abusiveness. The spreadsheet included those who disclosed and a column titled "space offered", which notes whether the inmate accepted or declined the follow-up service. The spreadsheet is maintained by the facility's Mental Health Director.

On August 16, 2022 the facility provided a copy of the tracking spreadsheet. The spreadsheet includes seven columns with yes or no answers. There is also a notes column where staff indicated type of prior sexual victimization/abusiveness (adult, child, etc.) and whether it was reported or located in the file. The section "space offered" is also on the spreadsheet and is marked with an "X" if the follow-up is offered. A review of the spreadsheet indicated during the corrective action period there were five inmates who disclosed or were identified with prior sexual victimization and/or abusiveness. Three of the five had documentation on the spreadsheet that they were offered a mental health follow-up. The auditor requested additional

information related to the two that did not have anything indicated in the “space offered” column. Additionally, the auditor requested actual mental health documents for two of the five inmates to provide additional confirmation that they were offered the follow-up with mental health.

On September 20, 2022, the facility provided the auditor with mental health documents for the two requested inmates. The documentations confirmed that both were provided a follow-up with mental health the same date they arrived related to prior sexual victimization. On September 20, 2022 the facility provided an updated spreadsheet with appropriate headings and updated columns/rows.

Based on the documentation provided the facility has corrected this standard.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. 103 DOC 650 – Mental Health Services
4. Investigative Reports
5. Medical/Mental Health Documents (Secondary Documents)

Interviews:

1. Interview with Medical and Mental Health Staff
2. Interview with Inmates who Reported Sexual Abuse
3. Interview with First Responders

Site Review Observations:

1. Observations of Medical and Mental Health Areas

Findings (By Provision):

115.82 (a): The PAQ indicated that inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services and that the nature and scope of services are determined by medical and mental health practitioners according to their professional judgement. The PAQ also indicated that medical and mental health maintain secondary materials documenting the timeliness of services. 103 DOC 519, page 15 states that inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. A qualified health care professional shall evaluate and document the extent of physical injury and provide emergency medical treatment as needed. 103 DOC 650, page 43 states that any inmate who reports being physically victimized by sexually abusive behavior shall be brought to the Health Services Unit for emergency medical and mental health treatment as needed. Page 45 further states that inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope which are determined by medical and mental health practitioners according to their professional judgment. During the tour, the auditor noted that the medical and mental health areas consisted of a reception area, exam rooms, treatment room, holding cells, an emergency treatment room and suicide observation cells. The auditor observed that the exam rooms and treatment rooms had large windows, but there was mobile privacy barriers available. The emergency room had a solid door to provide privacy. The interviews with the inmates who reported sexual abuse indicate that all four were seen by medical and/or mental health care staff. health services. Interviews with medical and mental health care staff confirm that inmates receive timely unimpeded access to emergency medical treatment and crisis intervention services. All three staff stated that inmates are provided services immediately. The staff confirmed services are based on their professional judgement as well as what the patient is telling them. A review of investigative reports and medical and mental health documentation indicated that there were eight inmate victims of sexual abuse during the previous twelve months. Three of the inmates were not at the facility when the sexual abuse was reported and as such the facility did not provide medical and mental health services. The five inmates who were at the facility at the time of the reported allegation were seen by medical and/or mental health care staff on the same day of the reported allegation. All medical and mental health care staff complete incident reports documenting they provided services to inmates. These incident reports are maintained as secondary medical and mental health documents.

115.82 (b): 103 DOC 519, pages 14-15 state that each institution shall maintain an Emergency Response Plan and sexual assault response kits containing the items necessary to facilitate their response to sexual assault allegations. Response

plans shall contain the following actions: separate alleged victim and perpetrator; immediately notify the Shift Commander; secure the scene, if warranted, for subsequent crime scene processing, ask the victim and ensure the perpetrator does not take any action that would destroy physical evidence (e.g., washing, eating, drinking, brushing teeth, changing clothes, etc.), receive the reporter's information on what took place, immediately escort the inmate victim to the institution's Health Services Unit for emergency medical care/mental health treatment; enter detailed information on the IMS incident report before the end of the shift and remain on shift until debrief by the sexual assault investigator. 103 DOC 650, page 45 states that if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. The facility has 24/7 medical and mental health care. Inmates are immediately escorted to medical upon notification of an allegation of sexual abuse. A review of documentation confirmed that the five inmate victims of sexual abuse that reported at the facility were seen by medical staff immediately following the facility receiving the allegation. The interview with the security first responder confirmed that he would isolate the inmates, notify the Shift Commander, preserve the scene so no contamination can occur, take the inmate victim to medical and not let the inmate victim to wash up or anything like that. The staff member stated that he would record information to help recall what happened and write his report. The non-security first responder stated she would immediately alert security staff.

115.82 (c): The PAQ indicated that inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infection prophylaxis. The PAQ also indicated that medical and mental health maintain secondary materials documenting the timeliness of services. 103 DOC 519, pages 15-16 state that if the determination is made that the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to the outside hospital with a SANE program where he/she shall receive essential medical intervention, including preventative treatment for HIV, sexually transmitted diseases and pregnancy, if appropriate. Policy further states that in cases where the inmate victim refuses treatment, the inmate victim shall sign a Refusal of Treatment form. Provisions shall be made for testing sexually transmitted diseases (e.g. HIV, gonorrhea, hepatitis) as well as prophylactic treatment, follow-up care and counseling. There were one sexual abuse allegation involving possible penetration (the inmate advised he lost consciousness and it was rumored that was what happened) reported during the previous twelve months. A review of documentation indicated that staff reviewed the video cameras and confirmed that sexual abuse did not occur. As such the inmate was not provided prophylaxis. The interviews with the inmates who reported sexual abuse indicated that one involved penetration and the inmate was offered access to sexually transmitted infection prophylaxis. Interviews with medical and mental health care staff confirm that inmates receive timely information and access to emergency contraception and sexual transmitted infection prophylaxis.

115.82 (d): The PAQ indicated that treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident. 103 DOC 519, page 17 states that rape crisis services shall be provided at no cost to the alleged victim unless the claim of being sexually assaulted was knowingly false.

Based on a review of the PAQ, 103 DOC 519, 103 DOC 650, investigative reports, a review of medical and mental health documents and information from interviews with medical and mental health care staff and inmates who reported sexual abuse, this standard appears to be compliant.

115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

- 1. Pre-Audit Questionnaire
- 2. 103 DOC 650 – Mental Health Services
- 3. Wellpath 57.00 - Sexual Assault/PREA Compliance
- 4. Investigative Reports
- 5. Medical/Mental Health Documents (Secondary Documents)

Interviews:

- 1. Interview with Medical and Mental Health Staff
- 2. Interview with Inmates who Reported Sexual Abuse

Site Review Observations:

- 1. Observations of Medical Treatment Areas

Findings (By Provision):

115.83 (a): The PAQ stated that the facility offers medical and mental health evaluations, and as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. 103 DOC 650, page 43 states that any inmate who reports being physically victimized by sexually abusive behavior shall be brought to the Health Services Unit for emergency medical and mental health treatment as needed. The inmate shall be evaluated by a qualified health care professional for physical injuries and emergency medical treatment. An emergency mental health referral to the on-site mental health clinician shall be made following the completion of the medical examination. Any reports of physical or verbal abuse of a sexual nature shall be referred to mental health crisis clinician. Page 45 further states that mental health shall offer a mental health evaluation, and as appropriate, follow-up treatment to all inmates who have been victimized by sexual abuse in any prison. The evaluation and treatment of such victims shall include as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer or placement in, other facilities, or their release from DOC custody. During the tour, the auditor noted that the medical and mental health areas consisted of a reception area, exam rooms, treatment room, holding cells, an emergency treatment room and suicide observation cells. The auditor observed that the exam rooms and treatment rooms had large windows, but there was mobile privacy barriers available. The emergency room had a solid door to provide privacy. A review of investigative reports and medical and mental health documentation indicated that there were eight inmate victims of sexual abuse during the previous twelve months. Three of the inmates were not at the facility when the sexual abuse was reported and as such the facility did not provide medical and mental health services. The five inmates who were at the facility at the time of the reported allegation were seen by medical and/or mental health care staff on the same day of the reported allegation. Additionally, four inmates were identified who disclosed prior victimization during the risk screening over the previous twelve months. All four inmates had a mental health contact documented after arrival at the facility and the mental health contact documents prior sexual victimization.

115.83 (b): 103 DOC 650, page 45 states that mental health shall offer a mental health evaluation, and as appropriate, follow-up treatment to all inmates who have been victimized by sexual abuse in any prison. The evaluation and treatment of such victims shall include as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer or placement in, other facilities, or their release from DOC custody. A review of investigative reports and medical and mental health documentation indicated that there were eight inmate victims of sexual abuse during the previous twelve months. Three of the inmates were not at the facility when the sexual abuse was reported and as such the facility did not provide medical and mental health services. The five inmates who were at the facility at the time of the

reported allegation were seen by medical and/or mental health care staff on the same day of the reported allegation. Additionally, a review of secondary medical and mental health documents confirm that medical and mental health care staff complete an incident report confirming they provide inmates services. The interviews with the inmates who reported sexual abuse indicate that two were provided follow-up services with mental health care staff. Two stated their allegations were sexual harassment and they did not have follow-up services, just initial. Interviews with medical and mental health care staff confirmed that they provide follow-up service, treatment plans and referrals to inmate victims of sexual abuse. Staff stated a few of the services include supportive counseling, treatment plans, referrals, follow-up labs, medication, forensic medical examinations and any other testing or medical concerns.

115.83 (c): All medical and mental health care staff are required to have the appropriate credentials and licensures. The facility utilizes Beth Israel for forensic medical examinations. A review of medical and mental health documentation and secondary documentation indicated that inmates have immediate access to medical and mental health care when needed, either urgent or routine (scheduled appointment). Interviews with medical and mental health care staff confirm that the services they provide are consistent with the community level of care. One staff member stated they are 24/7, so she believed the services were better.

115.83 (d): This provision does not apply as the facility does not house female inmates.

115.83 (e): This provision does not apply as the facility does not house female inmates.

115.83 (f): The PAQ indicated that inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. 103 DOC 519, page 20 states that if the determination is made that the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to the outside hospital with a SANE program where he/she shall receive essential medical intervention, including preventative treatment for HIV, sexually transmitted diseases and pregnancy, if appropriate. Additionally, Wellpath 57.00, page 2 states that patient victims of sexual abuse while incarcerated shall be offered testing for sexually transmitted infections as medically appropriate. There were one sexual abuse allegation involving possible penetration (the inmate advised he lost consciousness and it was rumored that was what happened) reported during the previous twelve months. A review of documentation indicated that staff reviewed the video cameras and confirmed that sexual abuse did not occur. As such the inmate was not provided testing for sexually transmitted infections. The interviews with the inmates who reported sexual abuse indicated one involved penetration and he was provided sexually transmitted infection tests.

115.83 (g): The PAQ indicated that treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident. 103 DOC 519, page 17 states that rape crisis services shall be provided at no cost to the alleged victim unless the claim of being sexually assaulted was knowingly false. The interviews with the inmates who reported sexual abuse confirmed that none were required to pay for their medical and/or mental health services.

115.83 (h): The PAQ indicated that the facility attempts to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history, and offers treatment when deemed appropriate by mental health. 103 DOC 650, page 45 states that a mental health evaluation of all known inmate on inmate abusers shall be conducted within 60 days of learning of such abuse history and mental health staff shall offer treatment when deemed clinically appropriate. Three inmate-on-inmate sexual abuse allegations were reported in the previous twelve months. None of the three were substantiated and as such did not require an evaluation. Interviews with medical and mental health staff indicated that medical was not aware of the requirement under this provision but the mental health care staff member stated the mental health care staff would immediately conduct an evaluation on known inmate-on-inmate abusers.

Based on a review of the PAQ, 103 DOC 650, Wellpath 57.00, investigative reports, a review of medical and mental health documents and information from interviews with the inmate who reported sexual abuse and medical and mental health care staff, this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. Investigative Reports
4. Sexual Abuse Incident Review

Interviews:

1. Interview with the Warden
2. Interview with the PREA Compliance Manager
3. Interview with Incident Review Team

Findings (By Provision):

115.86 (a): The PAQ stated that the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. 103 DOC 519, page 22 states that the facility shall also conduct a sexual harassment/abuse incident review at the conclusion of all substantiated and unsubstantiated investigations. The PAQ indicated there were zero criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only "unfounded" incidents. A review of documentation indicated there were nine sexual abuse allegations (eight of the investigations reviewed by the auditor) reported during the previous twelve months. Two were still open, one was unsubstantiated and six were unfounded. As such, one required a sexual abuse incident review. A review of documentation confirmed that the facility completed a sexual abuse incident review at the conclusion of the investigation.

115.86 (b): The PAQ stated that the facility ordinarily conducts a sexual abuse incident review within 30 days of the conclusion of the criminal or administrative sexual abuse investigation. 103 DOC 519, page 22 states that incident reviews shall ordinarily occur within 30 days of the conclusion of the investigation. The PAQ indicated there were zero sexual abuse incident review completed by the facility within 30 days of the conclusion of the investigation, excluding only "unfounded" incidents. A review of documentation indicated there were nine sexual abuse allegations (eight of the investigations reviewed by the auditor) reported during the previous twelve months. Two were still open, one was unsubstantiated and six were unfounded. As such, one required a sexual abuse incident review. A review of documentation confirmed that the facility completed a sexual abuse incident review at the conclusion of the investigation. The investigation was closed on February 4, 2022 and the sexual abuse incident review was completed on March 17, 2022.

115.86 (c): The PAQ indicated that the sexual abuse incident review team includes upper level management officials and allows for input from line supervisors, investigators and medical and mental health practitioners. 103 DOC 519, page 22 states that each institution shall establish a PREA committee comprised of the PREA Manager, upper-level management official, line supervisors, investigators, medical and/or mental health practitioners and any other individual deemed integral to successful implementation of the PREA process at the site. A review of the one completed sexual abuse incident review indicated that the team included the PCM, Deputy Superintendent, a security staff member medical staff, mental health staff and the investigator. The interview with the Warden confirmed that the facility has a sexual abuse incident review team. She stated the team consists of upper management, supervisors, investigators medical and mental health care staff.

115.86 (d): The PAQ stated that the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section an any recommendations

for improvement, and submits each report to the facility head and PCM. 103 DOC 519, page 22 state that the review team shall; consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse; consider whether the incident or allegation was motivated by race, ethnicity, gender identity, LGBTI and/or gender non-conforming identification, status or perceived status or gang affiliation, or was motivated or otherwise cause by other group dynamics at the facility; examine where the incident where allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels where the incident allegedly occurred during various shifts; assess whether monitoring technology should be deployed or enhanced to supplement supervision by staff and document the review process by using the PREA database. A review of the one completed sexual abuse incident review indicated that it included the required components under this provision. The topics were included with a yes or no check box and an area for comments. Interviews with the Warden, PCM and incident review team member confirmed that these reviews are being completed and they include all the required elements. The sexual abuse incident review team member stated they review the possible motivations for the sexual abuse, they tour the facility where the incident took place, they review staffing levels and they review video monitoring technology in the area. He stated they review everything to see if they can rectify any concerns. The Warden stated that the facility utilizes the information from the sexual abuse incident reviews to better their practices. She stated they review the incident to determine if there is a need for policy changes, staffing level changes and cameras. She further stated that the information is aimed at determining if there is a way to prevent the incident from occurring again. The PCM stated that the sexual abuse incident review is completed through the PREA database and that she conducts site reviews as part of the PREA meeting. She confirmed she participates in the sexual abuse incident reviews and that she has not noticed any trends over the previous year. The PCM stated that if there is a need for corrective action she would default to the same procedures they use for everything else. She stated she would document it in a letter/memo and recommend corrective action. She further indicated she would take appropriate corrective action once the report is submitted.

115.86 (e): The PAQ indicated that the facility implements the recommendations for improvement or documents its reasons for not doing so. 103 DOC 519, pages 22-23 state the committee shall document its findings, including, but not limited to determinations made pursuant to the above and any recommendations for improvement. The institution shall implement the recommendations for improvement or shall document its reason for not doing so. A review of the one completed sexual abuse incident review indicated that a section exists for recommendations and corrective action, but it did not have any recommendations documented.

Based on a review of the PAQ, 103 DOC 519, the sexual abuse incident review and information from interviews with the Warden, the PCM and member of the sexual abuse incident review team, this standard appears to require corrective action. The facility completed a sexual abuse incident review on the one required allegation, however it was past the 30 day timeframe. As such further documentation is required to show compliance.

Corrective Action

The facility will need to ensure sexual abuse incident reviews are completed within 30 days of the conclusion of the investigation. Documentation will need to be provided on sexual abuse allegations and corresponding sexual abuse incident reviews over the corrective action period.

Verification of Corrective Action Since the Interim Audit Report

The auditor gathered and analyzed the following additional evidence provided by the facility during the corrective action period relevant to the requirements in this standard.

Additional Documents:

1. Updated Investigative Information

The facility provided documentation to the auditor indicating the information the auditor had related to the closure date of the

case was incorrect. The facility provided documentation indicating that the investigation was concluded on March 4, 2022 not February 4, 2022. The sexual abuse incident review as completed on March 17, 2022. As such the review was completed within the 30 days and corrective action was not necessary. Based on the updated information provided this standard is compliant.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. PREA Annual Reports

Findings (By Provision):

115.87 (a): The PAQ indicated that the agency collects accurate uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. 103 DOC 519, page 23 states the Department shall collect accurate, uniform data for every allegation of sexual harassment/abuse at the institutions through the use of the PREA database. It further states that the incident-based data collected shall include, at a minimum, the data necessary to answer all inquiries and surveys to the DOJ. A review of the PREA Annual Report confirmed that aggregated data is compared for the two prior years and is broken down by incident types and outcome across the different facilities.

115.87 (b): The PAQ indicates that the agency aggregates the incident based sexual abuse data at least annually. 103 DOC 519, page 30 states that the Department PREA Coordinator/designee shall aggregate the incident-based sexual abuse data at least annually and submit a report to the DOJ as required. A review of the PREA Annual Reports confirmed that each annual report included aggregated facility and agency data.

115.87 (c): The PAQ indicated that the agency collects accurate uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. It also indicates that the standardized instrument includes at minimum, data to answer all questions from the most recent version of the Survey of Sexual Victimization (SSV). 103 DOC 519, page 23 states the Department shall collect accurate, uniform data for every allegation of sexual harassment/abuse at the institutions through the use of the PREA database. It further states that the incident-based data collected shall include, at a minimum, the data necessary to answer all inquiries and surveys to the DOJ. A review of the PREA Annual Report confirmed that aggregated data is compared for the two prior years and is broken down by incident types and outcome across the different facilities.

115.87 (d): The PAQ stated that the agency maintains, reviews, and collects data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. 103 DOC 519, page 23 states that the Department shall maintain, review and collect data as needed from all available incident-based documents, including reports, investigative files and sexual abuse incident reviews. The Department shall also attempt to obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. Upon request, the Department's PREA Coordinator shall provide all such data from the previous calendar year to the DOJ.

115.87 (e): The PAQ indicated that this standard is not applicable as the agency does not contract with private facilities for the confinement of its inmates. 103 DOC 519, page 23 states that the Department shall also attempt to obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. A review of the PREA Annual Report indicates that the facility does not contract with private facilities and as such this provision is not applicable.

115.87 (f): The PAQ indicated that the agency provides the Department of Justice with data from the previous calendar year upon request. 103 DOC 519, page 23 states that upon request, the Department's PREA Coordinator shall provide all such data from the previous calendar year to the DOJ.

Based on a review of the PAQ, 103 DOC 519 and PREA Annual Reports, this standard appears to be compliant.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documents:

1. Pre-Audit Questionnaire
2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention
3. PREA Annual Reports

Interviews:

1. Interview with the Agency Head Designee
2. Interview with the PREA Coordinator
3. Interview with the PREA Compliance Manager

Findings (By Provision):

115.88 (a): The PAQ indicated that the agency reviews 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 and training. The review includes: identifying problem areas, taking corrective action on an ongoing basis and preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. 103 DOC 519, pages 23-24 state the Department shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual harassment/abuse response prevention policy and all such efforts related to the prevention, detection and response to any and all sexual harassment/abuse allegations. Additionally, the collection and review of such data serves to give the Department the ability to continually enhance and improve its practices and training including: identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective action for each facility, as well as the Department as a whole. A review of the last two PREA Annual Reports indicates that reports include agency achievements for the prior year, aggregated data for the two prior years for comparison, tables of incidents by facility, identified problem areas, corrective action for the year, resolved problem areas for the prior year and a Department assessment. The interview with the Agency Head Designee indicated that the agency collects accurate uniform data for every allegation of sexual abuse and sexual harassment through the PREA database. He stated the agency would look at any problem areas through the sexual abuse incident review data to determine if incidents could have been prevented or what corrective action needs to be implemented in order to prevent an incident in the future. The Agency Head Designee stated that the information is reviewed in real time and corrective action is taken on an ongoing basis. The PC confirmed that the agency aggregates sexual abuse data and that it is securely retained. He stated that they have a PREA database where they track allegations and they also recently purchased a new software application that gathers and aggregates data on the current inmate population. He stated that the data is backed up on servers and that the servers are very well protected from intrusion. He confirmed that if there is an issue identified from data collection and review that they would address the issue through corrective action immediately. He confirmed that corrective action is completed on an ongoing basis and they would not let issue sit. The PC stated that the agency completes an annual report which is provided to the Commissioner. He stated the report contains information on corrective action and it is published on the agency's website. The interview with the PCM indicated that the facility identifies any areas that need improved and reports the information to the PC. She stated they would provide any information on anything that needs changed to the PC to use for the agency.

115.88 (b): The PAQ indicated that the annual report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the progress in addressing sexual abuse. 103 DOC 519, page 24 states that such report shall include a comparison of the current year's data and corrective action with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse/harassment within the Department. A review of the last two PREA Annual Reports indicates that reports include agency achievements for the prior year, aggregated data for the two prior years for comparison, tables of incidents by facility, identified problem areas, corrective action for the year, resolved problem areas for the prior year and a Department assessment.

115.88 (c): The PAQ indicated that the agency makes its annual report readily available to the public at least annually through its website. The PAQ did not indicate if the annual reports are approved by the Agency Head but further communication with the PC indicated this should have been marked yes. 103 DOC 519, page 24 states that the Department's report shall be approved by the Commissioner and made readily available to the public through the Department's website. The interview with the Agency Head Designee confirmed that the PREA Coordinator completes the annual report and it is submitted to the Agency Head for review. He stated the Agency Head will review it and sign off on it and then the report is posted to the website. A review of the website (<https://www.mass.gov/lists/prea-reports#annual-reports->) confirmed that the current PREA Annual Report as well as historical PREA Annual Reports dating back to 2013 are available on the agency website.

115.88 (d): The PAQ indicated there is no redactions in the reports. 103 DOC 519, page 24 states that the Department shall redact specific materials from the report when publication would present a clear and specific threat to the safety and/or security of an institution, but shall indicate the nature of the material redacted. A review of the PREA Annual Report confirmed that no personal identifying information was included in the report nor any security related information. The report did not contain any redacted information. The interview with the PC confirmed that the agency would redact any information that is considered a security threat and any personal information such as names or numbers. He stated there would be an explanation of why the information was redacted. The PC stated that while they would redact, the annual report does not contain any information that would need redacted. He stated the report contains only numbers, data and non-specifically identifiable information.

Based on a review of the PAQ, 103 DOC 519, PREA Annual Reports, the website and information obtained from interviews with the Agency Head Designee, PC and PCM, this standard appears to be compliant.

115.89	Data storage, publication, and destruction
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 365 300">Documents:</p> <ol data-bbox="242 327 979 528" style="list-style-type: none"> 1. Pre-Audit Questionnaire 2. 103 DOC 519 - Sexual Harassment/Abuse Response and Prevention 3. Massachusetts Statewide Record Retention Schedule 4. PREA Annual Reports <p data-bbox="242 613 352 642">Interviews:</p> <ol data-bbox="242 669 655 698" style="list-style-type: none"> 1. Interview with the PREA Coordinator <p data-bbox="242 784 483 813">Findings (By Provision):</p> <p data-bbox="242 840 1477 1003">115.89 (a): The PAQ states that the agency ensures that incident based data and aggregated data is securely retained. 103 DOC 519, page 24 states that the Department shall ensure that data collected is securely retained and only shared with individuals, institutions, and/or agencies, on a “need to know basis”. The PC stated that the sexual abuse and sexual harassment data is backed up on servers and that the servers are very well protected from intrusion. He confirmed that the data is securely retained.</p> <p data-bbox="242 1088 1490 1321">115.89 (b): The PAQ states that the agency will 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 through other means. 103 DOC 519, page 24 state that the Department shall attempt to make all aggregated sexual harassment/abuse data from institutions under its direct control, and private facilities with which is contracts with, readily available to the public at least annually through its Departmental website. A review of the website (https://www.mass.gov/lists/prea-reports#annual-reports-) confirmed that the current PREA Annual Report, which includes aggregated data, is available to the public online.</p> <p data-bbox="242 1406 1482 1503">115.89 (c): 103 DOC 519, page 24 and the PAQ indicate that before making aggregated sexual harassment/abuse data publicly available, the Department shall remove all personal identifiers. A review of the PREA Annual Report, which contains the aggregated data, confirmed that no personal identifiers were publicly available.</p> <p data-bbox="242 1588 1477 1718">115.89 (d): 103 DOC 519, page 24 states that the Department shall maintain collected sexual harassment/abuse data collected for at least ten years after the date of initial collection. The Massachusetts Statewide Records Retention Schedule, page 190 confirms that inmate investigative records are retained for ten years. A review of historical PREA Annual Reports indicated that aggregated data is available from 2013 to present.</p> <p data-bbox="242 1803 1441 1865">Based on a review of the PAQ, 103 DOC 519, the Records Retention Schedule, PREA Annual Reports, the website and information obtained from the interview with the PREA Coordinator, this standard appears to be compliant.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 483 297">Findings (By Provision):</p> <p data-bbox="244 329 1437 389">115.401 (a): The facility is part of the Massachusetts Department of Correction. A review of the audit schedule and audit reports on the agency's website indicates that at least one third of the agency's facilities are audited each year.</p> <p data-bbox="244 477 1490 568">115.401 (b): The facility is part of the Massachusetts Department of Correction. A review of the audit schedule and audit reports on the agency's website indicates that at least one third of the agency's facilities are audited each year. The facility is being audited in the third year of the three-year cycle.</p> <p data-bbox="244 656 1493 918">115.401 (h) – (m): The auditor had access to all areas of the facility; was permitted to review any relevant policies, procedure or documents; was permitted to retain physical and electronic copies of all documents; was permitted to conduct private interviews and was able to receive confidential information/correspondence from inmates. The facility provided the auditor with photos of the audit announcement as well as an assurance memo indicating that the audit announcement was placed throughout the facility six weeks prior to the on-site portion of the audit. During the on-site portion of the auditor observed the audit announcement posted in housing units and common areas in bright yellow and green paper. Informal conversation with inmates confirmed that the audit announcements were posted over a month ago. The auditor confirmed the audit announcements posted were the same ones that were sent to the agency to post by the auditor.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Findings (By Provision):</p> <p>115.403 (f): The facility was previously audited on April 22-24, 2019. The final audit report is publicly available via the agency website. Additionally, facilities were audited during the three year audit cycle and reports are available online at https://www.mass.gov/lists/prea-reports. A list of all MADOC facilities is available online and a cross reference of facilities with the audit reports confirms compliance with this standard.</p>

Appendix: Provision Findings		
115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	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?	yes
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates 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 inmates.)	yes
115.12 (b)	Contracting with other entities for the confinement of inmates	
	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 inmates.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	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.)	na
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	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?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f)	Limits to cross-gender viewing and searches	
	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?	no
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	no

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates 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: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates 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: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates 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: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates 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: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates 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: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	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 inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes

115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates 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)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates 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)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes

115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	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
115.18 (a)	Upgrades to facilities and technologies	
	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 inmates 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
115.18 (b)	Upgrades to facilities and technologies	
	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 inmates 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
115.21 (a)	Evidence protocol and forensic medical examinations	
	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
115.21 (b)	Evidence protocol and forensic medical examinations	
	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
	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

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	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? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	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?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency 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
115.21 (h)	Evidence protocol and forensic medical examinations	
	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? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	Policies to ensure referrals of allegations for investigations	
	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?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	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?	yes
	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?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates 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 inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive 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 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	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 115.21(a).)	yes
	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 115.21(a).)	yes
	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 115.21(a).)	yes
	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 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	
	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 115.21(a).)	yes

115.35 (a)	Specialized training: Medical and mental health care	
	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	Specialized training: Medical and mental health care	
	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 or the agency does not employ medical staff.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates 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?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	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 inmate's detriment by staff or other inmates?	yes
115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	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 inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	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 inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	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 inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate 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.	no
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates 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.)	yes
	Does the agency always refrain from requiring an inmate 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.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate 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.)	yes
	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.)	yes

115.52 (d)	Exhaustion of administrative remedies	
	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 inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate 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.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, 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.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate 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.)	yes
	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.)	yes
	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.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	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.)	yes
	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.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, 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?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	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?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does 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?	yes

115.61 (c)	Staff and agency reporting duties	
	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?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate 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?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate 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?	yes
	Upon learning of an allegation that an inmate 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?	yes
	Upon learning of an allegation that an inmate 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?	yes

115.64 (b)	Staff first responder duties	
	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?	yes
115.65 (a)	Coordinated response	
	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?	yes
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	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 limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	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 inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	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 inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	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?	yes
	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 inmate disciplinary reports?	yes
	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 inmate housing changes?	yes
	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 inmate program changes?	yes
	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?	yes
	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?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	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 115.21(a).)	yes
	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 115.21(a).)	yes

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	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 inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	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?	yes
115.71 (l)	Criminal and administrative agency investigations	
	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 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate'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 inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	
	Following an inmate'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 inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate'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?	yes
	Following an inmate'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?	yes
	Following an inmate'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?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, 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?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, 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?	yes
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	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 inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	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 inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.78 (f)	Disciplinary sanctions for inmates	
	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?	yes
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate 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?	yes
115.82 (b)	Access to emergency medical and mental health services	
	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 § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	Access to emergency medical and mental health services	
	Are inmate 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?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(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. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
115.86 (a)	Sexual abuse incident reviews	
	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?	yes

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	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?	yes
	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?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	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?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	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?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

115.88 (a)	Data review for corrective action	
	Does the agency 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: Identifying problem areas?	yes
	Does the agency 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: Taking corrective action on an ongoing basis?	yes
	Does the agency 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: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	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?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	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?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency 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?	yes
115.401 (a)	Frequency and scope of audits	
	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.)	yes

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)	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.)	no
	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
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. 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, there has never been a Final Audit Report issued.)	yes