

# Massachusetts Department of Correction Prison Rape Elimination Act (PREA) DATA Dictionary

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Carol A. Mici, Commissioner  
Russell Caissie Chief of PREA Operations & Investigations

# Prison Rape Elimination Act (PREA) Data Dictionary

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## **Allegation**

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

## **Constituent Report**

A staff confidential incident report. Only staff that has a need to know will have viewing rights of all confidential incident reports. This confidential report starts the process for a PREA Investigation.

## **Grievance**

A written complaint filed by an inmate on the inmate's own behalf on the prescribed form in accordance with 103 CMR 491.00.

## **Grievant**

Any Department inmate who files a grievance on his or her own behalf in accordance with 103 CMR 491.00.

## **Inmate Access to the Grievance Process**

All inmates shall have equal access to the grievance process. Whenever necessary, provisions shall be made to ensure access for the impaired or disabled, illiterate, and/or those with language barriers. Appropriate provisions, including, but not limited to, the use of a staff interpreter shall be made for those inmates who do not adequately read, speak, or understand English. Inmates may utilize the telephone interpreter service in accordance with 103 DOC 488: Telephonic Interpreter Service, available at each inmate library and on the Department's website at <http://www.mass.gov/doc/policy>. Inmates shall not be utilized as translators. Use of an interpreter or any other provisions shall be documented in the applicable IMS Grievance screen. Whenever an extension of a time frame is necessary to secure the services and accommodations of 103 CMR 491.00, it shall be granted in accordance with 103 CMR 491.17.

## **Inmate Allegation IPS**

An inmate allegation made to an Inner Perimeter Security Officer.

## **Inmate Self Report**

An allegation made via self-reporting methods.

## **Inmate-Inmate Sex Abuse**

Contact with any person without his or her consent, or with a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of genitalia, anus, groin, breast, inner thigh or buttocks of any person. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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## **Inmate-Inmate Sex Acts**

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

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

## **Inmate-Inmate Sexual Harassment**

Sexual Harassment includes repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another. Sexual Harassment includes written or verbal communication, and gestures such as simulated acts of a sexual nature.

## **Institution Hot Line**

Each institution shall also establish a site specific Inner Perimeter Security (IPS) hotline which may be utilized.

## **Mail**

An inmate allegation made via mail.

## **OIS Staff Allegation**

An allegation made against a staff member that is investigated via the Office of Investigative Services (OIS).

## **OIS Hot Line**

A Department hotline number 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 not recorded and is available to all inmates without using their PIN numbers.

## **Pending**

An allegation that is still under investigation and where an outcome has not yet been determined.

## **PREA**

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

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## **Staff Sexual Misconduct**

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; 2. Contact between the mouth and the penis, vulva, or anus; 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section; 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and 8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer is an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

## **Staff-Inmate Sexual Harassment**

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. Sexual harassment includes written or verbal communication, and gestures such as simulated acts of a sexual nature.

## **Substantiated**

An allegation that was investigated and determined to have occurred.

## **Unsubstantiated**

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

## **Unfounded**

An allegation that was investigated and determined not to have occurred.