

PREA Facility Audit Report: Final

Name of Facility: Massachusetts Bay Transportation Authority Police Lockup

Facility Type: Lockups

Date Interim Report Submitted: NA

Date Final Report Submitted: 09/11/2021

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: Jack Fitzgerald	Date of Signature: 09/11/2021

AUDITOR INFORMATION	
Auditor name:	Fitzgerald, Jack
Email:	jffitzgerald@snet.net
Start Date of On-Site Audit:	07/07/2021
End Date of On-Site Audit:	07/08/2021

FACILITY INFORMATION	
Facility name:	Massachusetts Bay Transportation Authority Police Lockup
Facility physical address:	240 Southampton St, Boston, Massachusetts - 02118
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Sean Reynolds
Email Address:	sreynolds@mbta.com
Telephone Number:	16172221107

Sheriff/Chief/Director	
Name:	Kenneth Green
Email Address:	kgreen@mbta.com
Telephone Number:	6172221100

Facility PREA Compliance Manager	
Name:	
Email Address:	
Telephone Number:	

Facility Characteristics	
Designed facility capacity:	12
Current population of facility:	0
Average daily population for the past 12 months:	1
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Both females and males
Age range of population:	13-77
Facility security levels/detainee custody levels:	Maximum
Does the facility hold juveniles or youthful detainees?	Yes
Number of staff currently employed at the facility who may have contact with detainees:	220
Number of individual contractors who have contact with detainees, currently authorized to enter the facility:	0
Number of volunteers who have contact with detainees, currently authorized to enter the facility:	0

AGENCY INFORMATION	
Name of agency:	Massachusetts Bay Transportation Authority Police Department
Governing authority or parent agency (if applicable):	
Physical Address:	240 Southampton Street, Boston, Massachusetts - 02118
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
Name:	Roberta Spinosa	Email Address:	rspinosa@mbta.com

AUDIT FINDINGS

Narrative:

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

The PREA audit of the Massachusetts Bay Transportation Authority (MBTA) Police Lockup was conducted on July 7-8, 2021, by Jack Fitzgerald, US DOJ Dual Certified PREA Auditor. Mr. Fitzgerald is completing the MBTA Lockup audit as a DX Consultants LLC representative of St. Petersburg, FL. The audit process began with the notification of the onsite audit in May of 2021, with photo evidence provided to the Auditor by email on May 25th. The audit notice posting was verified during the tour and by photographs sent to the Auditor 6 weeks in advance of the visit. The Auditor did not receive any communication from the staff, detainees, visitors, contractors, volunteers, or interns due to the posted notices. The Auditor learn the agency does not use volunteers or contractors in any capacity with detainees.

The Pre-Audit Questionnaire, policies, procedures, and supporting documentation for all thirty-five (35) standards were uploaded into the OAS in spring 2021. The Auditor has spoken with the agency PREA Coordinator during the pre-audit period. The Auditor described the requirements of the audit process and including the randomization of files to be reviewed. The Auditor set up documentation requests on random samples of files to review onsite on this and subsequent communication. The Auditor suggested information staff could review to prepare for the Audit visit and a tentative schedule for the day. We also discussed potential COVID-19 protocols in advance of the visit and a description of the audit days.

On July 7, 2021, the onsite audit began at 240 Southampton Street, Boston, Massachusetts, at the Massachusetts Bay Transportation Authority's Headquarters and Lockup facility. The Auditor entered the area a day earlier to allow for an early start on the overnight shift. An entrance briefing was conducted with the MBTA PREA Coordinator Roberta Spinosa and Lieutenant John Donahue. During the entrance briefing, the audit process was explained. A tentative schedule for the day includes conducting interviews with the Officers and detainees if there were any, observing the PREA portion of a booking if one was to occur, and reviewing the documentation. A tour of the entire facility occurred. The Auditor observed notification of the PREA audit was posted in the booking, lockup and staff areas and postings informing detainees of the telephone numbers to call against sexual abuse and harassment internally or to an outside entity, the Suffolk County District Attorney's Office. The Auditor arrived at the facility at 7 am to interview any detainees who may have spent the night before transport to court. There were three (3) detainees in the lockup during the initial tour. One individual who had completed the booking process overnight was interviewed in a private space utilizing the non-contact professional visit space. The Auditor was able to see the individual and speak to the detainee through glass private from other individuals hearing either of us. The other two individuals were unwilling to complete the booking process and thus had yet to be screened or educated on PREA so interviews would have not provided credible information. The Auditor did speak briefly to one of the two individuals refusing to be booked on the tour who ask who the Auditor was. The Auditor explained the purpose of the PREA Audit but this did not elicit any further request to speak with me.

The Auditor was unable to see an individual go through the booking process before transport to court. The Auditor spoke with different staff assigned to the booking post on all three shifts about the education of detainees and the screening of detainees. The Auditor was able to see on the tour postings in English and Spanish informing detainees about PREA, their rights, and how to report a concern. The booking process included informing the detainee about his rights as it related to PREA, in which Officers use a script to ensure consistent information is provided to the detainee. The MBTA rarely hold individual overnight and even less frequently for more than one day. In the year prior to the site visit the facility held less than one person per night in the lockup area. The facility's pre-audit information reported 211 individuals were held. The MBTA see most arrest during the peak use time of various transit operations. The MBTA is responsible for Subway, bus, and ferry routes in the greater Boston area and suburbs. The MBTA also is responsible for commuter rails that extend to central Mass and the north and south shores with over 120 stations. Because of the expansive area the MBTA police cover, they routinely work with state and local police. These relationships have fostered routine mutual aid to limit cross-gender pat searches and provide accurate communication through law enforcement staff providing interpretive service at the point of arrest. The MBTA also has a contracted interpretive service available for use on the road or in the lockup. Most detainees make bond or if processed before 5 pm they are taken to court. Because of the limited population, the Auditor was unable to interview detainees from the targeted groups that are identified as follows: detainees with a physical disability; detainees who are blind, deaf, or hard of hearing; detainees who are Limited English Proficient (LEP); detainees with a cognitive disability; detainees identified as potentially vulnerable to sexual victimization during risk screening and juveniles/youthful detainees. The Auditor relied on documentation and staff ability to discuss working with these at-risk groups in assessing the lockup's compliance.

During all three of the PREA Audit phases, the Auditor made outreach to various state and local agencies that would be involved in sexual abuse cases in Massachusetts. The outreach included the MBTA complaint line, the District Attorney's Office, the local hospital with SANE nursing. The Auditor's other work in greater Boston has confirmed the local rape crisis agency service and other law enforcement agencies' confirmation of mutual aid.

The Auditor formally interviewed twelve (12) officers, Detectives or Sergeants from three (3) shifts, and the Deputy Chief. The officers were representative of staff assigned to work out of the headquarters as Booking/lockup officers, Transportation Officers, Monitor Room Officers.

The Auditor was also able to speak with the Lieutenant who supervises these post during the shift. The Auditor interviewed the MBTA's Investigator for PREA allegations. He also answered the Human Resources questions as he works on the Professional Standards Unit, which is responsible for internal affairs, staff selection, and staff background investigations. The Auditor also met with the PREA Coordinator and her Lieutenant, who oversees staff training. Deputy Chief of Administration, Sean Reynolds, who oversees both the Training unit and the Professional Standards Units, answers the facility head question and agency head questions on behalf of the Chief of Police for the MBTA.

Staff interviews were completed on an individual basis away from other staff to provide privacy. The Auditor was provided the training/Compstat room, so interviews were done with COVID-19 safety protocols, including maintaining a distance of over 6 feet. The interviews revealed that the staff know the PREA standards and articulated their training, responsibilities, and mandated duty to report sexual misconduct. Staff described ways to ensure detainees' safety, including the policy to keeping males, females, and juveniles, separated.

The PREA Coordinator provided well organized information for the Auditor in the OAS which provided credible documentation to support compliance. On-site Officer Spinosa and Lieutenant Donahue ensured the Auditor had access to file, staff and the physical plant to make a complete assessment of the agency's efforts toward continued compliance. At the end of the second day, the Auditor had an exit interview where he reported on the two-day visit and reviewed the steps the Auditor would take during the post audit period to determine compliance. The Auditor thanked the staff for the well-documented effort in the OAS and discussed the information from the site visit that needed to be uploaded. The Auditor had made some suggestion on areas where documentation could be strengthened even.

During the Post Audit period, the Auditor made request of some additional documentation to further support compliance. The agency was collaborative in providing this information and answering clarification questions when needed. The agency has already implemented some recommendations the Auditor had made to improve documentation. The facility did not require any formal corrective action period.

AUDIT FINDINGS

Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

The Massachusetts Bay Transportation Authority Transit Police Department is the law enforcement agency in the Commonwealth of Massachusetts with authority that allows investigation of crime occurring in multiple towns and counties in the state. The MBTA Police are separate from the executive branch office of Public Safety and Security, oversees the state Police. The MBTA is under the oversight of the Massachusetts Department of Transportation. The MBTA Police have full law enforcement powers allowing them to provide for criminal law enforcement and investigations across jurisdictions. The MBTA Police services the Greater Boston area and communities as far as 50 miles from its headquarters and only lock up. The MBTA Police is responsible and employs trained staff for PREA sexual abuse investigations at its own lockup facility.

The MBTA Headquarters include administrative and operational spaces. On the tour and subsequent movement in the facility, the Auditor understood how detainees enter the facility, are processed for booking, housed if needed, and are released or transferred to court. The MBTA does not allow any non-law enforcement individuals into the lockup area if any detainee is outside their cell. The facility contains a vehicle sally port and man trapped doors to create a secure lockup area inside the security headquarters. The lockup contains 12 cells, each with an institutional toilet/washbasin, a sleeping area, and a camera mounted to observe the detainee without seeing them while using the toileting facilities. Detainees do not shower or change clothes while in the MBTA holding. The lockup includes a safety cell for individuals who are self-injurious. There is a large holding cell for when multiple arrests are made at a time. This space includes a cement bench around the perimeter of the room and metal rails to which detainees can be secured to keep them apart from each other.

The MBTA has invested significant resources to monitor detainees from the moment they arrive until they are released. The agency has 42 cameras to watch each detainee and staff movement from the moment the detainee arrives until they leave. The Auditor was able to see the camera angles and did not identify any significant blind spots. The cameras feed back to the Booking Officer's desk, which is manned post at all times when a detainee is present in the facility. The Booking officer and holding cameras are also being watched by the Monitoring Officer and the Lieutenant in charge of the shift. The Lieutenant oversees the booking and dispatch staff, who are civilians working in the front of the complex.

The MBTA has produced posters based on one available through the PREA Resource Website. The posting informs detainees that they can report sexual assault or harassment by telling any Officer or Supervisor, submitting a written complaint, or having a friend or relative report the detainee's incident. It also informs the detainee that they, or someone on their behalf, can anonymously report any alleged incident to the Suffolk County District Attorney's office, a third-party entity not affiliated with the MBTA Police. The PREA signage was available in a second language, Spanish, which is the most common other language the staff deal with.

The MBTA employs over 200 officers who can have contact with detainees though most do not report to the headquarters for assignment. The MBTA has identified five required posts: the Booking Officer, Monitoring Officer, Supervisor on Duty, and two transportation Officers. At no point in the last year has the station not maintained the minimum staffing level. As noted, the Booking Officer is considered a fixed post when individuals are in the lockup area. The Booking Officer must make at minimum two rounds per hour. This MBTA Police operates on three (3) shifts and shortages of staff at headquarters can be completed through reassignment from field post, voluntary overtime on mandated shifts. The Deputy Chief reports that the Supervisor running the shift will ensure that the number of staff is sufficient and log all changes. The Deputy Chiefs, Superintendent and Chief of Police are able to review all overtime and shift reassignments.

The average booking hold is less than six (6) hours, and in many cases, the individual is released before ever being placed in a holding cell. The longest time an individual would be in custody would be three days over a holiday weekend. Individuals arrested overnight or during the court day are brought to court or may be released on bail. Once the individual is delivered to court they become the custodial responsibility of the County Sheriff's Office. In the cases of weekend arrest or those who have active arrest warrants, the facility may have to maintain them through the weekend.

The PRE-Audit Questionnaire reported 211 overnight stays in the past year or less than one per night. The Lockups 12 cells are all single and aligned in three corridors of four cells. The cells can be accessed from the open area in front of the booking desk or by a second hallway connecting the three rows in the back of the lockup. The first two rows are generally used for males and the third row has 2 cells each for females and juveniles brought in. The MBTA Police can temporarily take juveniles into custody, but they try to limit time in the lockup and through corridor doors provide sight and sound separation from adults. State law requires any locked space for juveniles to be approved through the Department of Youth Services (DYS). All Officers interviewed were aware of federal requirements of keeping sight and sound separation between adults and juvenile detainees. By practice, the MBTA also keeps females and male detainees separated.

The MBTA lockup does not provide medical or mental health services, but the Department can take those in need to local hospitals for service located just blocks away. The Detainees remain in their individualized cells from arrest until presentation in court if they can not be

bonded out. A detainee can come out of a cell for phone calls, attorney visits or interviews with the detectives without having to leave the lockup perimeter. As a short term lockup the facility does not have a recreation space for detainees. MBTA policy required a minimum of 2 staff present any time an inmate is out of their cell. The Physical plant setup, cameras coverage, and staffing protocols for intake and monitoring of detainees provide limited opportunities for sexual abuse or sexual harassment of detainees by staff or fellow detainees.

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). 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.

Number of standards exceeded:	1
Number of standards met:	34
Number of standards not met:	0

a

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.

115.111	Zero tolerance of sexual abuse and sexual harassment
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Staff Training Materials</p> <p>Org Chart</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with PREA Coordinator</p> <p>Interview with Deputy Chief</p> <p>PREA Postings visible on tour</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The Massachusetts Bay Transportation Authority Police have a policy that mandates zero tolerance toward sexual assault or sexual harassment. Policy Manual Chapter 237 establishes on page 1 a zero-tolerance expectation toward sexual abuse and sexual harassment. The policy states, "the Department established this zero-tolerance policy toward all forms of sexual abuse and sexual harassment towards any prisoner. Also ensuring all prisoners have the right to be free from sexual abuse and sexual harassment, and establishes zero tolerance towards all forms of retaliation against anyone who reports sexual abuse and sexual harassment or who cooperates in a sexual abuse investigation." The 12-page policy notifies the reader of the MBTA Police's obligation to protect individuals from any retaliation for reporting such incidents. The policy outlines the MBTA Police's efforts to prevent, detect, and respond to sexual abuse or sexual harassment incidents in their lockup or at any time during the individual's custody. The Auditor's review finds the document sets forth specific guidelines to support the prevention and detection of detainees from sexual misconduct. The policy provides two full pages of definitions related to the federal standards and well as providing direction on efforts to prevent sexual misconduct incidents. Policy 237 also sets training requirements for staff and notifies the employee the individuals who engage in sexual misconduct will be terminated. "Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse."</p> <p>Interviews with staff confirm an understanding of the zero-tolerance culture and the individual officer's role in ensuring this standard. The Auditor also reviewed the training materials to see how the various elements of the zero-tolerance culture is promoted.</p> <p>Indicator (b). Massachusetts Bay Transportation Authority Police has an individual assigned to oversee the agency's efforts toward compliance with the Prison Rape Elimination Act (PREA). Policy 237 mentions the role of the PREA Coordinator in several locations. Officer Roberta Spinosa is the agency's PREA Coordinator. The Officer Spinosa works in the MBTA's Training Unit and has been in the PREA Coordinators role since 2018, The PREA Coordinator works for the Lieutenant in charge of Training John Donahue. Her role includes tracking incidents, provide support to identified needs, ensure all investigations are completed consistent with agency expectations, ensure staff are trained on PREA lockup and monitoring standard requirements. The Training Department is under the direction of the Deputy Chief in charge of Administration. This allows the PREA Coordinator direct access to others who work for the Deputy Chief who have PREA related duties including the hiring, background investigations and internal affairs.</p> <p>The Lieutenant and the Deputy Chief confirmed the PREA Coordinator's ability to develop and implement policies and procedures to ensure further the sexually safe lockup of detainees in custody of MBTA. The Auditor was able to review materials, including the agency's organizational chart that further support the PREA Coordinator's role and her access to key management staff in promoting a Zero Tolerance culture while ensuring compliance with Prison Rape Elimination Act. The PREA Coordinator described how information about allegations would be channeled to her, steps she would take to resolve</p>

PREA compliance concerns and promote the zero-tolerance culture.

Compliance Determination

The information in Policy 237 supports Zero Tolerance's expectation towards any form of sexual assault or sexual harassment. Interviews with MBTA's Deputy Chief and the PREA Coordinator confirm there are sufficient resources in place toward preventing, detecting, and responding to any allegation of sexual abuse or sexual harassment. The interview supports good communication with the PREA Coordinator if issues arise. The Auditor was able to review policy, see materials posted in the facility, and interview random staff who understood their roles in preventing, detecting, and responding to sexual abuse or sexual harassment incidents. The Auditor also considered the staff members' knowledge of PREA training and the Zero Tolerance expectation. The Auditor confirmed with the PREA Coordinator steps taken to ensure compliance, and how she would approach resolving an identified issue. The Auditor finds the standard is met based on the stated factors supporting a zero-tolerance culture. In determining compliance, the Auditor considered the interviews, the policy, and the other supporting documents provided and viewed at the facility.

115.112	Contracting with other entities for the confinement of detainees
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary determination.</p> <p>Indicator (a).</p> <p>The Massachusetts Bay Transportation Authority has not entered into agreements with outside agencies for the housing of detainees. Most individuals are booked and taken to court or bonded out. If the individual has a warrant or does not make bond and the arrest happens on the weekend, they may have to keep the individual until court resumes on Monday.</p> <p>Indicator (b).</p> <p>As noted in indicator (a) the MBTA does not contract for beds.</p> <p>Compliance Determination</p> <p>The Massachusetts Bay Transportation Authority Police do not contract for the use of beds in county or state environments. The MBTA has 12 single beds and the capacity to keep men, women, and juveniles separated both in sight and sound. It is reported that the majority of detainees are held less than 6 hours. Compliance is based on the fact that the MBTA does not contract for the use of beds in either the state or county systems.</p>

115.113	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 329 544 356">MBTA Preaudit Questionnaire</p> <p data-bbox="240 387 584 414">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 445 368 472">Staffing plan</p> <p data-bbox="240 504 499 530">Staffing plan review 2020</p> <p data-bbox="240 616 679 642">Individuals interviewed/ observations made.</p> <p data-bbox="240 674 520 701">Interview with Deputy Chief</p> <p data-bbox="240 732 572 759">Interview with PREA Coordinator</p> <p data-bbox="240 844 584 871">Indicator Summary determination.</p> <p data-bbox="240 956 1485 1422">Indicator (a). The MBTA employs over 250 Police officers responsible for the safety of transit environments across the state of Massachusetts. The agency has developed a staffing plan for its lockup and is based on an average of 2 inmates which is greater than the average number the facility has on a given day in the past year. The facility as noted holds individuals most often for short period. In the Pre-Audit Questionnaire the MBTA reports they only held 211 individuals for any portion of the overnight hours in a 365 day period. In the plan, any time an individual is in custody there is required to have a live staff presence in the lock up area. Policy 237 dictates the three level of supervision of the lockup/ booking area of the facility. "The Patrol Operations Division Commander developed the following staffing plan which provides for adequate levels of staffing and video monitoring to protect prisoners against abuse. The Booking Officer is responsible for all booking and physical/visual monitoring of prisoners. The Duty Supervisor is responsible for overseeing the Communications Center and Holding Facility. He/she will video monitor the Holding Facility. If a second Duty Supervisor is scheduled, the second Duty Supervisor shall assume the responsibilities of the Holding Facility. The Monitor Room Officer is responsible for audio and video monitoring of the Holding Facility. Each time the staffing plan is not complied with, the Duty Supervisor shall document and justify all deviations from the staffing plan and forward the same to the Patrol Operations Division Commander and the PREA Coordinator."</p> <p data-bbox="240 1453 1485 1579">The Auditor compared the describes policy to observations from the tour and information provided as part of formal or informal discussions with staff. In addition to the policy the agency developed in a narrative plan that addresses the required positions and the process for which staff will be required to work if no volunteers accept a vacant shift. The Plan accounts for additional supports/ relief staff in the form of 2 Headquarters Transport Wagon Officers.</p> <p data-bbox="240 1610 1485 1736">The plan addresses the use of cameras (of which there are 32), and audio monitoring of the entire lockup by both the Booking Officer and the Monitor Room Officer. Interviews with Deputy Chief and the PREA Coordinator confirmed that they considered how cameras are placed to aid detainees' supervision. The staffing plan also takes into consideration the number of allegations in the year (there were no allegations in 2019, 2020 and one allegation during this year which was unfounded).</p> <p data-bbox="240 1821 1485 2018">Indicator (b). In the past year, there were zero situations in which the lockup supervision staffing of MBTA Police lockup numbers were not met. Since there has been no situation in which the staffing minimums of the MBTA were not met, this indicator is not applicable. The Deputy Chief reports he is notified on all vacancies and described how the void is filled. Policy 237 (page 3) sets forth the expectation if staffing cannot be met. "Each time the staffing plan is not complied with, the Duty Supervisor shall document and justify all deviations from the staffing plan and forward the same to the Patrol Operations Division Commander and the PREA Coordinator."</p> <p data-bbox="240 2103 1485 2130">Indicator (c). There has been no reported incident of PREA or other conflicts within the lockup that required an adjustment to</p>

the compliment. The Detainees are under constant direct and video surveillance in their cells. Rounds are made at a minimum every 30 minute and more frequently if the detainee is identified with risk concerns. In addition to the 12 single cells there is a padded safety cell and a large processing cell if there were more than on individual arrested at a given time. The staffing plan was not modified during the last year and there was documentation of the annual review which requires the plans to be reviewed by the Deputy Chief of Operations and the PREA Coordinator. TheDeputy Chief and the MBTA PREA Coordinator understand the annual review process and support the plan will be adjusted as needed including to resolve any identified recommendations/ concerns from a PREA Incident Investigation.

Indicator (d) In 2019 the PREA Resource Center provided a ruling that since all detainees are single roomed and the screening standard portion of 115.141 is not required. In discussions with the PREA Coordinator, the review of agency training materials and interview with various officers it is apparent that the officers assess individuals for risk of verbal abuse and try to keep individuals away from potential conflicts. The Auditor asked Officer how they would handle keeping a potentially vulnerable individuals away from a more aggressive one. All Officers interviewed support they would use the available space across four distinct areas of the cell block to ensure there is no verbal intimidation or harassment.

Compliance Determination

The MBTA Police Lockup is compliant with the indicators comprising the supervision and monitoring of detainees in the facility. The agency policy describes the content requirements consistent with the federal standard language in indicator (a). Interview with Deputy Chief and the PREA Coordinator confirmed an understanding of the development and annual review process, including the requirements of indicators (a) and (c). Interviews with random staff confirm a practice of identifying individuals who may be vulnerable in a lockup setting and a plan to ensure their safety. The facility procedures do not put more than one individual in a cell and do not allow more than one detainee out of there cell at a time further limiting any potential physical contact. Compliance determination was based on the written plans, observations, interviews with administration and line staff as well as the other stated supporting documentation.

115.114	Juveniles and youthful detainees
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Mass Juvenile Arrest Procedures</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Officers</p> <p>Interview with Deputy Chief</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The Massachusetts Bay Transportation Authority Police does have the capacity to arrest and detain a juvenile offender. Policy 237 and the Massachusetts Police Academy training defines the interactions of Officer and juveniles. The policy sets forth those juveniles and adult detainees must be separated. "Juveniles and youthful prisoners shall be held separately from adult prisoners." The state trains Police Officers on steps to handle all individuals under the age of 18. The Auditor reviewed a document used in training police cadets.</p> <p>The training document provided set forth specific conditions including that individuals under 12 can not be charged with a crime.</p> <ul style="list-style-type: none"> · Juveniles 12 to 13 can not be put in a holding cell. · Juveniles 14-18 can only be put in a holding cell for up to 6 hours and the cell has to be approved by the State Department of Youth Services (MBTA has separate cell unit for Juveniles that have been approved) · Juvenile shall only be held long enough to complete identification and booking, to be transported to court, to be released to parent/guardian/ or to be transferred to a DYS approved Juvenile Overnight Arrest Program. <p>The MBTA reports only 6 Juveniles in the past year were brought into headquarters before a release could be arranged. Random Officers confirmed in interviews that they will try to expedite Juvenile processing so they can be released or transported to an appropriate juvenile facility. The Officer spoken with knew the need to keep juvenile detainees away from adult detainees. The Auditor learned that most juveniles they have contact with are released directly to the parent or guardian..</p> <p>Compliance Determination</p> <p>The Auditor finds the standard is compliant. The Massachusetts Bay Transportation Authority Police have multiple document that define the handling of juveniles consistent with the standard. The MBTA has a separate approved area for Juvenile Housing. The Officers were all aware of the need to keep sight and sound separation between adult and juvenile detainees during times in the lockup. The Booking Officer described options to ensure juveniles and adults do not cross paths in booking, including suspending all adult actions to prioritize the processing of the Juvenile detainees. The agency takes steps to limit juvenile contact to as long as it is needed to effectuate release to a parent or another suitable custodial situation suitable for the juvenile.</p>

115.115	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Officer Search Training Materials</p> <p>Officer Training Materials on Transgender Clients</p> <p>Roll Call training documents</p> <p>Individuals interviewed/ observations made.</p> <p>Interviews with random staff</p> <p>Interview with Deputy Chief</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The Massachusetts Bay Transportation Authority does not conduct any cross-gender strip or body cavity searches unless there is an exigent circumstance or by a medical practitioner. Random staff reported an exigent circumstance would be if there was probable cause of a weapon or drugs on the person. They confirmed that searching a individual to determine an individual's genital status was not appropriate. MBTA Police policy 237 states that all strip searches will only occur in exigent circumstances when "Officers shall not conduct cross[1]gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. Officers shall document all cross-gender strip searches and cross-gender visual body cavity searches." All Officers spoken with confirmed that strip or body cavity searches are not a routine part of the booking process in the MBTA lockup. No Officer interviewed reported completion of a strip search of any detainee in the past three years, including any cross-gender strip or body cavity searches.</p> <p>Indicator (b). Random staff interviewed confirmed that all strip searches are required to be the same gender, and if there was an exigent circumstance, the reason would also be required to be documented. As noted in Indicator (a) there have been not strip searches in the past three years. Officer confirmed that exigent circumstances resulting in strip or body cavity searched would be documented, "The staff reported that they routinely request a staff of the same gender if available to complete any type of searches, including pat search if the detainee was different than their gender. They also report they can request assistance from state or local police departments</p> <p>Indicator (c). Policy 237 set forth the requirements for detainees to shower, change clothes, or use the bathroom without staff observing them. "Officers shall allow prisoners to perform bodily functions 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." Staff interviewed were able to describe how they are required to announce their presence when entering the lockup when an opposite gender detainee is being held. The announcement requirement is echoed in 237 which states on entering a cell area, "Officers of the opposite sex shall announce their presence when entering an area where prisoners are likely to be performing bodily functions" There are no showers or change of clothes in the lock-up. The Policy goes on to support the other required language of this indicator. Staff report that they do complete random checks in the course of the shift. There was only one detainee to interview on the search procedures., so the Auditor had to rely on policy and staff explanation of the practices in the facility to support compliance. In the lockup cellblock at MBTA, the Auditor observed the cameras that looks into each of the detained individual's cells. The cameras did not show the toileting portion of the cell.</p>

Indicator (d). As noted in indicator (a), the Massachusetts Bat Transportation Authority Police only performs strip searches of detainees and only when there is reasonable belief of a risk to the individual's safety or the facility. MBTA policy 237. It requires transgender or intersex detainees shall not be searched or physically examined for the sole purpose of determining the detainee's genital status. "Officers shall not search or physically examine a transgender or intersex prisoner for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner." MBTA Officers interviewed confirmed that transgender detainees can state their preference on the search and that it would generally be honored utilizing two of the same gender staff as requested present. The department has trained its staff on respectful and professional communication with these populations. Staff knew to use the individual's preferred name and pronouns and stated items such as wigs or prosthetics can normally be retained by the detainee. All staff interviewed supported that pat and strip searches are prohibited from occurring to determine the individual's genital status. The staff went on to confirm that transgender or intersex detainees would be searched consistently with the gender staff they are more comfortable. The Auditor reviewed the Transgender Training materials that further reinforce efforts to support Transgender and Intersex individuals from unnecessary searches. "Officers shall adhere to Massachusetts General Laws, Department Policy and Procedures, and constitutional provisions when conducting pat frisks and searches upon a transgender or intersex individual. Officers Shall:

- address the individual by the name, title and pronoun appropriate for the chosen name and/or gender expression (e.g., he/him for a transgender male, she/her for a transgender female);
- not perform a search or frisk for the sole purpose of determining an individual's gender;
- ask the individual what their preference is regarding the sex of the officer(s) searching the individual;
- make every effort to comply with the individual's requests in a non-judgmental, professional manner;
- whenever practicable, have two officers of the preferred sex perform the search;
- Officers shall not seize or remove appearance-related items, such as clothing and undergarments, wigs, prosthetics or makeup, if those items would not be confiscated from non-transgender individuals, provided those articles and/or items may not be used to escape or cause harm to the prisoner or others or conceal weapons, illegal items or evidence; and
- document the circumstances of the search, including the individual's preference regarding the sex of the officer(s) performing the search."

Indicator (e). The Officers at MBTA confirm they have been trained to properly perform cross-gender searches of detainees. They also were able to describe what information they were provided on searching transgender and intersex detainees. Staff report that both at the point of arrest and booking, the lockup will go to lengths to limit the need to perform cross-gender searches. They can ask state or local police assistance if they need a female officer to complete a pat search. Staff described the training included communication with the individual about the pat search process. They also acknowledged the use of the back of their hand to avoid any allegations of groping and when possible, more than one staff be present. The Auditor reviewed the training materials and training records which confirmed staff descriptions on expected practices.

Compliance Determination

The MBTA Police has provided sufficient training to the staff on limiting the use of cross-gender searches. Agency policy only allows strip searches or body cavity searches in exigent circumstances. The policies and training provided staff with an understanding of the importance of announcing their presence when entering the block area. The agency has installed camera in cells in a manor to avoid the toileting area to ensure privacy for a detainee. Detainees do not shower or change clothes, and there is signage informing detainees of the monitoring of the cells. The Officers were able to describe the practices they would employ if there was a need to perform a cross-gender pat search or a search of a transgender or intersex individual. Staff consistently reported they would take steps to have searches completed by the gender staff the detainee feels most comfortable with. The Auditor finds the standard is being complied with, based on policy and staff interviews and the interview with one detainee.

115.116	Detainees with disabilities and detainees who are limited English proficient
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 329 544 356">MBTA Preaudit Questionnaire</p> <p data-bbox="240 387 584 414">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 445 584 472">MBTA Policy Manual Chapter 182</p> <p data-bbox="240 504 711 530">Language Line Solutions- Interpretive Services</p> <p data-bbox="240 616 679 642">Individuals interviewed/ observations made.</p> <p data-bbox="240 674 692 701">Posting in the facility on interpretive services.</p> <p data-bbox="240 732 536 759">Interviews with Random Staff</p> <p data-bbox="240 790 517 817">Interview with Deputy Chief</p> <p data-bbox="240 902 580 929">Indicator Summary determination.</p> <p data-bbox="240 1014 1493 1512">Indicator (a). The Massachusetts Bay Transportation Authority Police has experience in ensuring detainees understand the rights as part of the booking process. Officers have experience working with diverse groups of individuals, including individuals with physical and emotional disabilities. If the detainee has an apparent mental illness or physical ailments, they can be taken to emergency can be housed in rooms away from others. All staff are aware of the interpretive services and are aware that it is inappropriate to utilize another detainee to interpret for one that does not speak English. If there is not a bilingual staff on they can call local police. They have access to services for deaf and blind individuals who might enter custody. The state also provides assistance for individuals with intellectual disabilities through the Disabled Persons Protection Commission. Policy 237 addresses the agency commitment when it states, "Prisoners with disabilities include prisoners who are deaf, hard of hearing, (Massachusetts Commission for the Deaf and Hard of Hearing) blind or have low vision, and those who have intellectual, psychiatric, or speech disabilities (Disabled Persons Protection Commission). Employees shall take appropriate steps to ensure prisoners with disabilities have an equal opportunity to benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include providing access to interpreters who can interpret effectively, accurately, and impartially when necessary to ensure effective communication with prisoners who are deaf or hard of hearing. In addition, employees shall ensure that written materials are provided in formats and through methods that ensure effective communication with prisoners with disabilities."</p> <p data-bbox="240 1659 1493 2085">Indicator (b). As noted in indicator (a), the MBTA Police has both experiences working with individuals who are Limited English Proficient (LEP) and the resources for providing interpretive services. The agency has access to interpretive services through a contract with Language Line Solutions. The Language Line Solutions website confirms the service can be provided for some 240 languages. Policy 237 states, "Employees shall take reasonable steps to ensure prisoners with limited English proficiency have meaningful access to information regarding the Department's policies and efforts to prevent, detect, and respond to sexual abuse and sexual harassment including by providing interpreters who can interpret effectively, accurately, and impartially." The agency PREA Coordinator has added PREA notification materials in a second language (Spanish) and will add other languages as needed. MBTA staff are trained in how to use interpretive services to ensure detainees' understanding of rights, including PREA. Because the Lockup is Boston which has a diverse population the MBTA Police can seek mutual aid from the State Police, Boston PD or other local police forces to find a credible live interpreters to situations where LEP barriers exists. Staff were familiar with the contracted interpretive services. MBTA policy 182 (page 9) of the Communication policy directs the staff on the use on the Language Line Solutions services. The policy requires Supervisor notification and documentation of the use of the services.</p>

Indicator (c) All staff interviewed at MBTA Lockup knew that utilization of detainee interpreters other than in emergency situations such as a medical crisis is inappropriate. Staff were cognizant of the various concerns that would arise from utilizing a detainee to interpret. Policy 237 addresses the indicator's concern by stating, "No employee shall use prisoners as interpreters, readers, or otherwise request assistance from another prisoner except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the prisoner's safety, the performance of first-response duties, or the investigation of the prisoner's sexual abuse/harassment allegations."

Compliance Determination

The MBTA has appropriately trained staff to ensure they provide each individual with the appropriate information about their right, including those covered in the Prison Rape Elimination Act. The facility has postings of PREA information in alternative languages. As a large urban center, the MBTA has experience in working with a diverse population. The agency works with its Boston and State Police counterparts to help ensure LEP individuals have a full understanding of the Booking process including the right as it relates to PREA. Without a LEP detainee to interview, the Auditor relied on policy, the staff's understanding of standard expectations, and examples of how they previously worked with individuals with disabilities or LEP. Interview with the Deputy Chief further supported a determination of compliance. His comments on the agency's commitment to ensuring LEP and disabled individuals understand their rights and information to keep themselves safe or report a concern set an expectation for the individual Officer. The staff confirmed this expectation and provided examples of procedures consistent with the standard. As a law enforcement agency, the MBTA Police is experienced in ensuring clients are able to understand their rights. MBTA Officers interviewed reported experience of using interpreters to ensure detainees understand their rights and obtain accurate information. Based on interviews, policy, documentation visible to detainees, and the interpretive services contracts in place the facility is compliant.

115.117	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 392 584 418">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 452 584 479">MBTA Policy Manual Chapter 120</p> <p data-bbox="240 512 584 539">MBTA Policy Manual Chapter 101</p> <p data-bbox="240 573 541 600">MBTA Policy Manual Chapter</p> <p data-bbox="240 633 397 660">Job Application</p> <p data-bbox="240 694 983 721">MBTA Transit Police Department PREA Hiring and Promotion Prohibitions</p> <p data-bbox="240 754 667 781">Massachusetts Law on Police qualification</p> <p data-bbox="240 815 628 842">Memos from Background investigators</p> <p data-bbox="240 920 679 947">Individuals interviewed/ observations made.</p> <p data-bbox="240 981 836 1008">Interview with Background Investigator (Human Resources)</p> <p data-bbox="240 1041 572 1068">Interview with PREA Coordinator</p> <p data-bbox="240 1102 517 1128">Interview with Deputy Chief</p> <p data-bbox="240 1209 488 1236">Summary Determination</p> <p data-bbox="240 1270 1493 1377">Indicator (a). MBTA agency policy prohibits hiring or promoting anyone who may have contact with detainees and prohibits enlisting the services of any contractor who may have contact with detainees who: engaged in any of the misconduct outlined in this indicator. Policy 237 states," The Department shall not hire or promote anyone who may have contact with prisoners who:</p> <ul data-bbox="240 1411 1493 1619" style="list-style-type: none"> • 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); • has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion, or if 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 in the paragraphs above." <p data-bbox="240 1653 1493 1939">The Massachusetts bay Transportation Authority Police does not employ the use of contractors or volunteers who would have contact or provide services to detainees. Interviews with Office of Professional Standards staff support there is a process of screening all applicants for employment with the MBTA Police. As a Police force all candidates go through a rigorous background check which include the agency running criminal, motor vehicle checks, federal data base, sexual offence registries and fiscal credit checks. The investigator will also speak to former employers, family, neighbors, and friends. The MBTA had several related questions that candidate responded to about past criminal activities and was visible in the 10 files reviewed while on site. The Auditor suggested and the agency adopted a specific questionnaire for candidates for the MBTA to sign specifically that they have not engaged in any of the elements described in this indicator. The form is called MBTA Transit Police Department PREA Hiring and Promotion Prohibitions.</p> <p data-bbox="240 2033 1493 2157">Indicator (b). As noted in indicator (a) the MBTA Police does not employ the use of contracted or volunteers at the MBTA lockup. Civilian employees do not have any contact with detainee and are prohibited from being in areas where they are held or being processed. The MBTA policy has prohibitions in place for the employment or contracting of individuals who may have engaged in behaviors described in indicator (a). The Auditor confirmed with the Background Investigator staff that</p>

MBTA does perform the criminal background checks on all applicants for hire. The Human Resource staff confirmed that all individuals who are recommended for hire or promotion who have potential concerning issues in their work or personal history would be brought to her supervisor's attention before any offer of a position in the institution. The MBTA prescreening process for its employees would seek to find information on criminal offenses, and the agency does reach out to former employers for other behaviors that might have caused discipline.

Indicator (c). The MBTA Police completes criminal background checks on all employees and will review current employees records at time of promotion. Agency policy 237 states, "The Department shall consider any incidents of sexual abuse and/or harassment in determining whether to hire or promote an employee who may have contact with prisoners. Before hiring new employees who may have contact with prisoners, the Department shall: perform a criminal background records check on all applicants; and 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."

In discussions with the Background Investigator, the MBTA consistently does a criminal background check and prior institutional checks as a pre-employment application requirement. The Background Investigator confirmed the process and was able to show the Auditor how the process is completed. The MBTA reports having hired 25 new officers in the past year. The Auditor also was provided with examples of criminal background documents, including the documents on the 10 randomly selected files. The Investigator reports that the employees discipline records are centralized in the MBTA Police station so prior incidents of sexual misconduct even if not criminal would be reviewed by the Deputy Chief before any job offer/ promotional opportunity is offered. The Auditor also reviewed record which confirmed that all prior employers are spoken with not just the prior institutional employers. The MBTA adopted a new form in 2021 to improve documentation of the outreach to prior employers where specific information is asked about the employees conduct including any allegations of sexual assault or sexual harassment. The form also inquires if there were any ongoing investigations into such conduct at the time the employment ended.

Indicator (d). As noted in indicator (a), the MBTA Police do not employ the services of contractors or volunteers who would have contact with detainees. Civilians, including the Auditor, are not allowed in the area unescorted and can only enter when all detainees are in secured cells. Maintenance occurs when the detainees are not in the area.

Indicator (e). As part of the 2018 Audit all officers had criminal background checks completed. The Auditor was provided a memo from the prior Background Investigator confirming that this was completed at the time. The current Background Investigator and the MBTA PREA Coordinator are aware of the requirements and plan to run them in advance of the next Audit cycle. The staff confirmed the process is done and how if new charges were found the information would be processed through the agency's command structure. The Auditor also spoke with the PREA Coordinator and the Background Investigator on options to further support compliance documentation.

Indicator (f). Proper conduct is required at all time under MBTA policies 101 and 237. "Officers whether on Duty or off, shall be governed by the ordinary and reasonable rules of good conduct and behavior and shall not commit any act tending to bring reproach upon himself/herself or the Department." As noted in Indicator (a), all MBTA employees are asked to complete the Employee Application, which includes questions required in indicator a). The employees, after hire, also sign that they understand their duties for all policy requirements or divisional orders including when they are updated. MBTA Transit Police Department PREA Hiring and Promotion Prohibitions form has the following passage for staff to acknowledge, " I acknowledge and understand that, should I become subject to these prohibitions in my current position or any subsequent departmental position I may hold involve contact with persons in confinement or under supervision; I will notify the MBTA Transit Police Department within twenty-four hours of my involvement in any of the above. I understand the Department has the authority to conduct random criminal background checks to ensure compliance with these federal standards in relation to the Department's employment practices. Further, I understand that if I am subject to these prohibitions, I may be subject to termination of employment. In addition, if I falsely certify my eligibility for employment and it is subsequently discovered that I have involvement in any of the above, I will be subject to termination or disqualification for employment for the falsification." Employees interviewed supported they understood the requirement includes ongoing commitment to report misconduct.

Indicator (g). Policy 237 states." All employees shall disclose any of the misconduct described in this section. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination." As noted also in indicator (f) employees who omit or falsify information can be fired.

Indicator (h). The MBTA Police allows for the agency, with proper releases of information, to disclose to other institutions any PREA related concerns. Interviews with Background Investigator confirm they make and receive requests of outside employers when hiring. The Investigator stated police department come on-site with appropriate releases to review the current or former employee's file. During the Post Audit Period the MBTA updated it's release forms used for outside

Compliance Determination:

The MBTA has policies in place to address the requirements of the standard, including the completion of background checks and pre-employment screening that supports the agency's efforts to screen out predatory candidates from employment. The Auditor interviewed the Background Investigator who confirmed all Officers undergo thorough criminal and personal background checks. The MBTA has implemented forms to document staff understand the requirements related to the various indicators in this standard. The agency provided timely additional documentation when requested to support compliance.

The Auditor was also able to review a random sample of staff from the MBTA Police Officers. Interviews with the Background Investigator and PREA Coordinator further confirmed the process to ensure individuals who have engaged in sexual misconduct are not employed at the MBTA and that information will be shared with another correctional institution if that facility requests information. As outlined above, there were several factors used by the Auditor in determining compliance.

115.118	<p>Upgrades to facilities and technologies</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Deputy Chief</p> <p>Tour of facility</p> <p>Interview with PREA Coordinator.</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The Lieutenant and the PREA Coordinator confirmed there had been no physical plant modifications in the past three years at this facility that would impact the inmate supervision. Discussions with the PREA Coordinator included how she should be a part of any modification plans to state facilities</p> <p>Indicator (b). The Lieutenant and the PREA Coordinator confirmed there have been no major modification to video or other monitoring technologies since the last audit.</p> <p>Compliance Determination</p> <p>The Auditor finds the standard is compliant. Interviews support systems to make requests related to staffing or technology exist, and that the PREA Coordinator would be a part of that conversation.</p>
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115.121	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 356">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 414">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 584 472">MBTA Policy Manual Chapter 271</p> <p data-bbox="242 504 584 530">MBTA Policy Manual Chapter 283</p> <p data-bbox="242 562 517 589">PREA Investigator Training</p> <p data-bbox="242 620 900 647">Massachusetts Sexual Assault Law Enforcement Guidelines 2017</p> <p data-bbox="242 678 775 705">Mass.gov – Sexual Assault Nurse Examiner Program</p> <p data-bbox="242 790 679 817">Individuals interviewed/ observations made.</p> <p data-bbox="242 848 517 875">Interview with Deputy Chief</p> <p data-bbox="242 907 592 934">Interview with Criminal Investigator</p> <p data-bbox="242 965 526 992">Interview with Random Staff</p> <p data-bbox="242 1077 580 1104">Indicator Summary determination.</p> <p data-bbox="242 1189 1485 1350">Indicator (a). The Massachusetts Bay Transportation Authority Police is the responsible entity for investigating Sexual Abuse allegations in the MBTA lockup. Policy 237 states, “The Department is responsible for investigating allegations of sexual abuse in its Holding Facility, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions and in accordance with Department Manual Chapter 283-Crime Scene Services.”</p> <p data-bbox="242 1382 1477 1476">The MBTA Police have several policies including 271 and 283 that instruct staff on the completion of both criminal and administrative Investigations and the collection of evidence. All investigations would be completed through the Professional Standards unit in compliance with state mandated practices.</p> <p data-bbox="242 1561 1474 1825">Indicator (b). The Auditor has reviewed the materials and state websites and confirmed with a local hospital representative with SANE nurses that the state has a statewide protocol that governs the hospital staff’s evidence collection process. The Investigator also confirmed that there are statewide protocols for adult and juvenile victims. The Auditor reviewed the document for consistency with the National Protocols for Sexual Assault Medical Forensic Examinations. Victims of sexual abuse will be sent to one of the 7 hospitals in Boston recognized as SANE Hospitals. The Massachusetts document was updated in 2017 collaboration with individuals from medical, legal, law enforcement, scientific, SANE, victim advocacy, and mental health organizations. The Protocol is for adolescents and adults over the age of 12. State Law prohibits the arrest of individuals under 12.</p> <p data-bbox="242 1910 1493 2072">Indicator (c). All victims of Sexual Abuse would be transported to a local hospital to check their overall health and to offer a forensic examination. The MBTA Investigator confirms that each local hospitals where victims can transport for a forensic exam by a trained SAFE/SANE. The state website has an up-to-date list of hospitals with trained staff. With 7 seven hospitals in the area, the investigator is confident they can find a hospital with a SANE trained individual on duty. Most staff stated they would refer the client to Boston Medical Center (BMC) which is just blocks from the MBTA lockup facility.</p>

Indicator (d). The MBTA has had no allegations of sexual assault resulting in a referral for a forensic exam. The Auditor confirmed with the investigator that any victim of sexual abuse would be allowed to be accompanied during the forensic exam. The Auditor spoke with a local hospital who confirmed their protocol has the nurse offer the victim the support of a rape crisis agency. This practice is consistent with the state's Protocol for sexual abuse forensic exams. The Boston Area Rape Crisis Center is an active organization supporting victims of sexual abuse. The agency had staff involved in the development of the 2017 protocol.

Indicator (e). The indicator is not applicable. Massachusetts Bay Transportation Authority Police is responsible for completing both criminal and administrative investigations.

Indicator (f). The Auditor is not required to review this provider.

Compliance Determination

The Auditor finds the standard has been met. The compliance determination is based on policy reviews, observations, documentation, web searches, and interviews with both MBTA and local hospital staff.

115.122	Policies to ensure referrals of allegations for investigations
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 584 474">MBTA Policy Manual Chapter 271</p> <p data-bbox="242 504 584 533">MBTA Policy Manual Chapter 283</p> <p data-bbox="242 562 520 591">MGL 41 Powers and Duties</p> <p data-bbox="242 620 820 649">Public Act of 1968 establishing the MBTA Police Authority</p> <p data-bbox="242 730 679 759">Individuals interviewed/ observations made.</p> <p data-bbox="242 788 520 817">Interview with Deputy Chief</p> <p data-bbox="242 846 592 875">Interview with Criminal Investigator</p> <p data-bbox="242 904 571 934">Interview with PREA Coordinator</p> <p data-bbox="242 963 413 992">Random Officers</p> <p data-bbox="242 1075 580 1104">Indicator Summary determination.</p> <p data-bbox="242 1133 1477 1328">Indicator (a). The MBTA have several policies that set forth the obligation for investigations of sexual abuse that occur in the agency's lockup. Policy 237 requires that all allegations of sexual abuse or sexual harassment are referred for investigation. The MBTA has the legal authority to conduct such criminal investigations. MGL 41 defines the powers of law enforcement agencies, and the public act of 1968 document creates the MBTA Police departments authority. Agency policy also requires that all investigators receive special training to investigate sexual abuse cases in a confinement setting. The MBTA has only one allegation that was investigated in the past three years.</p> <p data-bbox="242 1357 1458 1453">Random Officer interviewed supported they are required to refer all allegations of sexual abuse or sexual harassment for investigation. Interviews with the Deputy Chief and the departments trained Investigator describe the immediate steps that would be taken once an allegation has been received.</p> <p data-bbox="242 1482 1477 1543">Indicator (b). The indicator is not applicable. The Massachusetts Bay Transportation Authority Police is Responsible for both criminal and administrative investigations.</p> <p data-bbox="242 1572 820 1601">Indicator (c). Auditor is not required to audit this provision.</p> <p data-bbox="242 1630 820 1659">Indicator (d). Auditor is not required to audit this provision.</p> <p data-bbox="242 1688 512 1718">Compliance Determination</p> <p data-bbox="242 1747 1469 1872">The Auditor finds the standard has been met. The compliance determination is based on policy reviews, observations, documentation, web searches, and interviews with various MBTA staff. The Auditor reviewed the one investigation and to relied on the investigator's knowledge of completing a sexual assault investigation consistent with the agency's coordinated action plan.</p>

115.131	Employee and volunteer training
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA PREA Training Materials</p> <p>MBTA Training Logs</p> <p>Random Employee training files</p> <p>PREA Booking Right Screen</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Random Staff</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary determination.</p> <p>Indicator a). MBTA policy confirms the agency’s expectations on training of staff. “The Department trains all employees who have contact with prisoners to be able to fulfill their responsibilities under the Department’s sexual abuse prevention, detection, and response policies and procedures, including training on:</p> <ul style="list-style-type: none"> • The Department’s zero-tolerance policy and prisoners’ right to be free from sexual abuse and sexual harassment; • the dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable in lockup settings; • the right of prisoners and employees to be free from retaliation for reporting sexual abuse or harassment; • how to detect and respond to signs of threatened and actual abuse; • how to communicate effectively and professionally with all prisoners; and • how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. The training materials examined contained all required elements of this indicator over the 45 slide PowerPoint. Employees are trained, and random staff interviews support an understanding of the agency’s zero-tolerance policy toward sexual misconduct. sets forth the training requirement elements <p>The Random staff gave examples of what they do in their daily jobs that help protect, detect, and respond to incidents of sexual misconduct. The Officers were aware of the detainee’s and staff’s rights to be able to report a concern without fear of retaliation. Staff were aware of individuals at greater risk and the symptoms of individuals who might be victims of abuse. Staff also were able to discuss what they learned about working with LGBTI inmates. Staff knew transgender, and intersex detainees should be searched according to how they identify and using the preferred pronouns when speaking with them. The Officers were able to acknowledge their responsibilities as first responders and well as their obligation to report all allegations of sexual misconduct no matter the source. Staff support a zero tolerance culture exist and that they educate all detainees as part of the booking process on how to report a concern.</p> <p>Indicator (b). The MBTA reportedly trains individuals on an annual basis in PREA through role call or classroom trainings. Training records confirm information received through random staff interviews and informal questions the Auditor asked during the tour. The PREA Coordinator confirmed that rollcall trainings are provided to update staff when policies or procedures change between the annualized training requirements. The Auditor was able to see the sign in sheets staff complete to acknowledge they understand the training. The MBTA does not utilized volunteers in any contact with detainees</p>

Indicator (c). The training records reviewed by the Auditor confirmed that staff signs an acknowledgment form that they understand the content of the training. The Auditor was also provided with examples of the acknowledgment forms corresponding to live training or policy distribution. Policy 237 states, "All current employees who may have contact with prisoners shall be trained within one year of the effective date of this policy, and the Department shall provide annual refresher information to all such employees to ensure that they know the Department's current sexual abuse and sexual harassment policies and procedures. The Department shall document, through employee signature or electronic verification, that employees understand the training they have received."

Compliance Determination:

The Auditor has determined the facility has appropriately trained its staff in the areas required in this standard. MBTA Officers were well educated in the training topics mandated in the standard. Staff provided examples to the Auditor questions related to the required training elements. The Auditor reviewed policies and procedures, training materials, training rosters, and acknowledgment forms. The Auditor reviewed training as part of the HR review of employee records. The Auditor determined compliance based on staff have retained the knowledge received from training, training materials, and staff training records. The PREA Coordinator works in the training unit which further supports the agency's ability to determine how educational information is retained by staff. Newer employees confirm they received classroom instruction while in the academy and then are provided classroom training at the MBTA.

115.132	Detainee, contractor, and inmate worker notification of the agency's zero-tolerance policy
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 389 474">PREA Posters</p> <p data-bbox="242 504 820 533">Intake Procedure for Booking Officer on PREA Education</p> <p data-bbox="242 613 679 642">Individuals interviewed/ observations made.</p> <p data-bbox="242 672 464 701">Interview with Officers</p> <p data-bbox="242 730 518 759">Interview with Deputy Chief</p> <p data-bbox="242 840 582 869">Indicator Summary determination.</p> <p data-bbox="242 900 1485 1097">Indicator (a). All Officer are trained to ensure Detainee understands the Massachusetts Bay Transportation Authority Police's zero-tolerance policy toward sexual abuse, sexual harassment, or retaliation. Training materials direct Officers, "During the booking process, Officers shall notify all prisoners of the Department's zero-tolerance policy regarding sexual abuse and sexual harassment." Signage is posted in the booking area, and the agency has brochures on PREA rights. A detainee interviewed confirmed he was educated about PREA and the zero-tolerance policy toward sexual abuse and sexual harassment of detainees.</p> <p data-bbox="242 1126 1485 1323">All Officers interviewed report they review PREA and how to report a concern during all bookings, not just for overnight stays. The Auditor also confirmed with booking officer how he ensures individuals understand the PREA Information including how to report a concern especially if the have and comprehension concern. The Auditor saw posted a script of information that officers use to educate detainees on PREA. One Detainee spoken with confirmed that he was educated about PREA and how to report a concern. In addition to the posted signage the MBTA has all detainees sign to document they have been educated.</p> <p data-bbox="242 1404 1469 1471">Indicator (b). As noted previously, no contractors are allowed in the cellblock area if any detainees are present. The agency does not use detainees to perform work duties, nor do they allow volunteers to have contact with detainees.</p> <p data-bbox="242 1500 510 1529">Compliance Determination</p> <p data-bbox="242 1559 1469 1653">The MBTA is compliant with the standard expectation. The Auditor relied on policy and staff knowledge of expectations in making his determination. The one detainee from the overnight interviewed he was told about PREA in the booking process and was aware of the signage posted in the facility.</p>

115.134	Specialized training: Investigations
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 389 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 448 668 474">Training materials for Criminal Investigator</p> <p data-bbox="240 560 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="240 618 592 645">Interview with Criminal Investigator</p> <p data-bbox="240 676 572 703">Interview with PREA Coordinator</p> <p data-bbox="240 788 580 815">Indicator Summary determination.</p> <p data-bbox="240 900 488 927">Summary Determination</p> <p data-bbox="240 958 1485 1120">Indicator (a) The Massachusetts Bay Transportation Police employs its own investigative body. The department 's Criminal Investigative Unit would be responsible for a criminal investigation of sexual abuse. Administrative investigations of staff actions or complaints are filed through the department's Professional, which includes the agency's internal affairs office. The MBTA currently has one trained investigator in completing PREA investigation. The Detective Sergeant, completes all criminal investigations for allegations in lockup and works in the agency internal affairs unit.</p> <p data-bbox="240 1205 1493 1500">Indicator (b) MBTA policy states, consistent with the indicator, the required content of the investigative staff training. "Department shall ensure that, to the extent the Department itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. The specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The Department shall maintain documentation that Department's investigators have completed the required specialized training in conducting sexual abuse investigations following on the requirement of specialized training for investigators." The Auditor has previously seen the curriculum of used by the DOC which is consistent with the standard elements.</p> <p data-bbox="240 1532 1465 1693">The training is in addition to the agency's standard investigative coursework required as part of police training. The course reviewed by the Auditor contained all the relevant topics needed in this standard. The interview with a trained investigator confirmed the training covered how to communicate with a victim of sexual assault and the use of Miranda and Garrity warnings. He also reported proper steps in collecting and preserving evidence and the factors in deciding of substantiation for administrative action or prosecutorial referral.</p> <p data-bbox="240 1778 1493 1872">Indicator (c) Training records were provided for Detective Sergeant who completed the specialized investigations training. The training course was taken in 2018 with the Massachusetts Department of Corrections. The Auditor suggested the agency have additional staff trained to back up the sergeant when unavailable.</p> <p data-bbox="240 1957 863 1984">Indicator (d) The Auditor is not required to review this indicator</p> <p data-bbox="240 2069 515 2096">Compliance Determination:</p> <p data-bbox="240 2128 1465 2154">The Massachusetts Bay Transportation Authority ensures that staff who complete investigations have received appropriate</p>

specialized training on investigating sexual assault in a correctional setting. The MBTA Investigator of sexual assault are trained law enforcement officers with specialized training in completing investigations in correctional settings. The agency's internal affairs unit also has staff trained in completing administrative investigations into staff actions that directly or indirectly lead to abuse. Documents and interviews support that the investigators are trained in the requirements of a PREA related investigation. The MBTA report they have 93 trained staff in completing a PREA Investigation. The Auditor relied on the training materials, policies, one and interviews to support compliance.

115.141	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Prior Auditor's Email on standard</p> <p>MBTA Training Materials</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with random Officers</p> <p>Interview with Booking Officer</p> <p>Interview with a detainee</p> <p>Interview with Deputy Chief</p> <p>Indicator Summary determination.</p> <p>Indicator (a). A large portion of the MBTA Police are able to make bond and will be released in under six hours, thus reducing the overnight population. All Individuals who go through the booking process are placed in single cells. The Physical plant of the lock up keeps adult males and females separately. The MBTA has the capacity to house juveniles separate from both adult populations. Juvenile law does not allow the juveniles to be in the police custody any longer than 6 hours. The lockup allows the Booking Officer, and the Monitor Room Officers have constant video and audio surveillance of the area. The Booking Officer also completes a minimum of 2 cell checks per hour.</p> <p>Indicator (b). In the previous PREA Audit the facility was provided information that because the detainees are all single celled there may be no requirement for a screening. As a result the agency policy states in section 16 SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS. "The Holding Facility is utilized to house prisoners overnight, individually in single occupancy cells. Therefore, this screening is unnecessary."</p> <p>The Auditor reviewed the training standard where is show MBTA trains the staff to screen for vulnerabilities or aggressive histories. The training slides state officers shall "screen all prisoners to assess their risk of being sexually abused by other prisoners or sexually abusive toward other prisoners. The screening shall consist of:</p> <p>(1) Asking the prisoner about his or her own perception of vulnerability, e.g., "If you are placed in a cell, do you have any concerns about your safety or about being abused in any way?", and</p> <p>(2) Assessing the prisoner's risk of being sexual abused or sexually abusive by considering the following factors:</p> <ul style="list-style-type: none"> - whether the prisoner has a mental, physical, or developmental disability; - the age of the prisoner; - the physical build and appearance of the prisoner; - whether the prisoner has previously been incarcerated; and - the nature of the prisoner's alleged offense and criminal history. <p>You must consider whether a prisoner is at high risk of being sexually abused or sexually abusive on a case-by-case basis. "</p>

The random officer report they ask and consider the above stated factors in their intake process. They confirmed that they will use the flexibility of their cell layout to keep aggressive individuals apart from those susceptible to verbal abuse. Staff report they will never put two or more individuals in a cell and closely monitor individuals at risk of abuse or have difficulties adjusting to the arrest. The Auditor confirmed that never would two detainees be out of their cells simultaneously or be out of the cell without two officers present.

Indicator (c). Officers report they ask all individuals if they have any concern about their safety in custody. Though all detainees are in single-cells, they will try to separate individuals in the cells when possible. Once arrested, the detainee remains in the cell and would not be out at the same time as another detainee. Staff reported they watch closely for individuals who appear at greater risk emotionally including the use of a safety cell for those who are at risk of self-injury. Officer will provide extra tours into the cellblock, especially if there may be concerns about emotional stability. Officers reported they would call for an emergency health screening or have the detainee taken to a hospital if there is a suicidal concern.

Indicator (d). As noted in Indicator (b) all Officers are trained to ask and assess the risk of each detainee. The training materials and staff interviews support there is a screening process to included the elements of this indicator. As a police force all officers can see if there have been prior arrest and incarcerations. The Auditor did ask and confirm with an overnight detainee that he was provided information about PREA and was ask screening questions including about his feelings of safety in the environment and if he had medical concerns. The Agency does not currently control its electronic booking system so they cannot add electronic documentation to acknowledge the process.

Compliance Determination

The MBTA Police has in place the ability to screen individuals for risk of abuse or aggression. The staff interviewed are aware of the need to assess each detainee and provide additional monitoring as needed individually. Though the agency previously believe the standard did not apply because all detainees are in single cell and under direct supervision the Auditor finds they are completing the screening at a level sufficient for the lockup standards. The Auditor Suggest exploring another way of documenting the screenings are completed and adjust policy accordingly. The Auditor finds the standard is compliant. In determining compliance, the Auditor relied on Officers knowledge of required screening elements, examples of how they would utilize the information to protect individuals, policies, training materials provided, and the detainee interview.

115.151	Detainee reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 392 584 418">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 452 464 479">MBTA Police Website</p> <p data-bbox="242 512 639 539">PREA Brochures in multiple languages.</p> <p data-bbox="242 573 691 600">No Means No Posters in multiple Languages</p> <p data-bbox="242 633 494 660">MBTA Training Materials</p> <p data-bbox="242 694 620 721">Quarterly PREA Reports (2019-2021)</p> <p data-bbox="242 790 679 817">Individuals interviewed/ observations made.</p> <p data-bbox="242 851 549 878">Interview with random Officers</p> <p data-bbox="242 911 572 938">Interview with PREA Coordinator</p> <p data-bbox="242 972 485 999">District Attorney's Office</p> <p data-bbox="242 1032 464 1059">Observation from tour</p> <p data-bbox="242 1137 584 1164">Indicator Summary determination.</p> <p data-bbox="242 1249 1477 1541">Indicator (a). The MBTA Police have set up multiple ways for detainees to report Sexual Abuse, Sexual harassment, retaliation, or staff neglect that may have contributed to an abuse incident. The Officer are trained to educate all individuals they come in contact with through the booking process. Detainees can tell any Officer or Supervisor they have contact with while in custody or after release. Detainees are provided information on filing a PREA Complaint through the MBTA Chief of Police Office or through filing an online report through the citizen's complaint process, who would also notify the Agency PREA Coordinator. Policy 237 (page 8) states consistent with the indicator "The Department provides multiple ways for prisoners to privately re[1]port sexual abuse and sexual harassment, retaliation by other prisoners or employees for report[1]ing sexual abuse and sexual harassment, and employee neglect or violation of responsibilities that may have contributed to such incidents."</p> <p data-bbox="242 1630 1493 1921">Indicator (b). The Massachusetts Bay Transportation Authority Police have set up the Suffolk County District Attorney's Office as an outside reporting entity that detainees could use to report a PREA related concern. The District Attorney's is a public entity that is separate from the MBTA Police. The phone call, to the Suffolk County DA Sexual Assault Line, allows the detainees to remain anonymous if so requested. Upon receiving an alleged incident, this outside agency can immediately forward detainee reports of sexual abuse and sexual harassment to the MBTA PREA Coordinator for investigation. As the criminal prosecution agency for the county individuals would be assured that allegations would be investigated. Policy 237 states, "The Department shall inform prisoners that they or someone on their behalf can also report an alleged incident of sexual abuse or sexual harassment to the Suffolk County District Attorney's Sexual Assault Line at 617-619-4166, a third-party entity not affiliated with the Department."</p> <p data-bbox="242 2011 1484 2141">Indicator (c). In interviews with the Auditor, all officers confirm that they will accept allegations of sexual abuse or sexual harassment verbally, in writing, anonymously, from third parties, and report the information to their supervisor, the PREA Coordinator or the Detective in charge of PREA Investigations. The Officer describe various methods that detainees could use to report sexual abuse or sexual harassment. They also explained how detainees are educated about PREA information</p>

when they first arrive in the booking area. The one detainee present confirmed he was provided information about PREA. When the Auditor toured the MBTA lockup, the Auditor was able to see signage that informs detainees how to report a concern. Policy 237 addresses the third party reporting expectation when it says, "Employees shall accept reports made verbally (in person or via the phone), in writing (e.g. US mail, email, website, etc.), anonymously, or from third parties on behalf of the alleged victim. All verbal reports will be promptly documented and forwarded to the PREA Investigator." The training materials direct the staff on timeliness of reporting, "You must report immediately if you know, suspect, or have information about an incident of sexual abuse at MBTA Transit Police Department or which occurred at another confinement facility."

Indicator (d). Officers have the option of submitting anonymous reports themselves to the District Attorney, the internal affairs office, the Deputy Chief or the PREA Coordinator. These options were form random interviews where they all confirmed they can go outside the chain of command to report a concern without worries.

Compliance Determination

The Massachusetts Bay Transportation Authority Police have policy and training materials to direct staff to ensure all allegations of sexual abuse or sexual harassment are reported. These reports would also include any claims of retaliation or neglectful actions of an MBTA staff member. The policy language describes internal and outside reporting methods. The Auditor was explained the booking process including PREA education. Staff demonstrated knowledge of the standards expectations. The staff knew the element they had to educate detainees on and the obligation to document all reports, no matter the source, and if they received it verbally, in writing, or anonymously. In addition to the signage detainees are offered a brochure that informs them of internal and external ways of reporting a concern. Based on the review of the agency's policy, documents provided, observations the Auditor made during the facility tour, and interviews with staff, the Auditor has determined the standard has been achieved.

115.154	Third-party reporting
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 462 474">MBTA Police Website</p> <p data-bbox="242 504 638 533">PREA Brochures in multiple languages.</p> <p data-bbox="242 562 595 591">Quarterly PREA Reports (2019-21)</p> <p data-bbox="242 674 679 703">Individuals interviewed/ observations made.</p> <p data-bbox="242 732 520 761">Interview with Deputy Chief</p> <p data-bbox="242 790 505 819">Interview with Investigator</p> <p data-bbox="242 848 572 878">Interview with PREA Coordinator</p> <p data-bbox="242 907 485 936">District Attorney's Office</p> <p data-bbox="242 965 539 994">MBTA Citizen Complaint Line</p> <p data-bbox="242 1023 557 1052">Interview with Random Officers</p> <p data-bbox="242 1081 467 1111">Postings in the facility.</p> <p data-bbox="242 1193 584 1223">Indicator Summary determination.</p> <p data-bbox="242 1252 1474 1576">Indicator (a). There are multiple avenues for which the Massachusetts Bay Transportation Authority Police may receive a third-party complaint. All Officer interviewed knew they must take and forward for investigation all allegations of sexual misconduct no matter the source or their own beliefs as to the validity of the claim. The Detainees can see postings that inform them they can report a concern to the District Attorney or to the MBTA Chief of Police Office. The Agency Website also has a mechanism to receive citizen complaints. The 'NO MEANS NO' posters inform detainees "Tell a family member, friend, legal counsel, or anyone outside the department. They can report on your behalf by calling (617) 222 2801." MBTA Policy 237 set forth what random officers confirmed "Employees shall accept reports made verbally (in person or via the phone), in writing (e.g. US mail, email, website, etc.), anonymously, or from third parties on behalf of the alleged victim. All verbal reports will be promptly documented and forwarded to the PREA Investigator." Quarterly PREA Reports were also reviewed to confirm the number of allegations recieved.</p> <p data-bbox="242 1664 512 1693">Compliance Determination</p> <p data-bbox="242 1722 1485 1883">There have been there was one reported incident received from another facility (local county Sheriff) reported to the MBTA lockup in the past three years. The Auditor confirmed this in interviews with the Deputy Chief, the investigator, and the PREA Coordinator that this was the only case received from outside sources. The Auditor based compliance on interviews and the systems in place which promotes the reporting of PREA complaints, support an ability to respond to events and the evidence of timely response to an allegation.</p>

115.161	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA Training Materials</p> <p>MBTA Quarterly PREA Reports (2019-21)</p> <p>PREA Brochures in multiple languages.</p> <p>MA.GOV information on reporting abuse neglect of Juveniles and vulnerable persons</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Deputy Chief</p> <p>Interview with Random Staff</p> <p>PREA Posters in the facility</p> <p>Indicator Summary determination.</p> <p>Indicator (a). MBTA Training Materials and policy informs staff of the requirement that all knowledge, suspicion, or information about an incident of sexual assault or sexual harassment or retaliation against individuals who cooperated in an investigation is immediately reported. Policy 237 states, "The Department requires all employees to report immediately and according to Department policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the Department's Holding Facility; retaliation against prisoners or employees who reported such an incident; and any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation." Interviews with random Officers from the MBTA Police confirmed the understanding that all allegations of sexual assault, sexual harassment, or retaliation, no matter the source, must be reported immediately. A review of data provided from 2019 to present support only one allegation. Staff were able to describe the process by which an incident would be reported. The Staff also confirmed the reporting would occur immediately. Finally, in random interviews, the Auditor confirmed with the staff the obligation to report on a fellow co-worker's action or inactions that may have contributed to an incident of sexual misconduct.</p> <p>Indicator (b). Random Officers spoken with supported an understanding of protecting the investigation of a sexual abuse allegation by only sharing information with those charged with investigating the crime and the necessary supervisors to effectuate medical treatment. Policy 237 (page 9) states, "Apart from reporting to designated Supervisors, employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Department policy, to make treatment and investigation decisions." In interviews the Officers they were able to describe how documentation of their interactions with those involved would be only provided to supervisor or the Detective investigating the case.</p> <p>Indicator (c). The Auditor reviewed materials on mandated reporting in Massachusetts for crimes against juveniles and vulnerable adults. The state website confirms that Police officers are all mandated reporters, and the appropriate agency responsible for the protected population must be notified promptly. Interview with the Investigator, Deputy Chief and the</p>

PREA Coordinator confirmed how notifications are made to the proper agencies and how the MBTA Police can charge an individual differently than in crimes against normal adults. The Auditor reviewed the state website for materials which define mandated reporting. Abuse of children is required to be reported to the MA Department of Children and Families, while abuse of elderly individuals are to be reported to Elder Protective Services and abuse of disabled individuals is to be reported to the Disabled Persons Protection Commission. Agency Policy 237 addresses the indicator's concern, "If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the Department shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws. The Department shall report all allegations of sexual abuse, including third-party and anonymous reports, to the Department's designated investigators."

Indicator (d). As noted in standard 115.154 all third party PREA allegations are referred for investigation. Policy 237 states, "Employees shall accept reports made verbally (in person or via the phone), in writing (e.g. US mail, email, website, etc.), anonymously, or from third parties on behalf of the alleged victim. All verbal reports will be promptly documented and forwarded to the PREA Investigator." Interviews with random staff confirm this expectation is understood. The Deputy Chief confirms they take all allegations seriously and will ensure a thorough investigation is completed no matter the source of the complaint. He was able to explain how allegations can be made by third-party sources and the immediate response that would occur. The one investigation in 2021 was reported from another institution.

Compliance Determination

The Massachusetts Bay Transportation Authority Police has in place the appropriate resources following a detainee report of sexual abuse, harassment, or retaliation to ensure an investigation occurs. The agency has policies in place that address the standard requirements and has appropriately trained its staff on how to report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurs in the MBTA custody. The Auditor has found the standard has been met. In coming to this conclusion, the Auditor considered interviews with random staff and administration. Interviews supported individuals are trained in the policy and procedures to ensure all allegations are investigated. The Officers were aware of the importance of expedient reporting the incident, maintaining confidentiality to those with a need to know, and the duty to potentially report on a coworker whose action or inaction may have caused the abuse. The Auditor had to make the determination based on policy, interviews, and materials posted in the facility since there had been only one investigation to review which did not include a population where mandated reporting was required.

115.162	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA Training Materials</p> <p>MBTA Quarterly PREA Reports (2019-21)</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Deputy Chief</p> <p>Interview with PREA Coordinator</p> <p>Random Officers</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The MBTA's PREA policy 237 clearly states the employee's obligation to protect individuals in custody who are at imminent risk of sexual abuse. The policy states, "When the Department learns that a prisoner is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the prisoner." The practices of the MBTA in the limit the ability for detainee-on-detainee sexual abuse. The MBTA only allows one individual to be out of their cell at a time and only with two staff present. If there is multiple arrest there is a large holding room where detainees can be secured apart from each other. Random staff were able to explain what they would do to eliminate the risk to the individual for being victims of sexual harassment. As a short-term facility, detainees do not leave the cells until a court appearance or bonded out unless they have a professional visit which are completed across glass.</p> <p>Compliance Determination</p> <p>The Auditor finds the standard to have been met. The MBTA Police have been appropriately trained on how to limit the likelihood of imminent risk situations. They are aware of the importance of responding immediately and options they could take to resolve the situation. Thought the standard is for imminent risk of sexual abuse the MBTA officers will use information they learn/observe at intake to keep aggressive individual away from potential victims to lessen sexual harassment. The use of cells in different areas of the lockup allow them to limit proximity of these groups.</p>

115.163	Reporting to other confinement facilities
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 389 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 448 663 474">MBTA Quarterly PREA Reports (2019-21)</p> <p data-bbox="240 560 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="240 618 520 645">Interview with Deputy Chief</p> <p data-bbox="240 676 568 703">Interviews with Random Officers</p> <p data-bbox="240 846 584 873">Indicator Summary determination.</p> <p data-bbox="240 904 1489 1164">Indicator (a). The agency has a policy requiring that, upon receiving an allegation that a detainee 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. MBTA Policy 237 states, (page 9) "Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Superintendent shall be notified immediately though the chain of command. The Superintendent shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred." The PREA Investigator who works closely with the PREA Coordinator would be immediately notified on all allegations. The Investigator and the PREA Coordinator are both under the Deputy Chief of Administration who would also be notified of any claims.</p> <p data-bbox="240 1249 1489 1482">Indicator (b). MBTA policy 237 sets forth the requirements of notification to the facility where the alleged abuse has occurred including the timeliness of reporting consistent with the standard. The policy states, "The Superintendent shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The Superintendent shall document in writing that he/she has provided such notification." The Deputy Chief was aware of the requirement of reporting to the facility Director where the alleged abuse has taken place, that it must occur within 72 hours and that it shall be documented. He reports there have been no allegation of abuse at another facility that MBTA has become aware of in the past year.</p> <p data-bbox="240 1568 1457 1630">Indicator (c). As noted in indicator (b) notice to the facility where the crime has allegedly occurred must be made within 72 hours. The Deputy Chief confirmed there would document the notification through a phone call with a email confirmation.</p> <p data-bbox="240 1774 1461 1904">Indicator (d). In the past year they have receive one allegation from another institution and have investigated the claim. Policy 237 as previously stated requires staff to report to the agency's investigator immediately all allegations of sexual abuse not matter the source. The Auditor reviewed the investigation file and spoke with the MBTA investigator who started the investigation the same day the agency was made aware by a county jail.</p> <p data-bbox="240 1989 512 2016">Compliance Determination</p> <p data-bbox="240 2047 1484 2141">The Auditor finds the standard to have been met. The agency has policy in place to ensure the MBTA informs other institutions when they become aware of past abuse and staff trained to report all allegations of sexual misconduct to the agency's investigator. The Auditor was able to see in the one PREA case how an allegation received from another institution</p>

was processed and investigated.

115.164	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA PREA Checklist of Responsibilities</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Random Staff</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The Massachusetts Bay Transportation Authority Police policy 237 defines the steps of the first responding Officer to an incident of sexual abuse. Page 6-7 of the policy states, The first Officer to respond to a report of a sexual assault or sexual harassment shall:</p> <ul style="list-style-type: none"> • immediately separate the alleged victim and abuser; • take immediate action to protect the prisoner from substantial risk of imminent sexual abuse; • keep the prisoner either with the Officer or in the cell and under surveillance until a Supervisor can investigate and determine any further actions to take to protect the prisoner; • follow evidence protocol that maximizes the potential for obtaining usable physical evidence including preserving and protecting any crime scene until appropriate steps can be taken to collect any evidence; • if the abuse occurred within a time period that still allows for the collection of physical evidence, request 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; • offer all victims access to forensic medical examinations performed by a Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiners (SANEs) or qualified medical practitioner without financial cost to the victim, if evidentiary or medically appropriate; • if the prisoner is transported for a forensic examination to an outside hospital that offers victim advocacy services, ensure that the prisoner be permitted to use such services to the extent available, consistent with security needs; • document all efforts to provide a SAFE or medical practitioner; • attempt to make a victim advocate from a rape crisis center or other facility available to the prisoner if transported to a hospital or other medical facility consistent with security needs; and • accompany the victim through the forensic medical examination process and interviews" <p>The Auditor also reviewed the training materials and completed random staff interviews to aid in the review of the standard element. The MBTA Police Lockup has had zero incidents of sexual assault requiring a staff to act as a first responder. All officers interviewed were able to describe the steps they would take as first responders consistent with the policy and standard expectation.</p> <p>Indicator (b). Contact between inmates and non-law enforcement is limited to post release situations. The MBTA policy does not allow non law enforcement staff into the lockup area when detainees are out of cells and when secured non-law enforcement individuals including the Auditor must be escorted. Maintenance staff are not allowed in the area while detainees are present. PREA training guides for non-law enforcement staff instruct them to encourage the individual not to do anything that might destroy evidence and to notify the law enforcement staff immediately. The Facility has civilian dispatch staff who may encounter a released individual who comes to the front window to lodge a complaint.</p> <p>Compliance Determination</p>

The MBTA has appropriately trained Police officers and staff working at its headquarters on how to respond as a first responder. The agency has a policy language consistent with the standard's expectation. Absent an individual who had acted as a first responder and a corresponding investigation file to review; the Auditor had to rely on other materials to determine compliance. The Auditor reviewed the agency's, policy, training materials, and utilized random staff interviews to determine compliance. Random staff were able to layout their response as a first responder to an allegation of sexual abuse. The staff described how they would separate the individuals, preserve the crime scene, and ensure physical evidence is maintained. They knew to request that the alleged victim and perpetrator take no action that would destroy evidence, including not eating, drinking, cleaning, or using the bathroom, if it can be prevented. They were also able to identify the local hospital with SAFE/SANE staff to send a individual for a forensic exam.

115.165	Coordinated response
	<p>Auditor Overall Determination: Exceeds Standard</p> <p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA PREA Checklist of Responsibilities</p> <p>MA General Laws – 41.97D Sexual Abuse Information Confidentiality</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Deputy Chief</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The agency policy has put forth an agency-wide coordinated response plan for incidents of sexual abuse and sexual harassment cases. Policy 237 pages 5 to 7 define the coordinated efforts to respond to the allegations. The Policy addresses staff's responsibilities at different levels of the agency from the first responder, the Duty Supervisor, the agency investigator, and the Administrative and Operations Division Commanders. Interview with staff and management supports an understanding of how to implement the coordinated response plan. To aid in ensuring a consistent practice the MBTA has implemented a PREA incident Checklist that mirrors the policy to ensure each individual is completing the expected tasks. The facility does not employ medical or mental health practitioners. The Auditor made a recommendation on including information on what local hospitals have SANEs as part of the checklist activities.</p> <p>Indicator (b). The Coordinated response plan charges the station's Duty Supervisor to explain to the victim that medical services can be provided to victims of sexual abuse. Duties of the Supervisor include "explain to the alleged victim the need for a forensic medical exam and offer the victim the option of undergoing one without any financial costs;</p> <ul style="list-style-type: none"> • notify, if necessary, local EMS and a local medical facility for an assessment of alleged victim's acute medical needs and to make an assessment of necessary treatment; • offer the presence of a victim advocate or Officer during the exam;. • make best efforts to ensure that examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), or ensure that a qualified medical practitioner performs forensic medical examinations; • offer alleged victim services by providing the victim with list of local sexual abuse advocates and/or crisis centers found in the Department's PREA brochure; • if the victim is transferred from the lockup to a jail, prison, or medical facility, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise;". <p>There were no instances where MBTA Police had to transfer a victim to the local hospital for a sexual assault examination due to an incident in the MBTA's custody. Policy language allows for the victim to determine both their need for care and if they want to disclose their abuse to the staff. Though not required in the PREA Lockup standards the MBTA encourages the use of a rape crisis advocacy. The agency requires the informing of individual that medical services will be without cost to ensure it is not a barrier to an individual seeking aid.</p> <p>Compliance Determination</p> <p>The MBTA has put in place a coordinated plan that can help staff ensure a consistent process to respond to incidents of sexual assault. The Auditor reviewed the policy and spoke with staff who were aware of the plan and their respective duties. The information provided and interviews support a determination of compliance for this standard.</p>

115.166	Preservation of ability to protect detainees from contact with abusers
	<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="242 271 544 300">MBTA Preaudit Questionnaire</p> <p data-bbox="242 329 584 358">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 125</p> <p data-bbox="242 445 574 474">Collective Bargaining Agreement</p> <p data-bbox="242 557 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="242 616 520 645">Interview with Deputy Chief</p> <p data-bbox="242 674 566 703">Interview with PREACoordinator</p> <p data-bbox="242 786 582 815">Indicator Summary determination.</p> <p data-bbox="242 844 1469 1039">Indicator (a). MBTA has two policies that address the requirement of this standard. The policies outlines the ability of the command staff within the MBTA to put an employee out of work on administrative leave if they are the subject of a criminal investigation or is arrested." The policy states, "Neither the Department nor any other governmental entity responsible for collective bargaining on the Department's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the Department's ability to remove alleged employee sexual abusers from contact with prisoners pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p data-bbox="242 1068 1131 1097">Nothing in this policy shall restrict the entering into or renewal of agreements that govern:</p> <ul data-bbox="242 1126 1139 1270" style="list-style-type: none"> <li data-bbox="242 1126 1139 1211">• the conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§115.172 and 115.176; or <li data-bbox="242 1240 1139 1270">• whether a no-contact assignment that is imposed pending the outcome of an investigation <p data-bbox="242 1299 1485 1527">shall be expunged from or retained in the employee's personnel file following a determination that the allegation of sexual abuse is not substantiated." The Auditor reviewed the employment contracts that cover the staff working at MBTA. The Deputy Chief confirmed the ability to put employees out of work on administrative leave during an investigation. The Deputy Chief reports that there were no instances in this audit cycle that an employee at MBTA has been put out of work to protect an alleged victim of sexual assault from contact. Chapter 125 also describes the ability to immediately suspend individuals for serious conduct. " The Chif of Police or a designated Superior Officer may suspend those under his/her command for any infraction of the Department's Policy."</p> <p data-bbox="242 1615 877 1644">Indicator (b). The Auditor is not required to review this indicator.</p> <p data-bbox="242 1731 512 1760">Compliance Determination</p> <p data-bbox="242 1789 1474 1912">The provided policies and contractual documents and support the ability to protect victims from their abuser if staff are the allegation's subject. Interviews support the Massachusetts Bay Transportation Authority Police' ability to place an employee out of work who is a subject of an allegation of sexual abuse of a detainee. The Auditor finds the standard to be compliant based on the stated factors.</p>

115.167	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 329 544 356">MBTA Preaudit Questionnaire</p> <p data-bbox="240 387 584 414">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 557 679 584">Individuals interviewed/ observations made.</p> <p data-bbox="240 616 520 642">Interview with Deputy Chief</p> <p data-bbox="240 674 572 701">Interview with PREA Coordinator</p> <p data-bbox="240 786 584 813">Indicator Summary determination.</p> <p data-bbox="240 902 1493 1234">Indicator (a). The MBTA Police has designated the Detective Sergeant responsibility of monitoring the retaliation of individuals who report or cooperate with investigations of sexual abuse or sexual harassment of a detainee. The Detective Sergeant who as part of the Professional Standards Unit oversees the internal affairs investigations, and background checks for potential officers. Policy 237 (page 9) states, "The Department shall protect all prisoners and employees who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners or employees, and designated the PREA Investigator with monitoring retaliation" Detainees are rarely held for more than one day in a lockup. It would be unlikely that a detainee victim would remain in the facility for any significant period. Deputy Chief supports close supervision of the victim until custody can be turned over to the court systems. Staff members who report a PREA incident will also be monitored closely to ensure there is no retaliation as a result of their report.</p> <p data-bbox="240 1323 1493 1547">Indicator (b). The MBTA policy defines multiple measures in place to protect victims and provide emotional support to staff who fear retaliation for reporting or cooperating in an investigation of a coworker's sexual assault or sexual harassment of a detainee. Policy 237 (page 9) states, "The Department employs multiple protection measures, such as removal of alleged employee or prisoner abusers from contact with victims, and emotional support services for employees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. The PREA Investigator shall monitor the conduct and treatment of prisoners or employees who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse, and shall act promptly to remedy any such retaliation."</p> <p data-bbox="240 1637 1493 1968">Indicator (c). As noted in Indicator (a), the Detective Sergeant is responsible for monitoring detainee victims and staff who fear retaliation. The Deputy Chief described what he would expect to be done as part of retaliation monitoring. There have been no case in since the last PREA Audit that required monitoring of staff or detainees. Policy addresses the indicator by stating, "Complainants will be monitored by the PREA Investigator for any possible retaliation on a case by case basis which may consist of random check-ins via calls, texts, or in person weekly or biweekly for ninety (90) days following the initial date of the complaint. In the event a case of retaliation is reported, an investigation shall be conducted. The Department will offer protection to the reporting party, which may include, but is not limited to, separation through reassignment, EAP referral, outside counseling, etc. 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 retaliation. The Department's obligation to monitor shall terminate if the PREA Investigator determines that the allegation is unfounded."</p> <p data-bbox="240 2058 1493 2148">Indicator (d) As noted in Indicator (c), the MBTA has in place several options to support any individual who cooperates in the investigation of sexual abuse of a detainee. Interviews with the Deputy Chief supports they have sufficient resources at their hands to protect any individual who fears retaliation. Detainees would stay no more than 72 hours in custody of the MBTA</p>

but the agency offers victims information about Boston Area Rape Crisis Agency (BARCC). Staff have access to the agency's EAP service provider.

Indicator (e). The Auditor is not required to consider this provision

Compliance Determination

The MBTA leadership believes they have sufficient resources to protect detainee victims, staff reporters, and staff who cooperate in sexual misconduct investigations. The Deputy Chief explained the multiple steps in place that could protect both staff and detainees from retaliation. The Agency has in place a policy that outlines the expectations of this standard, and the interviewees were descriptive on how the monitoring would be completed by the Professional Standard Unit Detective and documented. Since the facility has not had an incident that required retaliation monitoring, the Auditor had to rely on interviews and policy statements to determine compliance.

115.171	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 798 297">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 392 584 418">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 452 584 479">MBTA Policy Manual Chapter 271</p> <p data-bbox="240 512 624 539">MBTA PREA Quarterly Data 2019-21)</p> <p data-bbox="240 573 756 600">Mass Gen Stat Ch 41 Sec 98 Powers and Authority</p> <p data-bbox="240 633 663 660">Acts of 1968 MBTA Transit Police Powers</p> <p data-bbox="240 694 724 721">State of Massachusetts Record Retention Rules</p> <p data-bbox="240 754 400 781">2021 Allegation</p> <p data-bbox="240 860 679 887">Individuals interviewed/ observations made.</p> <p data-bbox="240 920 504 947">Interview with Investigator</p> <p data-bbox="240 981 571 1008">Interview with PREA Coordinator</p> <p data-bbox="240 1041 523 1068">Interview with Deputy Chief.</p> <p data-bbox="240 1102 555 1128">Interview with Random Officers</p> <p data-bbox="240 1252 580 1279">Indicator Summary determination.</p> <p data-bbox="240 1379 1485 1727">Indicator (a). The Massachusetts Bay Transportation Authority Police is responsible for The Department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous report". The Investigator, as noted in 115.135, has received training in investigating sexual abuse claims in locked settings. All Officer interviewed were aware they must report all allegations, including those from third parties. The Auditor reviewed Massachusetts laws that empowers the MBTA Police to complete all police duties including the investigation of crimes, and the interviewing of suspects. Agency policy 271 defines the goal and process of investigations. "The objective of the Criminal Investigations Unit (CIU) is the successful investigation and prosecution of crimes occurring on MBTA property, including vice, drug, organized crime activities, and all MBTA employee related criminal activity." The policy defines the investigative process for both criminal and internal investigation of staff actions. The policy covers investigative procedures, solvability factors, investigation followup activities, and advises on interviews of witness and suspects.</p> <p data-bbox="240 1827 1473 1910">Indicator (b). As stated in 115.134, the Detective Sergeant of the MBTA Professional Standards attended training on Investigations of Sexual abuse claims in correctional settings. The training was a collaborative process involving other state agencies, including the District Attorney's Office and the Massachusetts Department of Correction.</p> <p data-bbox="240 2011 1469 2157">Indicator (c). There has been only one unfounded allegations of sexual abuse at the MBTA Lockup. As a result, the Auditor had to rely on the training materials presented in 115.134 and the Investigator's related experience in completing investigations. The Investigator was able to describe the steps taken to preserve and collect evidence. He reports that he would interview all individuals present as part of the investigation when needed, review written statements, historical complaints, and review any electronic surveillance data available. In the 2021 investigation the individual was no longer in</p>

MBTA custody. The initial complaint alleged an assault in the holding cell. The investigator reviewed all camera angles for the 8 hours the individual was in custody to determine the incident was unfounded. There was no DNA evidence to collect. Policy 237 defines the steps of the investigation, "Where sexual abuse is alleged, the Department shall use investigators who have received special training in sexual abuse investigations pursuant to §115.134. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse, if any, involving the alleged abuser."

Indicator (d). The Investigators confirmed in the interview that there would be close communication with the prosecutorial authorities throughout the case if it appears to be criminal in nature, including if compelled interviews would be required. Policy 237 states, "If the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution."

Indicator (e). The investigator confirmed that the individual's status as a detainee or Officer would not be a determining factor in the credibility of statements. He reports that all evidence is reviewed in addition to interview statements for consistency. The Auditor also confirmed that lie-detectors or other truth-telling devices are not required of a detainee to proceed with the investigation. Policy 237 addresses the requirements of this indicator. It states, "The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a prisoner or employee. The Department shall not require a prisoner who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation."

Indicator (f). There have been no allegations of sexual misconduct that would have resulted in an administrative investigation at MBTA Lockup. Random staff interviewed knew that they must report on a co-worker's action or inaction that led to a sexual abuse incident. The Deputy Chief and the Investigator interviewed both supported an administrative investigation will be completed whenever a staff is involved. Each administrative investigation would include a final written report, which would then be reviewed through the MBTA command structure.

Indicator (g). The Criminal Investigator reported he would document in a written report his finding to be presented to the agency administration and to the prosecuting authorities. He confirmed the report would contain a thorough description of the physical, testimonial, and documentary evidence, including logs and electronic evidence. The Auditor reviewed the final report of the 2021 investigation which included systematic description of the evidence reviewed and the individuals who had potential contact with the alleged victim.

Indicator (h). As noted in Indicator (f), the administrative investigations would result in a written report with a determination based on the evidence presented and the author's conclusion. The Auditor confirmed that Administrative Investigations would also seek to determine if staff actions or inaction played any role in the abuse. All staff spoken with in random staff interviews confirmed they are required to report such incidents. Policy 237 states, "Administrative investigations shall include an effort to determine whether employee's actions or failures to act contributed to the abuse and shall be documented in a written report that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and finding."

Indicator (i). The MBTA policy is consistent with the standard, "Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. The Department shall retain all written reports referenced above in this section for as long as the alleged abuser is incarcerated or employed by the Department, plus five years. The departure of the alleged abuser or victim from the employment or control of the Holding Facility or Department shall not provide a basis for terminating an investigation."

Indicator (j). The Auditor confirmed that the detainee leaving custody or the staff person leaving employment would not cause an investigation to be halted. Given the short time detainees are in custody, the Auditor was assured the same investigative steps would be taken even if the individual reported the PREA complaint after being released. The investigation from 2021 was completed after the detainee reported the allegation at another correctional setting post release from the MBTA.

Indicator (k). The Auditor is not required to audit this provision

Indicator (l). Massachusetts Bay Transportation Authority Police is responsible for both criminal and administrative investigations at its facilities

Compliance Determination

The MBTA Police have sufficient resources available to ensure that all allegations are investigated promptly and thoroughly. The agency has a trained investigators who can complete investigations in the agency's lockup. The Investigator interviewed had experience in completing investigation that are criminal and administrative in nature. The MBTA has had only one unfounded allegation in the past three years. The Auditor determined compliance based on policy, the documentation provided, training records from 115.134, and interviews.

115.172	Evidentiary standard for administrative investigations
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 735 474">Evidence Collection standards for Massachusetts</p> <p data-bbox="242 557 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="242 616 716 645">Interview with Investigator (Detective Sergeant)</p> <p data-bbox="242 674 518 703">Interview with Deputy Chief</p> <p data-bbox="242 786 580 815">Indicator Summary determination.</p> <p data-bbox="242 902 1485 1164">Indicator (a). The Detective Sergeant confirmed a parallel administrative investigation undertaken by the agency's Professional Standards Unit if the allegation involves a staff member or the actions or inaction of staff contributed to a sexual assault. He reported if in his investigation of the criminal case, he believes there is evidence that staff actions or inactions played a part in the abuse, that information will be provided to the individual completing the administrative investigation. The investigator confirmed that there is no higher standard for administrative investigation than the preponderance of the evidence. Agency policy states a sustained allegation is one in which "The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiate." The policy also states the requirement of a written report and its content. "</p> <p data-bbox="242 1249 512 1279">Compliance Determination</p> <p data-bbox="242 1366 1485 1594">The Massachusetts Bay Transportation Authority Police does not apply a higher standard than a preponderance of evidence in administrative investigations. Administrative Investigations policies define serious misconduct to include criminal conduct and civil rights violations and how they are determined. Policies and interviews were used to determine compliance. "Administrative investigations shall include an effort to determine whether employee's actions or failures to act contributed to the abuse and shall be documented in a written report that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings." Interviews and policy were considered in determining compliance absent an administrative investigation.</p>

115.176	Disciplinary sanctions for staff
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 389 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 448 584 474">MBTA Policy Manual Chapter 101</p> <p data-bbox="240 560 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="240 618 520 645">Interview with Deputy Chief</p> <p data-bbox="240 676 572 703">Interview with PREA Coordinator</p> <p data-bbox="240 734 560 761">Interviews with random Officers</p> <p data-bbox="240 846 584 873">Indicator Summary determination.</p> <p data-bbox="240 904 1490 1232">Indicator (a). MBTA Police Policy 237 states, "Employees shall be subject to disciplinary sanctions up to and including termination for violating the Department's sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse." The agency's policy on Code of Conduct (101) describes the professional expectations of members of the department. "Officers, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon himself or herself or the Department. "Conduct Unbecoming an Officer" shall include that which tends to indicate that the Officer is unable or unfit to continue as an MBTA Transit Officer or tends to impair other employees or the operation of the Department. Both sworn and civilian members of the Department shall conduct themselves, at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.". There have been no individuals at the MBTA Police that have been disciplined for engaging in sexual misconduct with a detainee.</p> <p data-bbox="240 1321 1465 1447">Indicator (b). As noted in Indicator (a), staff who engage in the sexual abuse of a detainee will be disciplined, and the presumptive sanction will be termination. The Deputy Chief confirmed that termination would be the MBTA's presumptive action for individuals who sexually abuse detainees, and criminal charges would be sought. In interviews with random staff they were able to confirm that staff who engage in sexual misconduct with a detainee will be terminated.</p> <p data-bbox="240 1536 1490 1697">Indicator (c). The MBTA have a range of discipline that can be imposed for staff who engage in conduct that would not be considered criminal. Policy 237 states consistent with standard language, " Disciplinary sanctions for violations of department policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories"</p> <p data-bbox="240 1729 1445 1787">Indicator (d). Massachusetts Bay Transportation Authority Transit Police is a law enforcement agency as defined in state laws. The Department does not employ individuals with medical or mental health licenses.</p> <p data-bbox="240 1877 1490 2002">Indicator (d) The MBTA will notify other agencies as required in cases where staff have engaged in sexual misconduct with a detainee. Policy 237 states, "All terminations for violations of Department's sexual abuse or sexual harassment policies, or resignations by employees who would 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."</p> <p data-bbox="240 2092 512 2119">Compliance Determination</p>

The Massachusetts Bay Transportation Authority Police has not had any discipline of its staff for violating the agency's zero-tolerance policy. Staff members interviewed understood the consequences for individuals who violate the agency's PREA Policy. All staff confirmed an obligation to report such behavior and the responsibility to report a fellow Officers's actions or inactions that may have led to the sexual abuse. Interviews with the agency's PREA Coordinator and the Deputy Chief confirmed the agency's intention to pursue criminal and disciplinary actions against staff who engage in sexual misconduct with detainees. Compliance, absent any staff misconduct, is based on policy and interviews supporting system are in place and officers are aware of the results for violating the zero-tolerance policy toward sexual abuse or harassment of detainees.

115.177	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Station Commander</p> <p>Indicator Summary determination.</p> <p>Indicator (a).</p> <p>The MBTA does not employ any contractors or volunteers who have contact with detainees. At no time would detainees be out of cells when a non-law enforcement person was in the lockup area. Agency policy requires all claims of sexual abuse will be investigated. The agency policy 237 addresses non law enforcement contact, "Non-essential personnel (e.g. civilians, contractors, volunteers, cleaners, repairmen, etc.) are not allowed in the booking/holding facility while the booking process is being conducted. Non-essential personnel may enter the facility only when escorted by the Booking Officer and all prisoners are secured in holding cells. Under no circumstances are contractors, volunteers, or any non-sworn personnel to have any contact with prisoners with the exception of Fire, EMS, or hospital medical staff."</p> <p>Indicator (b). As noted in Indicator (a), does not employ the use of volunteers or contractors' services that would have contact with detainees in custody of MBTA police.</p> <p>Compliance Determination</p> <p>The Auditor finds the standard is compliant. The Massachusetts Bay Transportation Authority Police has in place appropriate policies that include the education of contractors and volunteers if needed. If an outside contractor was needed to work on plumbing, cameras, etc., in the lockup area, it would only occur when the lockup was reportedly empty.</p>

115.178	Referral for prosecution for detainee-on-detainee sexual abuse
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Criminal Investigator</p> <p>Interview with PREA Coordinator</p> <p>Interview with Deputy Chief</p> <p>Indicator Summary determination.</p> <p>Indicator (a) Once an allegation of sexual abuse has occurred to an individual in MBTA custody, the Detective Sergeant responsible for completing criminal investigations will be notified. The Criminal Investigator interviewed supported that they are on call and would report immediately to the scene. At that point, they are in charge of the investigation, and it makes the determination after a review of the evidence, including the testimony of the victim and witness, if probable cause exists. If it is determined, then the case is referred for prosecution. Policy 237 states, "Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."</p> <p>Indicator (b) This indicator does not apply to the MBTA Police, who are responsible for investigating both criminally and administratively any allegation of sexual abuse of a detainee in their custody. The investigation is performed by Officer who are trained in completing investigations in locked settings.</p> <p>Indicator (c) The Auditor is not required to review this provision</p> <p>Compliance Determination</p> <p>Since there has been only one unfounded allegation of sexual abuse of an individual at the MBTA Lockup, the Auditor had to rely on policy and interviews to determine compliance. The MBTA has in place the appropriate steps to ensure all allegations of Sexual Abuse or Sexual harassment are investigated. The investigator interviewed described the steps taken in an investigation, including the referral for prosecution. The Deputy Chief also confirm the agency's expectation to pursue the investigation and refer for prosecution.</p>

115.182	Access to emergency medical and mental health services
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 703 474">Massachusetts Department of Health Website</p> <p data-bbox="242 557 679 586">Individuals interviewed/ observations made.</p> <p data-bbox="242 616 520 645">Interview with Deputy Chief</p> <p data-bbox="242 674 547 703">Interview with random Officers</p> <p data-bbox="242 732 504 761">Interview with Investigator</p> <p data-bbox="242 844 584 873">Indicator Summary determination.</p> <p data-bbox="242 902 1493 1164">Indicator (a). The MBTA Police have policy language that direct officers to ensure that victims of sexual abuse are provided unimpeded access to care. The Officers are directed to "Prisoner victims of sexual abuse in the Holding Facility shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be 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." Officer report that they would call for Emergency Medical Technicians (EMT) to assess the detainee and transport the potential victim to a local hospital in any medical situation. The Massachusetts state government website has a list of all hospitals with access to SAFE/SANE trained staff. The Investigator also reports that he would require victims of sexual abuse taken to a hospital with a SAFE/SANE trained staff on duty in his response.</p> <p data-bbox="242 1249 1477 1447">Indicator (b). The MBTA offers all victims access to forensic medical examinations performed by a Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiners (SANEs) or qualified medical practitioner without financial cost to the victim. The Massachusetts Dept of Public Health website confirms there is no cost for the treatment of victims of sexual assault. The state Victim Compensation Fund provides the funds. The statement from the DPH website includes, "If a victim does not have insurance or if their existing coverage does not cover any or all costs of the medical exam, the total amount (including the patient's co-payments and/or deductibles), should be submitted to the VCAD."</p> <p data-bbox="242 1532 512 1561">Compliance Determination</p> <p data-bbox="242 1590 1493 1816">The Auditor has determined the standard has been met. The Massachusetts Bay Transportation Authority Police have in place policy and procedures to support compliance. Absent an allegation where a individual needed medical care, the Auditor relied on the Officers' knowledge on how they would handle getting a victim medical treatment. Through state agency websites, the Auditor confirmed that forensic exam cost, consistent with MBTA policy, would not be the victim's responsibility. The Auditor was also able to confirm that there are several hospitals in the greater Boston area with SAFE/SANE trained staff. Standard compliance determination was based on interviews, materials reviewed and the resources available in the community.</p>

115.186	Sexual abuse incident reviews
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 389 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 448 560 474">MBTA PREA Quarterly Reports</p> <p data-bbox="240 618 616 645">Individuals interviewed/ observations.</p> <p data-bbox="240 676 528 703">Interviews with Deputy Chief</p> <p data-bbox="240 734 571 761">Interview with PREA Coordinator</p> <p data-bbox="240 846 579 873">Indicator Summary Determination</p> <p data-bbox="240 904 1477 1097">Indicator (a) Policy 239 (page 11) sets forth the requirement of an incident review on all cases of sexual misconduct unless the investigation has determined the allegation was unfounded. The policy states, “The lockup shall conduct a sexual abuse incident re[1]view 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.” The Auditor was unable to review any Incident Review documentation as the MBTA Lockup has had no cases of Sexual Abuse in the past three years. The Auditor discussed with both the Agency PREA Coordinator and the Agency Leadership about the review’s required elements.</p> <p data-bbox="240 1182 1469 1281">Indicator (b) The policy requires, “Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.” Absent an incident to review, the Auditor can only base finding on policy and staff knowledge of timeliness of the review required.</p> <p data-bbox="240 1366 1465 1464">Indicator (c) MBTA policy 237 sets forth the requirement of a team that would include both the Command and Investigator staff and other pertinent individuals to the investigation. “The review team shall include the Command Staff, with input from Supervisors and Investigators.” The Auditor Confirmed that the PREA Coordinator would be part of the process.</p> <p data-bbox="240 1550 1193 1576">Indicator (d) The elements described in this indicator are all covered in policy 237. which states,</p> <p data-bbox="240 1608 478 1635">“The review team shall:</p> <ul data-bbox="240 1666 1469 2145" style="list-style-type: none"> <li data-bbox="240 1666 1469 1724">• consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; <li data-bbox="240 1756 1469 1854">• 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 was motivated or otherwise caused by other group dynamics; <li data-bbox="240 1886 1469 1944">• examine the area in the Holding Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; <li data-bbox="240 1975 978 2002">• assess the adequacy of staffing levels in that area during different shifts; <li data-bbox="240 2033 1469 2060">• assess whether monitoring technology should be deployed or augmented to supplement supervision by employees; and <li data-bbox="240 2092 1469 2145">• prepare a report of its findings, including but not necessarily limited to determinations made pursuant to the above paragraphs of this section, and any recommendations for improvement and submit such report to the Superintendent and

Department PREA Coordinator.

The Department shall implement the recommendations for improvement, or shall document its reasons for not doing so. “

Indicator (e) Interviews with the Deputy Chief, the PREA Coordinator and the Investigator support systems are in place to ensure information from the review can be used to make changes in a facility or agency when needed.

Compliance Determination

The Auditor suggested the development of a form to document the review panel's considerations includes the required information listed above. The MBTA has developed and adopted such a form during the post audit period which will ensure consistent documentation the required elements to be reviewed. Absent a case to review, the Auditor relied on policy, the newly developed form, and interviews in determining compliance.

115.187	Data collection
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 331 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 389 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 448 560 474">MBTA PREA Quarterly Reports</p> <p data-bbox="240 506 549 533">MBTA Website PREA Reports</p> <p data-bbox="240 618 679 645">Individuals interviewed/ observations made.</p> <p data-bbox="240 676 584 703">Interviews with PREA Coordinator</p> <p data-bbox="240 734 531 761">Interviews with Deputy Chief</p> <p data-bbox="240 846 580 873">Indicator Summary Determination</p> <p data-bbox="240 904 1485 1196">Indicator (a) The agency collects data consistent with the policy definitions developed to be consistent with the standard. Consistent with Policy 237, the MBTA Police collects accurate, uniform data on every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. Policy states "The Department shall collect accurate, uniform data for every allegation of sexual abuse in the Holding Facility using a standardized instrument and set of definitions. The Department shall aggregate the incident-based sexual abuse data at least annually. The incident based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups." The Policy 237 has specific definition in its initial pages which are consistent with standard language.</p> <p data-bbox="240 1227 1485 1321">The agency aggregates the incident-based sexual abuse data Quarterly. The Auditor reviewed the past PREA annual reports, which show consistent information to the Quarterly reports. The Deputy Chief confirmed that data is used to improve the agency's ongoing effort to protect, detect, and respond to sexual abuse and sexual harassment incidents.</p> <p data-bbox="240 1406 1477 1500">Indicator (b) The agency completes an annual report with aggregate data of the MBTA Lockup. The Auditor was able to see the data form used from the Quarterly PREA Report which is the basis for the annual report. The Auditor also reviewed the agency's annual report, which is published on the state website.</p> <p data-bbox="240 1585 1485 1715">Indicator (c) The Auditor confirmed the various elements of the Survey of Sexual Violence are maintained and could be used to complete the report if requested by the Department of Justice. No request by the Department of Justice for a Survey of Sexual Violence report at MBTA Lockup in the past three years. Interviews with both the facility Deputy Chief and the agency PREA Coordinator confirmed the elements required were tracked.</p> <p data-bbox="240 1800 1485 1895">Indicator (d) The agency has rules on the retention of records at all MBTA facilities. Copies of criminal files involving detainee on detainee contact will be retained locally with a copy to the agency PREA Coordinator. The PREA Coordinator would receive all incident outcomes and ensure data accuracy.</p> <p data-bbox="240 1980 1477 2074">Indicator (e) The MBTA has access to data from county jail facilities with whom they have mutual aid agreements. The detainee is only the MBTA police's responsibility until they are presented in court (between less than a day and 72 hours). If the detainee is remanded, they become the county Jail's custodial responsibility.</p>

Indicator (f) The Department of Justice has not requested PREA related information from the MBTA Lockup in the past year. "Department shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews. Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30."

Compliance Determination:

The Auditor has found the standard to be compliant. The MBTA Police has a system in place for collecting uniform data that could be used to complete the Survey of Sexual Violence. The agency's annual PREA report outlines the efforts, including data for the agency's facilities. The agency policy 237, commits the agency to comply with the standard's data collection requirement. The Deputy Chief stated his commitment to utilizing data in the agency's ongoing efforts to prevent sexual misconduct. Interviews with the PREA Coordinator, also support a system to collect uniform data. The Auditor took into consideration the interviews, and the various documents that support data are collected and used to improve the functioning and safety of the MBTA Police.

115.188	Data review for corrective action
	<p data-bbox="240 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 239">Auditor Discussion</p> <p data-bbox="240 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="240 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 445 560 474">MBTA PREA Quarterly Reports</p> <p data-bbox="240 504 549 533">MBTA Website PREA Reports</p> <p data-bbox="240 613 679 642">Individuals interviewed/ observations made.</p> <p data-bbox="240 672 520 701">Interview with Deputy Chief</p> <p data-bbox="240 730 572 759">Interview with PREA Coordinator</p> <p data-bbox="240 840 580 869">Indicator Summary Determination</p> <p data-bbox="240 900 1477 1131">Indicator (a). The MBTA utilizes both data related to PREA incidents and data related to other critical safety incidents to determine program improvements. The department's command staff review critical incidents with an eye toward improving safety. Interview with the Deputy Chief supports critical analysis occurs at the on all safety issues including any incident of Sexual Assault or Harassment in the Departments Lockup. The PREA Coordinator also confirmed her position allows her to be a part of the critical review process. Agency Policy states, "The Department shall review data collected and aggregated pursuant to §115.187 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:</p> <ul data-bbox="240 1160 1449 1301" style="list-style-type: none"> • identifying problem areas; • taking corrective action on an ongoing basis; and • preparing an annual report of its findings and corrective actions for each lockup, as well as the Department as a whole." <p data-bbox="240 1391 1477 1585">Indicator (b) The MBTA Police annual report has a comparison of the number of sexual assault and sexual harassment claims over the past four years. The report shows if the accused was a staff or an inmate and provided the outcome determination. Policy 237 states, "Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Department's progress in addressing sexual abuse. The Department's report shall be approved by the Chief of Police and made readily available to the public through the Department's website."</p> <p data-bbox="240 1675 1490 1771">Indicator (c) The Deputy Chief confirms the Chief of MBTA Police approves the PREA report developed by the agency PREA Coordinator before being placed on the agency's website. As noted in indicator (b) the policy state the Chief of Police approves the report prior to being place on the agency website.</p> <p data-bbox="240 1854 1490 1917">Indicator (d) The MBTA removes all identifiers from summary reports. The Auditor was able to review documented reports on PREA that show cumulative data without utilizing identifiers.</p> <p data-bbox="240 2007 517 2036">Compliance Determination:</p> <p data-bbox="240 2065 1461 2157">The Massachusetts Bay Transportation Authority Police meets the requirements of this standard in policy 237 which (page 12) defines the use of data. The Deputy Chief supported the agency utilizes data to make informed decisions on programmatic and policy needs. This is consistent with the standard expectation to do a critical review of data to identify</p>

problem areas and enact corrective actions. The PREA Coordinator has access to all data to identify trends that can be reviewed and support change at the facility or system level. The agency also showed compliance with PREA standards by publishing its annual reports that combine data and narrative information on MBTA's efforts since 2018 to develop PREA safe facilities. The report tracks trends of incidents without identifying information. The Agency has had only one allegation in the past three year which was unfounded.

115.189	Data storage, publication, and destruction
	<p data-bbox="240 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 208 451 237">Auditor Discussion</p> <p data-bbox="240 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="240 327 544 356">MBTA Preaudit Questionnaire</p> <p data-bbox="240 383 584 412">MBTA Policy Manual Chapter 237</p> <p data-bbox="240 439 584 468">MBTA Policy Manual Chapter 271</p> <p data-bbox="240 495 560 524">MBTA PREA Quarterly Reports</p> <p data-bbox="240 551 549 580">MBTA Website PREA Reports</p> <p data-bbox="240 607 748 636">Massachusetts Records Retention schedule 06-18</p> <p data-bbox="240 725 679 754">Individuals interviewed/ observations made.</p> <p data-bbox="240 781 520 810">Interview with Deputy Chief</p> <p data-bbox="240 837 572 866">Interview with PREA Coordinator</p> <p data-bbox="240 1014 584 1043">Indicator Summary determination.</p> <p data-bbox="240 1070 1493 1335">Indicator (a). The Massachusetts Bay Transportation Authority Police has policy language on information security. Policy 237 states "The Department shall ensure that data collected pursuant to §115.187 are securely retained." Policy 271 also addresses information on the security and confidentiality that the Criminal Investigative Unit will employ. "CIU will maintain files on all active cases. To ensure the confidentiality of investigative records, the records will be maintained separate from all other records in a secure area and access will limited to personnel in the CIU." The state of Massachusetts also has an organization that sets the record retention requirements for all agencies including Public Safety Agencies such as the MBTA. The Auditor reviewed the State Retention policy requirements, and the agency policy in assessing the element's compliance both documents meet or exceeds the indicators requirements.</p> <p data-bbox="240 1424 1493 1552">Indicator (b). The annual report posted on the MBTA Police website's PREA page does not use an individual's identifying information. The report summarizes the data for all facilities it is responsible for looking at misconduct from other detainees or from staff. A review of the MBTA's website shows an annual summary report on the agency's efforts to prevent sexual abuse or sexual harassment of detainees in the MBTA police's custody.</p> <p data-bbox="240 1641 1493 1798">Indicator (c). Publicly available information on sexual assaults that are published on the state's websites excludes personal identifying information. Policy 237 sets forth the public availability requirement of the annual report data on page twelve. "The Department shall make all aggregated sexual abuse data from the Holding Facility readily available to the public at least annually through the website. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers."</p> <p data-bbox="240 1888 1473 2013">Indicator (d). Policy 237 sets forth an expectation consistent with the standard. The policy states, "Reports were posted for the past three years. Policy requires data to be retained for at least 10 years, "The Department shall maintain sexual abuse data collected pursuant to §115.187 for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise."</p> <p data-bbox="240 2040 512 2069">Compliance Determination</p> <p data-bbox="240 2096 1493 2161">The Auditor finds that the standard has been met. Policy exists to protect the privacy of individuals while ensuring appropriate record retention. The agency supports transparency of its actions through the public distribution of its annual report through</p>

115.401	Frequency and scope of audits
	<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="242 271 798 300">Policies and written/electronic documentation reviewed.</p> <p data-bbox="242 329 544 358">MBTA Preaudit Questionnaire</p> <p data-bbox="242 387 584 416">MBTA Policy Manual Chapter 237</p> <p data-bbox="242 445 462 474">MBTA Police Website</p> <p data-bbox="242 557 617 586">Individuals interviewed/ observations.</p> <p data-bbox="242 616 584 645">Interviews with PREA Coordinator</p> <p data-bbox="242 674 643 703">Tour of MBTA Headquarters and lockup</p> <p data-bbox="242 786 580 815">Indicator Summary Determination</p> <p data-bbox="242 844 1442 904">Indicator (a) The Massachusetts Bay Transportation Authority Police has only one facility and does not contract for other beds.</p> <p data-bbox="242 992 1485 1052">Indicator (b) The Audit is occurring in year one of the Audit cycle. The Auditor confirmed from information provided and found on the agency website confirming that the prior PREA Audit was completed in the past three years.</p> <p data-bbox="242 1140 1481 1335">Indicator (h) The Auditor did have open access to all parts of the facility. Despite COVID-19 social distancing measures, the Auditor was able to move freely about the complex on tour to speak informally with staff to ensure they were aware of the Audit. There were three overnight holds on the first day of the Audit, One of the three was interviewed using the professional visiting area. The other two individuals were refusing to cooperate with booking process and thus in capable of being interviewed. The agencies post information to educate detainees on how to seek assistance if the need arises. Signage was seen in several spots throughout the lockup including in more than one language.</p> <p data-bbox="242 1422 1485 1550">Indicator (i) The Massachusetts Bay Transportation Authority Police provided the Auditor with an PREA auditing files through the Online Audit System (OAS). The Auditor, the PREA Coordinator, and the Lieutenant of MBTA had several phone meetings to review material and set up information the Auditor would like to review on site. The Auditor was also able to get copies of other documentation as requested on site. The Agency provided materials in an organized manner.</p> <p data-bbox="242 1637 1469 1765">Indicator (m) The Auditor was able to interview staff in private spaces. The space provided was appropriate to allow the Auditor and the staff to speak freely without others being able to hear our conversations. The Auditor was able to socially distance, but it did not appear to impact the interview process. As previously noted, there was limited number of individuals held overnight hours during the time I was on site reducing the ability to complete detainee interviews.</p> <p data-bbox="242 1852 1485 1946">Indicator (n) The Auditor did not receive confidential mailings from detainees, staff, or other interested parties. The Auditor's information was posted, and the Lieutenant and PREA Coordinator were informed the posting should remain up until the final report is issued.</p> <p data-bbox="242 2033 515 2063">Compliance Determination:</p> <p data-bbox="242 2092 1485 2152">The Massachusetts Bay Transportation Authority Police has had PREA audits in the past three years. The Auditor was given full access to the lockup and booking areas and was not prohibited from returning to areas of the facility if requested. The</p>

Auditor was provided ample space and privacy to conduct confidential interviews with staff. Compliance is based on the above-mentioned facts, which support a culture of monitoring PREA daily.

115.403	<p>Audit contents and findings</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>MBTA Police Website</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary Determination</p> <p>Indicator: (f) The Massachusetts Bay Transportation Authority Police website has the previous PREA Audits posted. This was determined through a review of the state's MBTA Website. The MBTA only has one facility</p> <p>Compliance Determination:</p> <p>The Massachusetts Bay Transportation Authority Police website has all previous facility PREA Audits posted under its PREA information link. The Auditor also took into consideration that the Agency PREA Coordinator was also aware of the timing requirement for the posting of the audit report.</p>
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Appendix: Provision Findings		
115.111 (a)	Zero tolerance of sexual abuse and sexual harassment	
	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
115.111 (b)	Zero tolerance of sexual abuse and sexual harassment	
	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 lockups?	yes
115.112 (a)	Contracting with other entities for the confinement of detainees	
	If this agency is law enforcement and it contracts for the confinement of its lockup detainees in lockups operated by private agencies or other entities, including other government agencies, has the agency included the entity's obligation to adopt and comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the law enforcement agency does not contract with private agencies or other entities for the confinement of detainees.)	na
115.112 (b)	Contracting with other entities for the confinement of detainees	
	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 law enforcement agency does not contract with private agencies or other entities for the confinement of detainees OR the response to 115.112(a)-1 is "NO".)	na
115.113 (a)	Supervision and monitoring	
	Does the agency ensure that it has developed for each lockup a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect detainees against sexual abuse?	yes
	Does the agency ensure that it has documented for each lockup a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect detainees against sexual abuse?	yes
	Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The physical layout of each lockup?	yes
	Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the detainee population?	yes
	Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	Does the agency ensure that it takes into consideration the 4 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors?	yes
115.113 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the lockup document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na

115.113 (c)	Supervision and monitoring	
	In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to: 1. The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to: Prevailing staffing patterns?	yes
	In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to: The lockup's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the lockup assessed, determined, and documented whether adjustments are needed to: The resources the lockup has available to commit to ensure adequate staffing levels?	yes
115.113 (d)	Supervision and monitoring	
	If vulnerable detainees are identified pursuant to the screening required by § 115.141, does security staff provide such detainees with heightened protection, to include: Continuous direct sight and sound supervision?	yes
	If vulnerable detainees are identified pursuant to the screening required by § 115.141, does security staff provide such detainees with heightened protection, to include: Single-cell housing or placement in a cell actively monitored on video by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible?	yes
115.114 (a)	Juveniles and youthful detainees	
	Are juveniles and youthful detainees held separately from adult detainees? (N/A if the facility does not hold juveniles or youthful detainees (detainees <18 years old).)	yes
115.115 (a)	Limits to cross-gender viewing and searches	
	Does the lockup always refrain from conducting any cross-gender strip searches or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.115 (b)	Limits to cross-gender viewing and searches	
	Does the lockup document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
115.115 (c)	Limits to cross-gender viewing and searches	
	Does the lockup implement policies and procedures that enable detainees 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 lockup require staff of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing?	yes
115.115 (d)	Limits to cross-gender viewing and searches	
	Does the lockup always refrain from searching or physically examining transgender or intersex detainees for the sole purpose of determining the detainee's genital status?	yes
	If a detainee's genital status is unknown, does the lockup determine genital status during conversations with the detainee, 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

115.115 (e)	Limits to cross-gender viewing and searches	
	Does the agency train law enforcement 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?	yes
	Does the agency train law enforcement staff in how to conduct searches of transgender and intersex detainees in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
115.116 (a)	Detainees with disabilities and detainees who are limited English proficient	
	Does the agency take appropriate steps to ensure that detainees 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: Detainees who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that detainees 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: Detainees who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that detainees 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: Detainees who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that detainees 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: Detainees who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that detainees 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: Detainees who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that detainees 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 the overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with detainees 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 detainees with disabilities including detainees who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with detainees with disabilities including detainees 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 detainees with disabilities including detainees who: are blind or have low vision?	yes

115.116 (b)	Detainees with disabilities and detainees 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 detainees 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
115.116 (c)	Detainees with disabilities and detainees who are limited English proficient	
	Does the agency always refrain from relying on detainee interpreters, detainee readers, or other types of detainee assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the detainee's safety, the performance of first-response duties under §115.164, or the investigation of the detainee's allegations?	yes
115.117 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with detainees 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 detainees 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 detainees who: Has been civilly or administratively adjudicated to have engaged in the activity described in the bullet immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with detainees who: o 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 detainees 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 detainees who: Has been civilly or administratively adjudicated to have engaged in the activity described in the bullet immediately above?	yes
115.117 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with detainees?	yes
115.117 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with detainees, does the agency: Perform a criminal background records check?	yes
	Before hiring new employees who may have contact with detainees, 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
115.117 (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 detainees?	yes

115.117 (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 detainees or have in place a system for otherwise capturing such information for current employees?	yes
115.117 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with detainees 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 detainees 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
115.117 (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
115.117 (h)	Hiring and promotion decisions	
	Unless prohibited by law, does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.118 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new lockup or planned any substantial expansion or modification of existing lockups, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect detainees 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.)	na
115.118 (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 detainees 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.)	na
115.121 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse in its lockups, 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

115.121 (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
115.121 (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
115.121 (d)	Evidence protocol and forensic medical examinations	
	If the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, does the agency permit the detainee to use such services to the extent available, consistent with security needs?	yes
115.121 (e)	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 entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting any form of criminal or administrative sexual abuse investigations.)	na
115.122 (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

115.122 (b)	Policies to ensure referrals of allegations for investigations	
	If another law enforcement agency is responsible for conducting investigations of allegations of sexual abuse and sexual harassment in its lockups, does the agency have a policy in place to ensure that such allegations are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? (N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).)	na
	Has the agency published such policy, including a description of responsibilities of both the agency and the investigating entity, on its website or, if it does not have one, made the policy available through other means? (N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).)	na
	Does the agency document all such referrals? (N/A if agency is responsible for conducting administrative and criminal investigations of sexual abuse or sexual harassment. See 115.121(a).)	na
115.131 (a)	Employee and volunteer training	
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: Its zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: The dynamics of sexual abuse and sexual harassment in confinement, including which detainees are most vulnerable in lockup settings?	yes
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment?	yes
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to communicate effectively and professionally with all detainees?	yes
	Does the agency train all employees and volunteers who may have contact with lockup detainees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.131 (b)	Employee and volunteer training	
	Have all current employees and volunteers who may have contact with detainees received such training?	yes
	Does the agency provide each employee and volunteer with annual refresher information to ensure that they know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
115.131 (c)	Employee and volunteer training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.132 (a)	Detainee, contractor, and inmate worker notification of the agency's zero-tolerance policy	
	During the intake process, do employees notify all detainees of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
115.132 (b)	Detainee, contractor, and inmate worker notification of the agency's zero-tolerance policy	
	Does the agency ensure that, upon entering the lockup, all contractors and any inmates who work in the lockup are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
115.134 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees and volunteers pursuant to §115.131, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.121(a).)	yes
115.134 (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 115.121(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 115.121(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 115.121(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 115.121(a).)	yes
115.134 (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 115.121(a).)	yes
115.141 (a)	Screening for risk of victimization and abusiveness	
	If the lockup is not utilized to house detainees overnight, before placing any detainees together in a holding cell do staff consider whether, based on the information before them, a detainee may be at a high risk of being sexually abused? (N/A if the lockup is utilized to house detainees overnight.)	yes
	When appropriate, do staff take necessary steps to mitigate such danger to the detainee? (N/A if the lockup is utilized to house detainees overnight.)	yes
115.141 (b)	Screening for risk of victimization and abusiveness	
	If the lockup is utilized to house detainees overnight, are all detainees screened to assess their risk of being sexually abused by other detainees or sexually abusive toward other detainees? (N/A if lockup is NOT used to house detainees overnight.)	yes
115.141 (c)	Screening for risk of victimization and abusiveness	
	In lockups described in paragraph (b) of this section, do staff always ask the detainee about his or her own perception of vulnerability? (N/A if lockup is NOT used to house detainees overnight.)	yes

115.141 (d) Screening for risk of victimization and abusiveness	
Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: Whether the detainee has a mental, physical, or developmental disability. (N/A if lockup is NOT used to house detainees overnight.)	yes
Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The age of the detainee? (N/A if lockup is NOT used to house detainees overnight.)	yes
Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The physical build and appearance of the detainee? (N/A if lockup is NOT used to house detainees overnight.)	yes
Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: Whether the detainee has previously been incarcerated? (N/A if lockup is NOT used to house detainees overnight.)	yes
Does the screening process in the lockups described in paragraph (b) of this section consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization: The nature of the detainee's alleged offense and criminal history? (N/A if lockup is NOT used to house detainees overnight.)	yes
115.151 (a) Detainee reporting	
Does the agency provide multiple ways for detainees to privately report: Sexual abuse and sexual harassment?	yes
Does the agency provide multiple ways for detainees to privately report: Retaliation by other detainees or staff for reporting sexual abuse and sexual harassment?	yes
Does the agency provide multiple ways for detainees to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.151 (b) Detainee reporting	
Does the agency also provide at least one way for idetainees 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 entity or office able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials?	yes
Does that private entity or office allow the detainee to remain anonymous upon request?	yes
115.151 (c) Detainee reporting	
Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
Do staff members promptly document any verbal reports of sexual abuse and sexual harassment ?	yes
115.151 (d) Detainee reporting	
Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of detainees?	yes

115.154 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment in its lockups?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a detainee?	yes
115.161 (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 an agency lockup?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against detainees or staff who reported such an incident?	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
115.161 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, do staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, and investigation decisions?	yes
115.161 (c)	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
115.161 (d)	Staff and agency reporting duties	
	Does the agency report all allegations of sexual abuse, including third-party and anonymous reports, to the agency's designated investigators?	yes
115.162 (a)	Agency protection duties	
	When the agency learns that a detainee is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the detainee?	yes
115.163 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that a detainee 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
115.163 (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
115.163 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.163 (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

115.164 (a)	Staff first responder duties	
	Upon learning of an allegation that a detainee was sexually abused, is the first law enforcement staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that a detainee was sexually abused, is the first law enforcement 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 a detainee was sexually abused, is the first law enforcement 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 a detainee was sexually abused, is the first law enforcement 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
115.164 (b)	Staff first responder duties	
	If the first staff responder is not a law enforcement staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify law enforcement staff?	yes
115.165 (a)	Coordinated response	
	Has the agency 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 a lockup incident of sexual abuse?	yes
	If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law and unless the victim requests otherwise, inform the receiving facility of the incident and the victim's potential need for medical or social services?	yes
115.165 (b)	Coordinated response	
	If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law, inform the receiving facility of the incident unless the victim requests otherwise? (N/A if the agency is not permitted by law to inform a receiving facility, where a victim is transferred from the lockup to a jail, prison, or medical facility as a result of an allegation of sexual abuse of the incident and the victim's potential need for medical or social services.)	yes
	If a victim is transferred from the lockup to a jail, prison, or medical facility, does the agency, as permitted by law, inform the receiving facility of the victim's potential need for medical or social services unless the victim requests otherwise? (N/A if the agency is not permitted by law to inform a receiving facility, where a victim is transferred from the lockup to a jail, prison, or medical facility as a result of an allegation of sexual abuse of the incident and the victim's potential need for medical or social services.)	yes
115.166 (a)	Preservation of ability to protect detainees 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 limits the agency's ability to remove alleged staff sexual abusers from contact with detainees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes

115.167 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all detainees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other detainees or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.167 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.167 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Monitor the conduct and treatment of detainees or staff who have reported sexual abuse?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Monitor the conduct and treatment of detainees who were reported to have suffered sexual abuse?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, does the agency: Act promptly to remedy any such retaliation?	yes
115.167 (d)	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
115.171 (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 115.121(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 115.121(a).)	yes
115.171 (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 115.134?	yes
115.171 (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
115.171 (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

115.171 (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 detainee or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring a detainee who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.171 (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
115.171 (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
115.171 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.171 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.171(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.171 (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 lockup or agency does not provide a basis for terminating an investigation?	yes
115.171 (l)	Criminal and administrative agency investigations	
	When outside agencies investigate sexual abuse, does the agency 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 115.121(a).)	yes
115.172 (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
115.176 (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
115.176 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.176 (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

115.176 (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: o 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
115.177 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with detainees?	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
115.177 (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 detainees?	yes
115.178 (a)	Referral for prosecution for detainee-on-detainee sexual abuse	
	When there is probable cause to believe that a detainee sexually abused another detainee in a lockup, does the agency refer the matter to the appropriate prosecuting authority?	yes
115.178 (b)	Referral for prosecution for detainee-on-detainee sexual abuse	
	If the agency itself is not responsible for investigating allegations of sexual abuse, does the agency inform the investigating entity of this policy? (N/A if the agency/facility is responsible for administrative and criminal investigations. See 115.121(a).)	na
115.182 (a)	Access to emergency medical and mental health services	
	Do detainee victims of sexual abuse in lockups receive timely, unimpeded access to emergency medical treatment?	yes
115.182 (b)	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
115.186 (a)	Sexual abuse incident reviews	
	Does the lockup 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
115.186 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.186 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors and investigators?	yes

115.186 (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 was motivated or otherwise caused by other group dynamics at the lockup?	yes
	Does the review team: Examine the area in the lockup 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 §§ 115.186(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the lockup head and agency PREA coordinator?	yes
115.186 (e)	Sexual abuse incident reviews	
	Does the lockup implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.187 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at lockups under its direct control using a standardized instrument and set of definitions?	yes
115.187 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.187 (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 Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups?	yes
115.187 (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
115.187 (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 detainees? (N/A if the agency does not contract for the confinement of its detainees.)	na
115.187 (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.)	na

115.188 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.187 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 § 115.187 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 § 115.187 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 lockup, as well as the agency as a whole?	yes
115.188 (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
115.188 (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
115.188 (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 lockup?	yes
115.189 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.187 are securely retained?	yes
115.189 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from lockups under its direct control and any private agencies 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
115.189 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.189 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.187 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.)	yes
	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.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
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