

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: 09/18/2024

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input 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 type="checkbox"/>
Auditor Full Name as Signed: Jack Fitzgerald	Date of Signature: 09/18/2024

AUDITOR INFORMATION	
Auditor name:	Fitzgerald, Jack
Email:	jffitzgerald@snet.net
Start Date of On-Site Audit:	07/17/2024
End Date of On-Site Audit:	07/18/2024

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

Primary Contact

Name:	Bobbi Spinosa
Email Address:	rspinosa@mbta.com
Telephone Number:	5084686225

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:	2
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:	12-74
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	211

detainees:	
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	
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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:	
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Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
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Name:	Roberta Spinosa	Email Address:	rspinosa@mbta.com
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Facility AUDIT FINDINGS	
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Summary of Audit Findings	
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The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

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:

0

Number of standards met:

35

Number of standards not met:

0

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2024-07-17
2. End date of the onsite portion of the audit:	2024-07-18

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	<p>The Auditor has spoken with state and local rape crisis agencies as well as reached out to the state to learn about certification requirements for SANE/SAFE nurses and Rape Crisis Agencies. The Auditor researched mandatory reporting laws/ protections for juveniles and for those individuals with physical or intellectual disabilities. The Auditor has also completed outreach to confirm hospitals have access to SANE/SAFE services and reviewed various state websites. The Auditor has made calls to both the agency's internal reporting system and the external reporting agency listed on the signage in the facilities. Finally, the Auditor also searched for new stories or litigation to determine if there were any past cases reported in the news.</p>

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	12
15. Average daily population for the past 12 months:	2

16. Number of inmate/resident/detainee housing units:	4
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	1
37. Enter the total number of youthful inmates or youthful/juvenile detainees in the facility as of the first day of the onsite portion of the audit:	1
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	0
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	0
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0

41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	0
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	0
44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	0
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	0
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	0
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0

<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>When the Auditor arrived on the overnight shift, no detainees were in custody. In the morning hours of day one, one juvenile was admitted and then taken directly to court after the booking process was completed.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>211</p>
<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>0</p>
<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>0</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>The facility only allows certified law enforcement individuals in the booking area. The MBTA lockup has no volunteers, and the contracted cleaning service is prohibited from entering the booking or cell area if there is an individual in custody.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>1</p>

<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Age</p> <p><input checked="" type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p><input type="checkbox"/> Length of time in the facility</p> <p><input type="checkbox"/> Housing assignment</p> <p><input checked="" type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> None</p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>Only one individual was taken into custody on day one, but he was taken to court before the auditor could interview him. The Auditor was able to observe this intake. On day two, the auditor was able to interview another detainee.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>a. Explain why it was not possible to conduct the minimum number of random inmate/resident/detainee interviews:</p>	<p>There were not enough arrests taken into custody to interview</p>
<p>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
<p>Targeted Inmate/Resident/Detainee Interviews</p>	
<p>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>0</p>

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

<p>59. Enter the total number of interviews conducted with youthful inmates or youthful/juvenile detainees using the "Youthful Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/detainees.</p> <p><input type="checkbox"/> The inmates/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>

<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>

<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>

<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>

<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>No detainees in this category were admitted during the two days.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>No text provided.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>13</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>

Specialized Staff, Volunteers, and Contractor Interviews

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

75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	5
76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input type="radio"/> Yes <input checked="" type="radio"/> No
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input type="radio"/> Yes <input checked="" type="radio"/> No
83. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

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

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<p>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>No text provided.</p>
<p>Documentation Sampling</p>	
<p>Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.</p>	
<p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>No text provided.</p>

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

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

Sexual Harassment Investigation Outcomes

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:	0
a. Explain why you were unable to review any sexual abuse investigation files:	Absent an allegation, there was no sexual abuse allegation

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>a. Explain why you were unable to review any sexual harassment investigation files:</p>	<p>There were no allegations of sexual abuse at the MBTA Police Lockup.</p>
<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p>Inmate-on-inmate sexual harassment investigation files</p>	
<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>Staff-on-inmate sexual harassment investigation files</p>	
<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>No text provided.</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

- The audited facility or its parent agency
- My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)
- A third-party auditing entity (e.g., accreditation body, consulting firm)
- Other

Standards
<p>Auditor Overall Determination Definitions</p> <ul style="list-style-type: none"> • 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)
<p>Auditor Discussion Instructions</p> <p>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.</p>

115.111	Zero tolerance of sexual abuse and sexual harassment
	<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>Staff Training Materials</p> <p>Org Chart</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with PREA Coordinator</p> <p>Interview with the Agency Head’s representative</p> <p>PREA Postings visible on the tour</p>

Summary determination.

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 preventing and detecting detainees from sexual misconduct. The policy provides two full pages of definitions related to the federal standards and provides direction on efforts to prevent sexual misconduct incidents. Policy 237 also sets training requirements for staff and notifies the employee that individuals who engage in sexual misconduct will be terminated. “Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse.”

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 are promoted. The agency has also employed protocols to limit any sexual contact by ensuring the population is single-celled, no more than one person out of the cell at a time, and that detainees can not be out of their cells without two staff present.

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. The PREA Coordinator works in the MBTA’s Training Unit and has been in the PREA Coordinator role since 2018. The PREA Coordinator works for the Superintendent. Her role includes tracking incidents, supporting identified needs, ensuring all investigations are completed consistently with agency expectations, ensuring staff are trained on PREA lockup standards, and monitoring standard requirements. This allows the PREA Coordinator direct access to agency leadership who have PREA-related duties, including hiring, background investigations, and internal affairs.

The Lieutenant representing the 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 and the steps she would take to resolve 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 Lieutenant in charge of investigations and the PREA Coordinator confirm there are sufficient resources in place for preventing, detecting, and responding to any allegation of sexual abuse or sexual harassment. The Auditor also spoke briefly with the Deputy Superintendent, who previously supervised the PREA Coordinator. 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 the steps to ensure compliance and how she would resolve an identified issue. The Auditor finds that the standard is met based on the factors supporting a zero-tolerance culture with no incidents. In determining compliance, the Auditor considered the interviews, the policy, and the other supporting documents provided and viewed at the facility. The Auditor also observed the PREA Coordinators' ease in working/ communicating with superior staff in the agency.

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). The Massachusetts Bay Transportation Authority has not entered into agreements with outside agencies to house detainees. Most individuals are booked and taken to court or bonded out. If the individual has a warrant or does not make a bond and the arrest happens on the weekend, they may have to keep the individual until court resumes on Monday.</p> <p>Indicator (b). As indicator (a) noted, 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. The MBTA Police report that most detainees are held for 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>
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115.113	Supervision and monitoring
	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 Staffing plan</p> <p>Staffing plan reviews</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Deputy Superintendent</p> <p>Interview with Lieutenant</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The MBTA employs over 211 Police Officers responsible for the safety</p>

of transit environments across the state of Massachusetts. The agency has developed a staffing plan for its lockup, which is based on an average of the potential of up to 12 inmates, which is greater than the average number the facility has on a given day in the past year, which was 2. The facility, as noted, holds individuals most often for short periods. In the Pre-Audit Questionnaire, the MBTA reports that they held 505 individuals for any portion of the overnight hours in a 365-day period. Many of these individuals will be released on bond in under two hours. In the plan, any time an individual is in custody, a live staff member is required in the lock-up area as part of 5 positions of sworn officers assigned to the headquarters each shift. Policy 237 dictates the three levels 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."

The Auditor compared the described policy to observations from the tour and information provided during formal or informal discussions with staff. In addition to the policy, the agency developed 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 includes additional support/ relief staff through 2 Headquarters Transport Wagon Officers. The Auditor saw the described use of a second staff member when a detainee was removed from his cell to speak with the auditor in the professional visiting space.

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 the Deputy Superintendent 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 2021, 2022 or 2023)

Indicator (b). In the past year, there were no situations in which the lockup supervision staffing numbers were not met. These are mandatory positions that are required to be filled at all times. Since there has been no situation in which the staffing minimums of the MBTA were not met, this indicator is not applicable. The Lieutenant confirmed that management staff are 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.”

Indicator (c). No reported incident of PREA or other conflicts within the lockup required an adjustment to the compliment. The Detainees are under constant direct and video surveillance in their cells. Rounds are made at a minimum every 30 minutes 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 one 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 Superintendent and the PREA Coordinator. The MBTA PREA Coordinator understands the annual review process and supports the idea that the plan will be adjusted as needed to resolve any identified recommendations/ concerns from a PREA Incident Investigation.

Indicator (d) Though the Pre-Audit questionnaire reported that the indicator did not apply, it was determined in the last audit that it applies even though the detainees are placed in single cells. Through supervision practices, the MBTA limits the possibility of contact between detainees. The facility has at least two layers of supervision when detainees are in their cells. They position one staff member in the booking area who makes routine and random tours of the cell block, and a second staff member observes the cell block through video surveillance. In discussions with the PREA Coordinator, the review of agency training materials, and interviews 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 the Officers how they would handle keeping a potentially vulnerable individual away from a more aggressive one. All officers interviewed support the idea that 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 the PREA Coordinator confirmed an understanding of the development and annual review process, including indicators (a) and (c) requirements. 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 their cell, further limiting any potential physical contact. Compliance determination was based on the written plans, observations, interviews with administration and line staff, and other stated supporting documentation.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237

Mass Juvenile Arrest Procedures

Boston Schools enrollment

Individuals interviewed/ observations made.

Interviews with Officers

Interviews with Lieutenants

Interview with PREA Coordinator

Indicator Summary determination.

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 define the interactions between Officers and juveniles. The policy sets forth that 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.

The training document provided set forth specific conditions, including the fact that individuals under 12 can not be charged with a crime.

"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)

Juveniles 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."

The MBTA reports that 110 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 court or holding facility. Staff report that juveniles are turned over to parents in most cases. The Officers interviewed 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. The PREA Coordinator confirmed that the large percentage of the police contact with juveniles is because the MBTA serves as a primary transportation option for the Boston school system's 13,500 public high school students. The facility does have DYS-approved cells for juveniles but limits their use while trying to release the juvenile to a parent or guardian when possible.

Compliance Determination

The Auditor finds the standard is compliant. The Massachusetts Bay Transportation Authority Police have multiple documents defining juveniles' handling 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 processing the Juvenile detainees. The agency takes steps to limit juvenile contact to as long as needed to effectuate release to a parent or another suitable custodial situation for the juvenile.

115.115	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire 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 agency head representative</p> <p>Interview with PREA Coordinator</p>

Indicator Summary determination.

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.

Indicator (b). Random staff interviewed confirmed that all strip searches are required to be the same gender and only occur if there was an exigent circumstance. They report supervisor approval would be required and the reason be documented. As noted in Indicator (a), there have been no cross-gender strip searches in the past three years. Officers confirmed that exigent circumstances resulting in strip or body cavity searches would be documented. The staff reported that they routinely request a staff of the same gender if available to complete any type of search, including pat searches, if the detainee was different than their gender. They also report they can request assistance from state or local police departments.

Indicator (c). Policy 237 sets 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 complete random checks over 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 looked into each of the detained individual's cells. The cameras did

not show the toileting portion of the cell.

Indicator (d). As noted in indicator (a), the Massachusetts Bay 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 be 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 the detainee could normally retain stated items such as wigs or prosthetics. 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. The training materials states, "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."

	<p>Indicator (e). The officers at MBTA confirm they have been trained to perform cross-gender pat searches of detainees properly. 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.</p> <p>Compliance Determination</p> <p>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 taught staff the importance of announcing their presence when entering the block area. The agency has installed cameras in cells to avoid the toileting area and ensure the privacy of the 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.</p>
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115.116	Detainees with disabilities and detainees who are limited English proficient
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire MBTA Policy Manual</p> <p>Chapter 237 MBTA Policy Manual Chapter 182</p> <p>Language Line Solutions- Interpretive Services</p> <p>Website of Language Line</p>

Individuals interviewed/ observations made.

Posting in the facility on interpretive services.

Postings in multiple languages

Interviews with Random Staff

Interview with Lieutenant

Indicator Summary determination.

Indicator (a). The Massachusetts Bay Transportation Authority Police have experience ensuring detainees understand their 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 an emergency room or can be housed in rooms away from others. All staff members are aware of the interpretive services and that it is inappropriate to utilize another detainee to interpret for someone who does not speak English. If no bilingual staff is on, they can call the 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." One detainee with whom the Auditor spoke confirmed he had to go out to the hospital for medical clearance

Indicator (b). As indicator (a) noted, the MBTA Police have experience working with Limited English Proficient (LEP) individuals and the resources for effective communication through 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 Auditor viewed PREA information materials in a second language (Spanish), and the staff knew PREA education must be read to the detainees or by a Bilingual Officer or the Language Line’s staff. MBTA staff are trained to use interpretive services to ensure detainees’ understanding of rights, including PREA. Because the Lockup is in 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 interpreter for situations where LEP barriers exist. Staff were familiar with the contracted interpretive services, and information was posted in the booking area. MBTA policy 182 (page 9) of the Communication policy directs the staff to use the Language Line Solutions services. The policy requires Supervisor notification and documentation of the use of the services.

Indicator (c) All staff interviewed at MBTA Lockup knew that the utilization of detainee interpreters in situations other than emergencies, 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.” There were

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 posted 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 rights related to the Prison Rape Elimination Act. Without an 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. The interview with the Lieutenant 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. The facility is compliant based on interviews, policy, documentation visible to detainees, and the interpretive services contracts in place.

115.117	Hiring and promotion decisions
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <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 Policy Manual Chapter 120</p> <p>MBTA Policy Manual Chapter 101</p> <p>Job Application</p> <p>Massachusetts Law on Police Qualification</p> <p>Memos certifying 5-year Background checks</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Background Investigator (Human Resources)</p> <p>Interview with PREA Coordinator</p> <p>Interview with the agency head's representative</p> <p>Summary Determination</p> <p>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 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."

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 includes the agency running criminal and motor vehicle checks, federal databases, sexual offense registries, and fiscal credit checks. The investigator will also speak to former employers, family, neighbors, and friends. The MBTA had several related questions that the candidate responded to about past criminal activities and were visible in the files reviewed while on site. During a previous audit, the agency adopted a questionnaire for candidates for the MBTA to sign specifically stating 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.

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 detainees 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 MBTA does perform criminal background checks on all applicants for hire. The Background Investigator 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 the 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 27 new officers in the past year. The Auditor was also provided with

examples of criminal background documents, including the documents on randomly selected files. The Investigator reports that the employee's 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 Superintendent before any job offer/ promotional opportunity is offered. The Auditor also reviewed the records, 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 employee's 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. The Auditor did confirm in interviews with new and senior staff that they had undergone a criminal background check and were asked questions similar to the elements described in indicator (a).

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). All officers had criminal background checks completed as part of the agency's preparations for the 2024 audit. The Auditor was provided a memo from the Superintendent confirming that this was completed. 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.

Indicator (f). Proper conduct is required at all times 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 the idea that the requirement includes an 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 the agency, with proper release of information, to disclose any PREA-related concerns to other institutions. Interviews with background investigators confirm that they make and receive requests from outside employers when hiring. The Investigator stated that various police departments come on-site with appropriate releases to review the current or former employee’s file.

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 that all officers undergo thorough criminal and personal background checks. The MBTA has implemented forms to document staff understanding of the requirements related to the various indicators in this standard. The agency worked with the Auditor to identify a sample of new and random employees, including individuals employed over five years and individuals who were promoted.

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 it. As outlined above, the auditor used several factors to determine compliance.

115.118	Upgrades to facilities and technologies
	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>Memo on camera upgrades</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</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 inmate supervision. Discussions with the PREA Coordinator included how she should be a part of any modification plans to the facility.</p> <p>Indicator (b). The Lieutenant and the PREA Coordinator confirmed there have been improvements in video or other monitoring technologies since the last audit. The PREA Coordinator confirmed that the picture quality and increased retention have improved the facility's ability to review information. The Camera system also has audio. The Auditor watched and heard part of the booking process from the Deputy Superintendent's office while on a tour of the facility. The facility has sufficient cameras to eliminate any blind spots.</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 the PREA Coordinator would be a part of that conversation. The feed from the cameras allows various others to supervise and review the information being relayed to each new detainee. The external review further supports safety in the environment.</p>
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115.121	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237

MBTA Policy Manual Chapter 271

MBTA Policy Manual Chapter 283

PREA Investigator Training

Massachusetts Sexual Assault Law Enforcement Guidelines 2017 Mass.gov - Sexual Assault Nurse Examiner Program

Massachusetts Public Health 2022 SANE Protocol for SANE Nurses and Emergency Clinicians

Agency Response plan checklist

Individuals interviewed/ observations made.

Interview with Lieutenant

Interview with Criminal Investigator

Interview with Random Staff

Indicator Summary determination.

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."

The MBTA Police have several policies, including 271 and 283, instructing staff on completing criminal and administrative Investigations and collecting evidence. All investigations would be completed through the Professional Standards Unit in compliance with state-mandated practices. Policy 271 tells the reader that the criminal investigation unit is responsible for investigating all criminal activities, including MBTA employees who are not police officers. As noted above, the Professional Standards Unit will be tasked with investigating allegations involving sworn officers. The state's 2017 document provides law enforcement staff investigating sexual abuse cases with over 50 pages of information on things to be considered in the course of the investigation.

Indicator (b). The Auditor 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 was aware of the statewide protocols for adult and juvenile victims of sexual abuse. 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 seven hospitals in Boston recognized as SANE Hospitals. The Massachusetts Department of Public Health document was updated in 2022 in 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. All police officers of the MBTA are trained in evidence collection and understand the importance of protecting evidence. The officers knew not only to secure the crime scene but also to encourage the victim not to do anything that could degrade or destroy evidence. Only certified officers will come in contact with inmates, as noncertified individuals are prohibited from being in lockup while detainees are present.

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 hospital where victims can be transported for a forensic exam by a trained SAFE/SANE. The Auditor reviewed the state website which 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) or Tufts Medical Center. Discussions with hospital staff confirmed that these hospitals will provide forensic exams in most cases by a SANE Certified nurse. The hospital staff reports if one is not on duty, they will call to see if a trained individual can come in. If none are available, the exam would be completed by a doctor in the emergency department.

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 local hospitals and 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 state's protocol in the past.

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

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

	<p>Compliance Determination</p> <p>The Auditor finds the standard has been met. The compliance determination is based on the policy, observations, documentation, web searches, and interviews with both MBTA and local hospital staff. The State of Massachusetts has developed two documents that provide police and medical staff with critical information in investigating sexual abuse crimes while also supporting the victim’s needs. As a lockup, the MBTA routinely sends detainees out to area hospitals for medical concerns. As a major metropolitan city, the MBTA investigator has multiple options for emergency rooms with SANE-trained staff.</p>
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115.122	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire MBTA</p> <p>Policy Manual Chapter 237</p> <p>MBTA PREA Data Reports 2021-2023</p> <p>MGL 41 Powers and Duties</p> <p>Public Act of 1968 establishing the MBTA Police Authority</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interview with Criminal Investigator/ PREA Coordinator</p> <p>Random Officers</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The MBTA has policy language that sets forth the obligation for investigations of sexual abuse that occurs in the agency’s lockup. Policy 237 requires that all allegations of sexual abuse or sexual harassment are referred for investigation. The policy goes on to specify the individual must document all allegations received of either sexual abuse or sexual harassment. The MBTA</p>

	<p>provided documentation over a three-year period showing the process in place to track all allegations. There have been no reported allegations in the past year.</p> <p>The Auditor reviewed state statutes. MGL 41 defines the powers of law enforcement agencies, and the public act of 1968 document creates the MBTA Police Department's authority. Agency policy also requires that all investigators receive special training to investigate sexual abuse cases in a confinement setting. In interviews, random Officers supported they are required to refer all allegations of sexual abuse or sexual harassment for investigation, no matter the source of the complaint or if they believe the allegation to be fraudulent. Interviews with the CIU Lieutenant and the department's trained Investigator describe the immediate steps that would be taken once an allegation has been received.</p> <p>Indicator (b). The indicator is not applicable. The Massachusetts Bay Transportation Authority Police is Responsible for both criminal and administrative investigations.</p> <p>Indicator (c). The Auditor is not required to audit this provision.</p> <p>Indicator (d). The Auditor is not required to audit this provision.</p> <p>Compliance Determination</p> <p>The Auditor finds the standard has been met. The compliance determination is based on policy reviews, observations, tracking documentation, web searches, and interviews with various MBTA staff.</p>
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115.131	Employee and volunteer training
	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>MBTA PREA Training Materials</p> <p>MBTA Training Logs</p>

Random Employee training files

PREA Booking Right Screen

Individuals interviewed/ observations made.

Interview with Random Staff

Interview with PREA Coordinator

Indicator Summary determination.

Indicator a). MBTA policy 237 confirms the agency's expectations for the 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:

- 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 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

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 use the preferred pronouns when speaking with them. The Officers were able to acknowledge their responsibilities as first responders as 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.

Indicator (b). The MBTA reportedly trains individuals on an annual basis in PREA through role calls or classroom training. 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 completed to acknowledge they understood the training. The MBTA does not utilize volunteers in any contact with detainees

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 on the training topics mandated by 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 having retained the knowledge received from training, training materials, and staff training records. The PREA Coordinator works in the training unit, further supporting the agency's ability to determine how staff retains educational information. Newer employees confirm they received classroom instruction while in the academy and then are provided classroom training at the MBTA.

agency's zero-tolerance policy

Auditor Overall Determination: Meets Standard

Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237 PREA Posters

Intake Procedure for Booking Officer on PREA Education

Individuals interviewed/ observations made.

Interview with Officers

Interview with Lieutenant

Indicator Summary determination.

Indicator (a). All Officers are trained to ensure the Detainee understands the Massachusetts Bay Transportation Authority Police's zero-tolerance policy toward sexual abuse, sexual harassment, or retaliation. Training materials and agency policy 237 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. Information in the OAS confirmed that 658 individuals, including over a hundred juveniles, were educated about their rights related to PREA. The PREA Coordinator confirmed that all individuals are educated and screened for risk, regardless of whether they are put in a cell or not.

All officers interviewed reported that they reviewed PREA and how to report a concern during all bookings, not just for overnight stays. The Auditor also confirmed with the booking officer how he ensures individuals understand the PREA Information, including how to report a concern, especially if they have a comprehension concern. The Auditor viewed a posted script of information that officers use to educate detainees on PREA. The Auditor observed the education of a juvenile in custody on day one of the audit. On day two, the Auditor interviewed a Detainee held overnight and 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 their education. The Auditor reviewed a random sample of 20 bookings across four months in 2024. The form the detainee signs acknowledging they understand their rights is in both English and Spanish, the most common

	<p>languages staff encounter. The booking officer confirmed that detainees who speak other languages will be read the information by the interpretive service staff or by a bilingual police officer who can speak the individual's language.</p> <p>Indicator (b). As noted previously, contractors are not allowed in the cellblock area if detainees are present. The agency does not use detainees to perform work duties or allow volunteers to come in contact with detainees.</p> <p>Compliance Determination</p> <p>The MBTA is compliant with the standard expectation. The auditor relied on policy and staff knowledge of expectations to determine and observe the intake process. The one detainee held overnight confirmed he was told about PREA in the booking process and was aware of the signage posted in the facility.</p>
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115.134	Specialized training: Investigations
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Training materials from MA DOC Investigator Training</p> <p>Training Certificate</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Criminal Investigator/ PREA Coordinator</p> <p>Indicator Summary determination.</p> <p>Indicator (a) The Massachusetts Bay Transportation Police employs its own investigative body. The department 's PREA Coordinator currently would be responsible for a criminal investigation of sexual abuse. Administrative</p>

investigations of staff actions or complaints are filed through the department's Professional Conduct Unit, which includes the agency's internal affairs office. The MBTA currently has one trained investigator in completing the PREA investigation. The Detective Sergeant who previously completed criminal investigations for allegations in lockup has retired, leaving the PREA Coordinator as the only officer who completed the specialized investigation of sexual abuse in a correctional setting.

Indicator (b) MBTA policy states, consistent with the indicator, the required content of the investigative staff training. "The 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 used by the Massachusetts Department of Corrections, which is consistent with the standard elements. Copy of the slides from the presentation were provided.

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. She also reported proper steps in collecting and preserving evidence and the factors in deciding of substantiation for administrative action or prosecutorial referral.

Indicator (c) Training records were provided for the PREA Coordinator, who completed the training on specialized investigations. The training course was taken in 2023 with the Massachusetts Department of Corrections. The Auditor suggested the agency have additional staff trained to back up the PREA Coordinator when unavailable.

Indicator (d) The Auditor is not required to review this indicator

Compliance Determination:

The Massachusetts Bay Transportation Authority ensures that staff who complete

investigations have received appropriate specialized training on investigating sexual assault in a correctional setting. The MBTA Investigator of sexual assault is a trained law enforcement officer who has 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 the idea that the investigators are trained in the requirements of a PREA-related investigation. The MBTA reports they currently only have 1 trained staff who completed the PREA Investigation class. The MBTA has numerous individuals who are experienced in completing sexual abuse crimes for the MBTA where the assault happened on their property. The Auditor relied on the training materials, policies, and interviews to support compliance. The Auditor finds the MBTA has met the requirement of having a trained individual. Though the agency has no history of allegations of sexual misconduct against an individual in custody, the Auditor recommends having additional individuals trained on completing investigations in a correctional setting.

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 MBTA</p> <p>Training Materials</p> <p>Booking Screenings</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with random Officers</p> <p>Interview with Booking Officer</p> <p>Interview with a detainee Interview with PREA Coordinator</p> <p>Indicator Summary determination.</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 separate. The MBTA has the capacity to house juveniles separate from both adult populations. Juvenile law prohibits juveniles from being in police custody any longer than 6 hours. The lock-up allows the Booking Officer and the Monitor Room Officers to have constant video and audio surveillance of the area. The Booking Officer must also complete at least two cell checks per hour. The facility does have a close observation safety cell for self-injurious individuals.

Indicator (b). In the facility's 2018 PREA Audit, the facility was provided information from the PREA Resource Center 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." The Auditor reviewed the training standard, which shows 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:

(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

(2) Assessing the prisoner's risk of being sexually abused or sexually abusive by considering the following factors:

- 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.

You must consider whether a prisoner is at high risk of being sexually abused or sexually abusive on a case-by-case basis. "

The random officers report that 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. In the OAS, they put 0 as the number of individuals screened, though the described practice supports 100% of inmates are

asked questions to determine the risk of being a victim. The Officers can also consider the current or past charges that will appear on the screens during the booking process and determine if the individual has been previously incarcerated.

Indicator (c). Officers report they ask all individuals if they have any concerns 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 will 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. The 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 the idea that there is a screening process to include the elements of this indicator. As a police force, all officers can see if there have been prior arrests and incarcerations. The Auditor did ask and confirm with an overnight detainee that he was provided information about PREA and was asked 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. The booking system is the property of the city of Boston Police Department, which is not under the same requirements because it is a local municipality. The Auditor used scenario-based questions to understand how the staff would use the screening information to make cell assignments.

Compliance Determination

The MBTA Police has in place the ability to screen individuals for risk of abuse or aggression. The staff interviewed were aware of the need to assess each detainee and provide additional individual monitoring as needed. Though the agency previously believed the standard did not apply because all detainees are in single cells and under direct supervision, the Auditor finds they are completing the screening at a level sufficient for the lock-up standards. The Auditor suggests exploring another way of documenting that the screenings are completed and adjusting policy accordingly. The Auditor finds the standard is compliant. In determining compliance, the Auditor relied on the 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

Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237

MBTA Police Website

PREA Brochures in multiple languages.

No Means No Posters in multiple Languages

MBTA Training Materials

Quarterly PREA Reports

Individuals interviewed/ observations made.

Interview with random Officers

Interview with PREA Coordinator

District Attorney's Office

Observation from tour

Indicator Summary determination.

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 Officers 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 MBTA PREA Coordinator. Policy 237 (page 8) states, consistent with the indicator, "The Department provides multiple ways for prisoners to privately report sexual abuse and sexual harassment, retaliation by other prisoners or employees for reporting sexual abuse and sexual harassment, and employee neglect or violation of responsibilities that may have contributed to such incidents." The Auditor observed signage both in the lockup area and the public lobby, which provides detainee or their families with information on how to report a concern about sexual abuse, sexual assault or any form of harassment. Signage was also available in multiple languages and the Auditor's notice was prominently placed in both areas and staff-only spaces.

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 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 are assured that allegations will 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." The Auditor was able to confirm with a representative of the District Attorney's Office about the capacity to accept calls from victims of abuse to ensure an investigation occurs.

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 described various methods that detainees could use to report sexual abuse or sexual harassment. They also explained how detainees are educated about PREA information 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 saw signage informing 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 the 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." The Auditor tested reporting mechanisms found on the agency website to ensure the viability of the reporting system.

Indicator (d). Officers can submit anonymous reports themselves to the District Attorney, the internal affairs office, the Deputy Superintendent, or the PREA Coordinator. These options were provided as examples in random staff interviews. Officers all confirmed they could go outside the chain of command to report a concern without worries.

Compliance Determination

The Massachusetts Bay Transportation Authority Police have policy and training

	<p>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 booking process, including PREA education, was explained to the Auditor. Staff demonstrated knowledge of the standards and expectations. The staff knew the element they had to educate detainees on, the obligation to document all reports, no matter the source, and whether 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.</p>
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115.154	Third-party reporting
	<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 MBTA Police Website</p> <p>PREA Brochures in multiple languages.</p> <p>Quarterly PREA Reports</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interview with Investigator/ PREA Coordinator</p> <p>Interview with the District Attorney's Office</p> <p>MBTA Citizen Complaint Line test</p> <p>Interview with Random Officers</p> <p>Postings in the facility.</p> <p>Indicator Summary determination.</p> <p>Indicator (a). There are multiple avenues for which the Massachusetts Bay</p>

Transportation Authority Police may receive a third-party complaint. All Officer interviewed knew they must take forward for investigation all allegations of sexual misconduct, no matter the source or their own beliefs as to the claim's validity. The Detainees can see postings informing them they can report a concern to the District Attorney or 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 received. The Auditor also tested the Citizen Complaint or Commendation line, which can be used for third-party reporting.

Compliance Determination

There have been no reported allegations received from another facility (local county Sheriff) reported to the MBTA lockup in the past three years. The Auditor confirmed in interviews with the Lieutenant and the PREA Coordinator that the MBTA has not had to inform another facility of any similar allegations. The Auditor based compliance on interviews and the systems in place that promote the reporting of PREA complaints supports an ability to respond to events and the evidence of timely response to an allegation.

115.161	Staff and agency reporting duties
	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>MBTA Training Materials</p> <p>MBTA Quarterly PREA Reports</p> <p>PREA Brochures in multiple languages.</p> <p>MA.GOV information on reporting abuse and neglect of juveniles and vulnerable persons</p>

Individuals interviewed/ observations made.

Interview with the Agency Head's Representative

Interview with Random Staff

PREA Posters in the facility

Indicator Summary determination.

Indicator (a). MBTA training materials and policy inform staff of the requirement that all knowledge, suspicion, or information about an incident of sexual assault, 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 the last three years shows there were no allegations of sexual assault or sexual harassment of a detainee. Staff were able to describe the process by which an incident would be reported. The staff also confirmed that 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.

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 were able to describe how documentation of their interactions with those involved would only be provided to a supervisor or the individual investigating the case.

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 Lieutenant and the 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 that 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 Lieutenant 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 that individuals are trained in the policy and procedures to ensure all allegations are investigated. The officers were aware of the importance of expedience in reporting the incident, maintaining confidentiality for 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. There were no recent investigations to help determine the timeliness of the reporting of a sexual abuse case.

115.162	Agency protection duties
	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>MBTA Training Materials</p> <p>MBTA Quarterly PREA Reports</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</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 limit the ability for an imminent risk situation of 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 are multiple arrests, 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 a 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. The staff are aware of the importance of responding immediately and the options they could take to resolve the situation. The physical plant of the MBTA lockup and the agency’s practice of single-person cells essentially eliminate substantial or imminent risk situations from occurring. Though the standard is for imminent risk of</p>

	<p>sexual abuse, the MBTA officers will use the information they learn/observe at intake to keep aggressive individuals away from potential victims to lessen sexual harassment. The use of cells in different areas of the lockup allows them to limit the proximity of these groups.</p>
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115.163	Reporting to other confinement facilities
	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>MBTA Quarterly PREA Reports</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interviews with Random Officers</p> <p>Indicator Summary determination.</p> <p>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 through 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 Coordinator reportedly would be immediately notified of all allegations. She reports she would be called in if not on duty to begin the investigation.</p> <p>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 that is 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</p>

than 72 hours after receiving the allegation. The Superintendent shall document in writing that he/she has provided such notification.” The Lieutenant and the PREA Coordinator were 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. They report there have been no allegations of abuse at another facility that MBTA has become aware of in the past year. The Auditor confirmed this in the review of quarterly reports.

Indicator (c). As noted in indicator (b), notice must be made to the facility where the crime has allegedly occurred within 72 hours. The Lieutenant and PREA Coordinator confirmed they would document the notification through a phone call with an email confirmation.

Indicator (d). In the past year, they have received no allegations 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, no matter the source.

Compliance Determination

The Auditor finds the standard to have been met. The agency has a policy in place to ensure the MBTA informs other institutions when they become aware of past abuse, and staff are trained to report all allegations of sexual misconduct to the agency’s investigator. Absent an investigation, the auditor relied on policy and the staff’s knowledge of the standard expectations.

115.164	Staff first responder duties
	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>MBTA PREA Checklist of Responsibilities</p> <p>Individuals interviewed/ observations made.</p>

Interview with Random Staff

Indicator Summary determination.

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:

- 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."

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 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 expectations.

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 present. The Auditor confirmed 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.

Compliance Determination

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 expectations. 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 describe 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 maintain physical evidence. 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 also identified the local hospital with SAFE/SANE staff to send an individual for a forensic exam.

115.165	Coordinated response
	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>MBTA PREA Checklist of Responsibilities</p>

MA General Laws - 41.97D Sexual Abuse Information Confidentiality

Individuals interviewed/ observations made.

Interview with Lieutenant

Indicator Summary determination.

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 defines the coordinated efforts to respond to the allegations. The Policy addresses staff responsibilities at different levels of the agency, including the first responder, the Duty Supervisor, the agency investigator, and the Administrative and Operations Division Commanders. Interviews with staff and management support understanding of how to implement the coordinated response plan. To ensure 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.

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;

- 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;"

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

	<p>they want to disclose their abuse to the staff. Though not required in the PREA Lockup standards, the MBTA encourages the use of rape crisis advocacy. The agency requires informing victims 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. Discussions with the PREA Coordinator confirm that the plan does not name a specific hospital, as several in the area have SANE-trained nursing. The PREA Coordinator confirmed they routinely work with several hospitals to treat MBTA detainees' medical concerns. She states that with several certified SANE hospitals, she would consider the volume of emergency cases each hospital is dealing with in determining which can provide the best support on a given night.</p>
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115.166	Preservation of ability to protect detainees from contact with abusers
	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 Policy Manual Chapter 125</p> <p>Collective Bargaining Agreement</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary determination.</p>

Indicator (a). MBTA has two policies that address the requirement of this standard. The policies outline 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.

Nothing in this policy shall restrict the entering into or renewal of agreements that govern:

- the conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§115.172 and 115.176; or
- whether a no-contact assignment that is imposed pending the outcome of an investigation

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 Lieutenant confirmed the agency's ability to put employees out of work and on administrative leave during an investigation. The Lieutenant 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 Chief of Police or a designated Superior Officer may suspend those under his/her command for any infraction of the Department's Policy."

Indicator (b). The Auditor is not required to review this indicator.

Compliance Determination

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's ability to place an employee out of work who is the subject of an allegation of sexual abuse of a detainee. The Auditor finds the standard to be compliant based on the stated factors.

115.167	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard

Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237

Individuals interviewed/ observations made.

Interview with Lieutenant

Interview with PREA Coordinator

Indicator Summary determination.

Indicator (a). The MBTA Police has designated the PREA Coordinator responsibility of monitoring the retaliation of individuals who report or cooperate with investigations of sexual abuse or sexual harassment of a detainee. 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. The Lieutenant 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.

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."

Indicator (c). As noted in Indicator (a), the PREA Coordinator, the Investigator, is responsible for monitoring detainee victims and staff who fear retaliation. The

Lieutenant 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."

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. An interview with the lieutenant supports the idea that 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, 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 Lieutenant explained the multiple steps that could protect staff and detainees from retaliation. The Agency has in place a policy that outlines the expectations of this standard, and the interviewees were given a description of 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
	Auditor Discussion

Policies and written/electronic documentation reviewed.

MBTA Preaudit Questionnaire

MBTA Policy Manual Chapter 237

MBTA Policy Manual Chapter 271

MBTA PREA Quarterly Data 2019-21)

Mass Gen Stat Ch 41 Sec 98 Powers and Authority Acts of 1968 MBTA Transit Police Powers

State of Massachusetts Record Retention Rules 2021 Allegation

Individuals interviewed/ observations made.

Interview with Investigator/ PREA Coordinator

Interview with Lieutenant.

Interview with Random Officers

Indicator Summary determination.

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 Officers interviewed were aware they must report all allegations, including those from third parties. The Auditor reviewed Massachusetts laws that empower the MBTA Police to complete all police duties, including investigating crimes and interviewing 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 follow-up activities, and advice on interviews of witnesses and suspects.

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. The previous detective in this role has retired, so the PREA Coordinator will assume this role until another individual completes the training. Though the agency has had no allegation in the past three years, the Auditor recommends having additional individuals cover time off periods such as vacations or illness.

Indicator (c). There have been no allegations of sexual abuse at the MBTA Lockup in the past three years. 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. She reports that she would interview all individuals present as part of the investigation when needed, review written statements historical complaints, and review any electronic surveillance data available. 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 Investigator 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 a 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." The Investigator and the Lieutenant confirm a close working relationship with the Suffolk County District Attorney's office.

Indicator (e). The investigator confirmed that the individual's status as a detainee or Officer would not determine the credibility of statements. She 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 Lieutenant and the Investigator interviewed both supported the idea that an administrative investigation would be completed whenever a staff member was 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 she would document her findings in a written report to be presented to the agency administration and the prosecuting authorities. She confirmed the report would thoroughly describe the physical, testimonial, and documentary evidence, including logs and electronic evidence. She described how the training she attended complimented her formal police training. She also reports she has access to officers with extensive sexual assault investigations in the community.

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 includes a description of the physical and testimonial evidence, the reasoning behind credibility assess[1]ments, and investigative facts and finding."

Indicator (i). The MBTA policy is consistent with the standard, "Substantiated allegations of conduct that appear 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 after release from the MBTA.

	<p>Indicator (k). The Auditor is not required to audit this provision</p> <p>Indicator (l). Massachusetts Bay Transportation Authority Police is responsible for both criminal and administrative investigations at its facilities</p> <p>Compliance Determination</p> <p>The MBTA Police have sufficient resources available to ensure that all allegations are investigated promptly and thoroughly. The agency has a trained investigator who can complete investigations in the agency’s lockup. The MBTA has had no allegation in the past three years of sexual abuse of a detainee. The Auditor determined compliance based on policy, documentation, training records from 115.134, and interviews.</p>
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115.172	Evidentiary standard for administrative investigations
	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>Evidence Collection Standards for Massachusetts</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Investigator/ PREA Coordinator</p> <p>Interview with Lieutenant</p> <p>Indicator Summary determination.</p> <p>Indicator (a). The trained Investigator 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. She reported that if, in his investigation of the criminal case, he</p>

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 substantiated.” The policy also states the requirement of a written report and its content. “

Compliance Determination

The Massachusetts Bay Transportation Authority Police does not apply a higher standard than a preponderance of evidence in administrative investigations. Administrative Investigation policies define serious misconduct as 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 includes 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.

115.176	Disciplinary sanctions for staff
	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>MBTA Policy Manual Chapter 101</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interview with PREA Coordinator</p> <p>Interviews with random Officers</p>

Indicator Summary determination.

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 who have been disciplined for engaging in sexual misconduct with a detainee.

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 Lieutenant 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.

Indicator (c). The MBTA has 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."

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.

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

	<p>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>Compliance Determination</p> <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 understood the consequences for individuals violating the agency's PREA Policy. All staff confirmed an obligation to report such behavior and the responsibility to report a fellow officer’s actions or inactions that may have led to the sexual abuse. Interviews with the agency’s PREA Coordinator and the Lieutenant 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 systems are in place, and officers are aware of the results of violating the zero-tolerance policy toward sexual abuse or harassment of detainees.</p>
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115.177	Corrective action for contractors and volunteers
	<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 PREA Coordinator</p> <p>Indicator Summary determination.</p> <p>Indicator (a). 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. MBTA 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</p>

	<p>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.” Staff working the lockup understood this requirement and confirmed the practice.</p> <p>Indicator (b). As noted in Indicator (a), the MBTA Police 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 have appropriate policies in place 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>
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115.178	Referral for prosecution for detainee-on-detainee sexual abuse
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>78</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 PREA Coordinator / Investigator</p> <p>Interview with Suffolk County District Attorney representative</p> <p>Interview with Lieutenant</p> <p>Indicator Summary determination.</p>

	<p>Indicator (a). The review of the OAS stated that the standard was NA as no two detainees are out of the cell at the same time. The Auditor reviewed with the PREA Coordinator that the standard must apply and though it is unlikely that detainee on detainee sexual assault would be unlikely it not impossible and that the indicator can also apply to staff actions. Policy 237 supports that criminal allegation are to be referred for prosecution. “ Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.” As a law enforcement adgency the are bound by state laws. Interviews with the Lieutenantand the PREA Coordinator confirmed once a determination in a criminal case support probable cause the department will refer the case for prosection.</p> <p>Indicator (b). This indicator is N/A as it is not applicable. As a law enforcement agency the MBTA Police completes both criminal and administrative investigation.</p> <p>Indicator (c). The Auditor is not required to audit this indicator</p> <p>Compliance Determination</p> <p>The MBTA has sufficient resources to complete criminal investigations and refer substantiated allegations of sexual abuse for criminal prosecution. The Auditor relied on interviews and policy to make this determination.</p>
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115.182	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>82</p> <p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire</p> <p>MBTA Policy Manual Chapter 237</p> <p>Massachusetts Department of Health Website</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p>

Interview with random Officers

Interview with Investigator

Indicator Summary determination.

Indicator (a). The MBTA Police have policy language that directs 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.” Officers 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 to be taken to a hospital with a SAFE/SANE trained staff on duty in his response.

Indicator (b). The MBTA offers all victims access to forensic medical examinations performed by a Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiners (SANE), 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.”

Compliance Determination

The Auditor has determined the standard has been met. The Massachusetts Bay Transportation Authority Police have policies and procedures in place to support compliance. Absent an allegation where an individual needed medical care, the Auditor relied on the Officers' knowledge of 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 also confirmed that several hospitals in the greater Boston area have SAFE/SANE-trained staff. Standard compliance determination was based on interviews, reviewing materials, and determining the resources available in the community.

115.186	Sexual abuse incident reviews
	<p data-bbox="280 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 564 300">Auditor Discussion</p> <p data-bbox="280 340 1070 376">Policies and written/electronic documentation reviewed.</p> <p data-bbox="280 416 692 452">MBTA Preaudit Questionnaire</p> <p data-bbox="280 488 743 524">MBTA Policy Manual Chapter 237</p> <p data-bbox="280 560 703 595">MBTA PREA Quarterly Reports</p> <p data-bbox="280 698 815 734">Individuals interviewed/ observations.</p> <p data-bbox="280 770 655 806">Interviews with Lieutenant</p> <p data-bbox="280 842 740 878">Interview with PREA Coordinator</p> <p data-bbox="280 981 762 1016">Indicator Summary Determination</p> <p data-bbox="280 1052 1477 1424">Indicator (a) The MBTA 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 the review's required elements with both the Agency PREA Coordinator and the Agency Leadership.</p> <p data-bbox="280 1527 1477 1697">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 findings on policy and staff knowledge of the timeliness of the review required.</p> <p data-bbox="280 1800 1477 2007">Indicator (c) MBTA policy 237 requires 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="280 2042 1445 2078">Indicator (d) The elements described in this indicator are all covered in Policy 237.</p>

	<p>which states, “The review team shall:</p> <ul style="list-style-type: none"> • consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; • consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics; • examine the area in the Holding Facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; • assess the adequacy of staffing levels in that area during different shifts; • assess whether monitoring technology should be deployed or augmented to supplement supervision by employees; and • 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. “ <p>Indicator (e) Interviews with the Lieutenant and the PREA Coordinator/ 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.</p> <p>Compliance Determination</p> <p>Absent an allegation, the auditor considered policy information, documentation of PREA tracking, and interviews with leadership to support compliance.</p>
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115.187	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policies and written/electronic documentation reviewed.</p> <p>MBTA Preaudit Questionnaire MBTA</p> <p>Policy Manual Chapter 237</p>

MBTA PREA Quarterly Reports

MBTA Website PREA Reports

Individuals interviewed/ observations made.

Interviews with PREA Coordinator

Interviews with Lieutenant

Indicator Summary Determination

Indicator (a) The agency collects data that is 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. The 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." Policy 237 has specific definitions in its initial pages consistent with standard language.

The agency aggregates the incident-based sexual abuse data Quarterly. The auditor reviewed the past PREA annual reports, which show consistent information with the quarterly reports. The Lieutenant confirmed that data is used to improve the agency's ongoing effort to protect, detect, and respond to sexual abuse and sexual harassment incidents.

Indicator (b) The agency completes an annual report with the aggregate data from 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.

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. The Department of Justice has not requested a Survey of Sexual Violence report be completed for the MBTA Lockup in the past three years. Interviews with both the facility Lieutenant and the agency PREA Coordinator confirmed the elements required were tracked.

Indicator (d) The agency has rules on the retention of records at all MBTA facilities. Copies of criminal files involving detainees on detainee contact will be retained locally, with a copy sent to the agency PREA Coordinator. The PREA Coordinator would receive all incident outcomes and ensure data accuracy.

Indicator (e) The MBTA does not subcontract the housing of detainees to any other entity.

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. MBTA policy 237 requires the agency to comply with the standard's data collection requirements. The Lieutenant confirmed the agency's commitment to utilizing data in the agency's ongoing efforts to prevent sexual misconduct. Interviews with the PREA Coordinator and Lieutenant 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
	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>MBTA PREA Quarterly Reports</p>

MBTA Website PREA Reports

Individuals interviewed/ observations made.

Interview with Lieutenant

Interview with PREA Coordinator

Indicator Summary Determination

Indicator (a). The MBTA utilizes data related to PREA incidents and other critical safety incidents to determine program improvements. The department's command staff reviews critical incidents with an eye toward improving safety. Interviews with the Lieutenant and PREA Coordinator support critical analysis on all safety issues, including any incident of Sexual Assault or Harassment in the department 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:

- 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."

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."

Indicator (c) The PREA Coordinator confirms that the Chief of MBTA Police approves the PREA report developed by the agency PREA Coordinator before placing it on the agency's website. As noted in

	<p>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>Compliance Determination:</p> <p>The Massachusetts Bay Transportation Authority Police meets the requirements of this standard in policy 237, which (page 12) defines the use of data. The Lieutenant supported the agency in utilizing 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 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 complied with PREA standards by publishing annual reports combining data and narrative information on MBTA's efforts since 2018 to develop PREA-safe facilities. The report tracks incident trends without identifying information.</p>
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115.189	Data storage, publication, and destruction
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <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 Policy Manual Chapter 271</p> <p>MBTA PREA Quarterly Reports</p> <p>MBTA Website PREA Reports</p> <p>Massachusetts Records Retention schedule 06-18</p> <p>Individuals interviewed/ observations made.</p> <p>Interview with Lieutenant</p> <p>Interview with PREA Coordinator</p> <p>Indicator Summary determination.</p>

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 be 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 to assess the element's compliance. Both documents meet or exceed the indicators requirements.

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.

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."

Indicator (d). Policy 237 sets forth an expectation consistent with the standard. The policy states, "Reports were posted for the past three years. The 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."

Compliance Determination

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 by publicly distributing its annual report through the state website at MBTA Transit Police/ MBTA.

115.401	Frequency and scope of audits
	<p data-bbox="280 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 564 300">Auditor Discussion</p> <hr/> <p data-bbox="280 340 1070 376">Policies and written/electronic documentation reviewed.</p> <p data-bbox="280 416 692 452">MBTA Preaudit Questionnaire</p> <p data-bbox="280 488 746 524">MBTA Policy Manual Chapter 237</p> <p data-bbox="280 560 571 595">MBTA Police Website</p> <p data-bbox="280 698 817 734">Individuals interviewed/ observations.</p> <p data-bbox="280 770 756 806">Interviews with PREA Coordinator</p> <p data-bbox="280 842 829 878">Tour of MBTA Headquarters and lockup</p> <p data-bbox="280 981 762 1016">Indicator Summary Determination</p> <p data-bbox="280 1052 1430 1133">Indicator (a) The Massachusetts Bay Transportation Authority Police has only one facility and does not contract for other beds.</p> <p data-bbox="280 1236 1461 1361">Indicator (b) The audit will occur in year two of the audit cycle. The Auditor confirmed from the information provided and found on the agency website that the prior PREA Audit was completed in the past three years.</p> <p data-bbox="280 1464 1474 1881">Indicator (h) The Auditor did have open access to all parts of the facility. The auditor was able to move freely about the complex on tour and speak informally with staff to ensure they were aware of the audit. There were no overnight holds on the first day of the Audit, and one on day two who was interviewed using the professional visiting area. One juvenile was observed refusing to cooperate with the booking process on day one and thus incapable of being interviewed, though the Auditor did see his PREA education before he was taken out to court for a proceeding. 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="280 1984 1481 2065">Indicator (i) The Massachusetts Bay Transportation Authority Police provided the Auditor with PREA auditing files through the Online Audit System (OAS). The Auditor,</p>

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.

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. As previously noted, a limited number of individuals held overnight hours during the time I was on-site reduced the ability to complete detainee interviews.

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.

Compliance Determination:

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 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	Audit contents and findings
	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>MBTA Police Website</p> <p>Individuals interviewed/ observations made.</p>

Interview with PREA Coordinator

Indicator Summary Determination

Indicator: (f) The Massachusetts Bay Transportation Authority Police website has posted the previous PREA Audits. This was determined through a review of the state's MBTA Website. The MBTA only has one facility.

Compliance Determination:

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.

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	yes

	deployment of video monitoring systems and other monitoring technologies?	
	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	yes

	circumstances or when such viewing is incidental to routine cell checks?	
	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	Detainees with disabilities and detainees who are limited	

(b)	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	yes

	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?	
	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.)	na
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	yes

	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.)	
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	yes

	conduct any form of administrative or criminal sexual abuse investigations. See 115.121(a.)	
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	Screening for risk of victimization and abusiveness	

(b)		
	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	yes

	and criminal history? (N/A if lockup is NOT used to house detainees overnight.)	
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	Agency protection duties	

(a)		
	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,	yes

	defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	
	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	yes

	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.)	
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)	yes

	and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	
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).)	na
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	na

	115.121(a.)	
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	yes

	the area may enable abuse?	
	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	yes

	does not have one, through other means?	
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.)	yes
	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	yes

	single facility agencies, there has never been a Final Audit Report issued.)	
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