

# PREA Facility Audit Report: Final

**Name of Facility:** Dorsey Run Correctional Facility

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 12/31/2016

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Jeff Kovar	<b>Date of Signature:</b> 12/31/2016

AUDITOR INFORMATION	
<b>Auditor name:</b>	Kovar, Jeff
<b>Address:</b>	
<b>Email:</b>	jeff@preaauditing.com
<b>Telephone number:</b>	
<b>Start Date of On-Site Audit:</b>	11/15/2016
<b>End Date of On-Site Audit:</b>	11/16/2016

FACILITY INFORMATION	
<b>Facility name:</b>	Dorsey Run Correctional Facility
<b>Facility physical address:</b>	2020 Toulson Road, Jessup, Maryland - 20794
<b>Facility mailing address:</b>	
<b>The facility is:</b>	<input type="radio"/> County <input type="radio"/> Federal <input type="radio"/> Municipal <input checked="" type="radio"/> State <input type="radio"/> Military <input type="radio"/> Private for profit <input type="radio"/> Private not for profit
<b>Facility Type:</b>	<input checked="" type="radio"/> Prison <input type="radio"/> Jail

Primary Contact			
<b>Name:</b>	Casey Campbell	<b>Title:</b>	Warden
<b>Email Address:</b>	casey.campbell@maryland.gov	<b>Telephone Number:</b>	410-379-6313

Warden/Superintendent			
<b>Name:</b>	Casey Campbell	<b>Title:</b>	Warden
<b>Email Address:</b>	casey.campbell@maryland.gov	<b>Telephone Number:</b>	410-379-6313

Facility PREA Compliance Manager			
<b>Name:</b>	Casey Campbell	<b>Title:</b>	Warden
<b>Email Address:</b>	casey.campbell@maryland.gov	<b>Telephone Number:</b>	410-379-6313

Facility Health Service Administrator			
<b>Name:</b>	Nicole Hargrave	<b>Title:</b>	HSA
<b>Email Address:</b>	nicoley.hargraves@maryland.gov	<b>Telephone Number:</b>	410-379-6037

Facility Characteristics		
<b>Designed facility capacity:</b>	1098	
<b>Current population of facility:</b>	738	
<b>Age Range</b>	Adults: 19-65	Youthful Residents:
<b>Facility security level/inmate custody levels:</b>	Minimum/Pre-Release	
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>		

AGENCY INFORMATION	
<b>Name of agency:</b>	MD Department of Public Safety and Correctional Services
<b>Governing authority or parent agency (if applicable):</b>	N/A
<b>Physical Address:</b>	300 E. Joppa Rd, Towson, Maryland - 21286
<b>Mailing Address:</b>	
<b>Telephone number:</b>	410.339.5000

Agency Chief Executive Officer Information:			
<b>Name:</b>	Stephen T. Moyer	<b>Title:</b>	Secretary
<b>Email Address:</b>	Stephen.Moyer@maryland.gov	<b>Telephone Number:</b>	410.339.5005

Agency-Wide PREA Coordinator Information			
<b>Name:</b>	David Wolinski	<b>Title:</b>	Special Assistant
<b>Email Address:</b>	David.Wolinski@maryland.gov	<b>Telephone Number:</b>	410.339.5033

## AUDIT FINDINGS

**Narrative:**

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

A Prison Rape Elimination Act Audit of Dorsey Run Correctional Facility was conducted from November 15-16, 2016. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012. Certified PREA Auditor William Boehnemann assisted with the agency-level interviews.

The auditor wishes to extend his appreciation to Warden Casey Campbell and his staff for the professionalism they demonstrated throughout the audit and their willingness to comply with all requests and recommendations made by the auditor.

The auditor would also like to recognize PREA Coordinator David Wolinski for his hard work and dedication to ensure the facility is compliant with all PREA standards.

The auditor provided the facility with a Notification of Audit on September 19, 2016. The notification contained information on the upcoming audit and stated that any inmate with pertinent information should send a letter containing this information to the auditor at least 10 days prior to the onsite audit date, November 15, 2016. The auditor instructed the facility to post this notification in all housing units and throughout the facility at least six weeks prior to the onsite audit.

Approximately six weeks prior to the onsite audit, the Agency received access to the PREA Resource Center Online Audit System (OAS) and began completing the pre-audit questionnaire, and uploaded all relevant documentation. Once the pre-audit questionnaire was completed, the auditor was given access to the OAS system and began reviewing all of the information, including: the pre-audit questionnaire, policies, procedures, MOUS, and training documents.

An entrance meeting was held the morning of the onsite audit with the Warden Casey Campbell.

After the entrance meeting, the auditor was given a tour of all areas of the facility, including: all four housing units (Building #1, Building #2, Building #3, and Building #4), control rooms, dining hall, staff dining, dry storage area, kitchen, library, visitation, strip search area, and medical treatment area.

A total of 35 staff interviews were conducted, with at least one staff member interviewed from each interview category applicable to the facility.

Staff interviews were conducted with staff from all three shifts.

A total of 26 inmate interviews were conducted with at least one inmate interviewed from each interview category applicable to the facility.

On the morning of the onsite audit, the auditor was provided with shift assignment sheets for staff, as well as housing unit rosters for inmates. The auditor randomly selected staff and inmates to be interviewed

from the information provided. All interviews were conducted one at a time in a private and confidential manner.

The auditor reviewed a sample of Human Resources files, training records for staff, contractors, and volunteers, inmate education documentation, risk screenings, and mental health referrals. The auditor also observed PREA informational posters posted in the housing units and throughout the facility.

The count on the first day of the audit was 724. The count on the final day of the audit was 722.

Throughout the pre-audit and onsite audit, open and positive communication was established between the auditor and facility staff. During this time, the auditor discussed his concerns with Warden/PREA Compliance Manager Casey Campbell.

When the audit was completed, the auditor conducted an exit briefing on November 16, 2016. The auditor gave an overview of the audit and thanked the staff for all their hard work and commitment to the Prison Rape Elimination Act.

After the onsite audit, the auditor utilized the Auditor Compliance Tool for Adult Prisons and Jails as a guide in determining compliance with each standard, and created a Final Report documenting the facility's compliance. In order to determine compliance, the auditor used the information and documentation provided during the pre-audit, information obtained through inmate and staff interviews, as well as visual observations during the facility tour.

**Facility Characteristics:**

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

The Dorsey Run Correctional Facility is located on 9.1 acres in Anne Arundel County and is ADA-accessible. The housing units have a day/recreation room adjacent to each dormitory in addition to central control center on each of its two (2) floors. Each dormitory houses 35 inmates. Treatment staff, case managers, social workers, and religious services staff maintain offices in the housing units. Education department services are located in Housing Unit 2. Educational staff are provided by the Department of Labor, Licensing and Regulation. Recreational activities include an outdoor basketball court and weightlifting pad. Eligible inmates may be assigned to any one of several outside details to include: Crownsville State Hospital, the Glen Burnie barrack of the Maryland State Police, Maryland Correctional Enterprises (MCE) warehouses, the Jessup Range, K-9, Internal Investigation Unit (IID), and details at other Jessup correctional facilities. Inmates also participate in State Highway Administration (SHA) road crews, and the facility operates a full time work release program with several employers in the community. Self-help activities are readily available, and include Alcoholic Anonymous groups, Toastmasters, Knitting Behind Bars and Men's Monitoring Programs. Religious Services are available to all religious denominations. DRCF opened its West Compound (mirror image of East Compound) on September 30, 2016 providing a total of 1098 inmate beds.

Security Level: Minimum and Pre-Release

Opened: December 2013

Authorized Positions: 240

Average Population: 730

Operating Costs: \$10,664,254

**Summary of Audit Findings:**

The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.

<b>Number of standards exceeded:</b>	0
<b>Number of standards met:</b>	39
<b>Number of standards not met:</b>	0
<b>Number of Standards Not Applicable:</b> (The total number of standards that were audited at the agency level)	6

After reviewing all information provided during the pre-audit and onsite audit, staff and inmate interviews, and visual observations made by the auditor during the facility tour, the auditor has determined the following:

Number of Standards Exceeded: 0

Number of Standards Met: 39

(115.11, 115.13, 115.14, 115.15, 115.16, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.66, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.401)

Number of Standards Not Met: 0

## Standards

### Auditor Overall Determination Definitions

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

### Auditor Discussion Instructions

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>OSPS.050.0030 Sexual Misconduct states:</p> <p>A. The Department does not:</p> <ol style="list-style-type: none"> <li>1) Tolerate sexual misconduct by an employee, by either omission or commission; and</li> <li>2) Consider alleged or actual consent as a defense to an allegation of sexual misconduct.</li> </ol> <p>B. The Department shall ensure that existing efforts and new strategies to prevent, detect, and respond to acts of sexual misconduct comply with applicable federal standards established under the authority of the Prison Rape Elimination Act (PREA) of 2003.</p> <p>OSPS.200.0004 Inmate Sexual Conduct states:</p> <p>A. The Department does not :</p> <ol style="list-style-type: none"> <li>1) Tolerate inmate on inmate sexual conduct; and</li> <li>2) Consider alleged or actual consent as a defense to an allegation of inmate on inmate sexual conduct.</li> </ol> <p>B. The Department shall ensure that existing efforts and new strategies to prevent, detect, and respond to acts of inmate on inmate sexual conduct comply with applicable federal standards established under the authority of the Prison Rape Elimination Act (PREA) of 2003.</p> <p>In addition to these policies, zero tolerance policies are also located in the Dental Policy, MHM Policy, Pharmacy Policy, and Wexford Policy.</p> <p>DPSCS.020.0026 PREA Compliance and DRCF Directive.050.0030.1 Sexual Misconduct Prohibited outline how the facility will implement the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.</p> <p>DPSCS.020.0026 PREA Compliance includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment.</p> <p>OSPS.050.0030 Sexual Misconduct includes sanctions for those found to have participated in prohibited behaviors.</p> <p>Strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates can be found in the following policies:</p> <ol style="list-style-type: none"> <li>1) OSPS.200.0004 Inmate Sexual Conduct.pdf</li> <li>2) OPS.110.0047 Inmate Personal Searches.pdf</li> <li>3) DCD.200.0001 Inmate Rights.pdf</li> <li>4) Interpreter Services - Procedure.pdf</li> <li>5) Organizational chart - PREA Coordinator.pdf</li> <li>6) OSPS.050.0030 Sexual Misconduct.pdf</li> <li>7) Sexual Assault Procedure - Medical.pdf</li> <li>8) DPSCS.020.0026 PREA Compliance.pdf</li> <li>9) COMAR 12.10.01.16 Correctional Training Commission.pdf</li> <li>10) DRCF directive .110.0022.1 Reduction in Violence.docx</li> <li>11) DRCF Directive .050.0030.1 Sexual Misconduct - Prohibited</li> </ol>

The facility has a designated PREA Compliance Manager who is the Warden of the facility. The auditor reviewed the facility organizational chart and verified the position of the PREA Compliance Manager. The PREA Compliance Manager reports to the Commissioner.

During the interview with the PREA Compliance Manager, the auditor was advised he has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

115.12	<b>Contracting with other entities for the confinement of inmates</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>The Agency has one contract for the confinement of inmates. This contract is with Threshold, Inc. for Pre-Release Services. The auditor was provided with a copy of this contract which has a performance period from October 1, 2016 through September 30, 2018. The auditor was advised they had only one contract for the confinement of its inmates. The auditor was provided with a copy of this contract and it states "the Contractor shall operate the Center in conformance with all laws, Standards, regulations, and IDs. Standards include all state correctional system requirements for the operation of a community adult rehabilitation center pursuant to Md. Code." The contract also states the contractor "shall comply with the standards set forth in the Prison Rape Elimination Act of 2003, and with all applicable regulations issued by the U.S. Department of Justice." The auditor verified Threshold, Inc. went through a PREA audit on July 13, 2015 and successfully passed the audit.</p> <p>The auditor reviewed the contract and discovered it contains an inspection clause.</p> <p>The PREA Coordinator advised there is a state employee assigned as the PREA Compliance Manager for the contracted facility who oversees the facility's PREA Compliance. The PREA Coordinator affirmed the contracted facility went through, and successfully passed their PREA audit in 2015.</p> <p>Since the Agency has designated their own state employee as the PREA Compliance Manager of their sole contract facility, the auditor has determined the facility is exceeding this standard.</p>

115.13	<b>Supervision and monitoring</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1458 528">The agency requires each facility it operates to develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against abuse. The auditor was provided with a copy of the most recent staffing plan which was approved on September 28, 2016.</p> <p data-bbox="252 584 1166 618">Since August 20, 2012, the average daily number of inmates was 748.</p> <p data-bbox="252 674 1442 741">Since August 20, 2012, the average daily number of inmates on which the staffing plan was predicated was 748.</p> <p data-bbox="252 797 1481 999">The auditor was advised the facility has mandatory and non-mandatory positions. The auditor was advised that in the event their are not adequate staffing to cover the mandatory positions, the facility would staff the mandatory positions with non-mandatory personnel and/or overtime. The auditor was advised there has not been any instances within the past 12 months were the mandatory positions went unmanned.</p> <p data-bbox="252 1055 1453 1211">At least once every year the facility/agency, in collaboration with the PREA Coordinator, reviews the staffing plan to see whether adjustments are needed to: (a) the staffing plan, (b) the deployment of monitoring technology, or (c) the allocation of facility/agency resources to commit to the staffing plan to ensure compliance with the staffing plan.</p> <p data-bbox="252 1267 1198 1301">The auditor was provided with staffing plans from 2014, 2015, and 2016.</p> <p data-bbox="252 1357 1458 1469">DRCF Directive.050.0030.1 states: The Security Chief is responsible to: ensure supervisors conduct unannounced rounds on all shifts.</p> <p data-bbox="252 1525 1481 1771">DRCF Directive.110.0021.1 states: Daily security inspections shall be the responsibility of each shift. Daily security rounds shall be conducted by supervisors on all three shifts and documented in red ink in the post logbooks and recorded on the Daily Supervisor Security and Sanitation Inspection sheet. The Warden and Major shall make weekly rounds in the inmate living and activity areas. The rounds shall also be documented in red ink in the logbooks.</p> <p data-bbox="252 1827 1294 1861">The facility prohibits staff from alerting other staff of the conduct of such rounds.</p> <p data-bbox="252 1917 1474 2029">During the site visit, the auditor toured the housing unit control rooms and discover a log book in each control room. The auditor reviewed the log book and confirmed supervisor rounds are consistently being made on all three shifts.</p> <p data-bbox="252 2085 1458 2152">During the interview with the Warden, the auditor confirmed the facility follows a staffing plan, which is reviewed annually. Adequate staffing levels to protect inmates against sexual abuse</p>

are considered as a part of this plan. The auditor was advised the facility is allotted a specific number of positions based on the total population. The facility takes into consideration camera support systems and determines where to assign their staff. The staffing plan is documented in the Warden's Office and at Headquarters. Supervisors have access to the Post Assignment Work Sheets which includes which positions are mandatory. The staffing plan also considers:

- a. Generally accepted detention and correctional practices;
- b. Any judicial findings of inadequacy;
- c. Any findings of inadequacy from federal investigative agencies;
- d. Any findings of inadequacy from internal or external oversight bodies;
- e. All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated);
- f. The composition of the inmate population;
- g. The number and placement of supervisory staff;
- h. Institution programs occurring on a particular shift;
- i. Any applicable state or local laws, regulations, or standards;
- j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- k. Any other relevant factors.

The Warden confirmed there have not been any deviations from the staffing plan within the past 12 months.

115.14	Youthful inmates
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>There are no youthful inmates housed at Dorsey Run Correctional Facility; however, the agency has policies in place to ensure compliance with this standard.</p> <p>DPDS.100.0003 Separation of Adult and Juvenile Detainees states:            If a waived juvenile is remanded to the custody of the Division, the individual shall be housed in a separate unit designated for juveniles which affords no more than incidental sight or sound contact with adult detainees from outside the unit of living, program, dining, or other common areas. Any other sight or sound contact is minimized, brief, and in conformance with applicable legal requirements.</p> <p>Staff confirmed no youthful inmates are housed at Dorsey Run Correctional Facility.</p>

115.15	<b>Limits to cross-gender viewing and searches</b>
	<p data-bbox="248 168 898 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="248 248 523 284"><b>Auditor Discussion</b></p> <p data-bbox="248 329 911 365">OSPS.110.0047 Inmate Personal Searches states:</p> <p data-bbox="248 371 847 407">An inmate strip search shall be conducted by:</p> <p data-bbox="248 414 1398 450">By a single correctional officer of the same gender of that of the inmate being searched.</p> <p data-bbox="248 501 1422 577">In the past 12 months, there have not been any cross-gender strip or cross-gender visual body cavity searches conducted at the facility.</p> <p data-bbox="248 629 1426 705">Standard 115.15 (b) and 115.(c)-2 are not applicable to the facility, due to the fact that the facility does not house female inmates.</p> <p data-bbox="248 757 895 792">OPS.110.0047 Inmate Personal Searches states:</p> <p data-bbox="248 799 1318 835">Searches are documented in compliance with established reporting requirements.</p> <p data-bbox="248 887 1485 1048">OSPS.050.0030 Sexual Misconduct outline procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.</p> <p data-bbox="248 1099 1477 1176">These two policies specifically require staff of the opposite gender to announce their presence when entering an inmate housing unit.</p> <p data-bbox="248 1227 887 1263">OPS110.0047 Inmate Personal Searches states:</p> <p data-bbox="248 1270 1474 1565">A strip search of a transgender or intersex inmate may not be conducted for the sole purpose of determining the inmate's genital status. If an inmate's genital status is unknown, it is to be determined through conversation with the inmate, a review of available medical records, or as part of a broader medical examination conducted in private by a licensed medical professional. when circumstances allow, staff should consult with a transgender or intersex inmate before conducting a search to determine the inmate's preference in the gender of the officer conducting the search.</p> <p data-bbox="248 1617 1031 1653">No such searches have occurred within the past 12 months.</p> <p data-bbox="248 1704 1474 1821">The auditor was advised 100% of all security staff have received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs.</p> <p data-bbox="248 1872 1410 1908">The auditor was provided with training lesson plans for searches of transgender inmates.</p> <p data-bbox="248 1960 1481 2076">Both staff and inmate interviews indicate female staff make an announcement prior to entering the housing units. Both inmates and staff advised female staff never see inmates when they are in a state of undress (shower, restroom, changing clothes, etc.).</p> <p data-bbox="248 2128 1414 2163">During the site visit, the auditor observed female staff announcing their presence, prior to</p>

entering the housing unit.

There were no inmates identified as transgender who were housed at the facility at the time of the site visit.

During interviews with random staff, some staff were unfamiliar with the agency's policy regarding searches of transgender/intersex inmates. Prior to the completion of the final report, the auditor was provided with a training memo regarding searches of transgender/intersex inmates that was discussed with all security staff. In addition, the auditor was provided with signed acknowledgement sheets from staff, acknowledging the receipt and understanding of the training. Due to the fact that this minor issue was addressed immediately after the site visit, as well as the fact that all other areas of this standard were met, the auditor has determined the facility meets this standard.

115.16	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency has established procedures to provide disabled inmates 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. This information is outlined in the following procedures:</p> <ol style="list-style-type: none"> <li>1) DCD.200.0001 Inmate Rights</li> <li>2) OSPS.050.0030 Sexual Misconduct</li> <li>3) OSPS.200.0004 Inmate Sexual Conduct</li> <li>4) PREA Brochure-Spanish</li> </ol> <p>The agency has established procedures to provide inmates with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This information can be found in the following procedures:</p> <ol style="list-style-type: none"> <li>1) Interpreter Services-Procedure</li> <li>2) Limited English Proficiency Plan</li> <li>3) Interpreter Services-State Contract</li> <li>4) Interpreter Services Flier</li> <li>5) ISpeakCards2004</li> <li>6) Official PREA Brochure-Spanish</li> <li>7) Special Management Offenders Lesson Plan</li> </ol> <p>DCD.200.0001 Inmate Rights provides a nondiscrimination clause and also states each Warden shall ensure that newly received inmates are provided information about inmate rights, general institutional schedules, procedures and institutional plans. This orientation may be provided through group sessions or by giving the inmate an orientation package. Special assistance shall be provided to inmates with language or reading problems. Language services are provided through an agreement with LEP Interpreter Services to Ad Astra.</p> <p>OSPS.050.0030 Sexual Misconduct-Prohibited states:  Inmate interpreters, inmate readers, or other types of inmate assistance are not used to communicate information required under this directive to other inmates, except under limited circumstances where a delay in obtaining an effective non-inmate interpreter would compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegation.</p> <p>OSPS.200.0004 Inmate-on-Inmate Sexual Conduct-Prohibited also states:  Except under limited circumstances where a delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegation, inmate interpreters, inmate readers, or other types of inmate assistance are not used to communicate information required under this directive to other inmates.</p> <p>In the past 12 months, there have not been any instances where inmate interpreters, readers,</p>

or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmate's safety, the performance of the first-response duties under 115.64, or the investigation of the inmate's allegations.

The auditor was advised the facility has never used another inmate to translate for a limited English speaking inmate that was sexually abused. If there were an exigent circumstance requiring staff to use an inmate translator, staff would document this exigent circumstance and the reason no other means of communication was available.

The Agency Head advised confirmed the agency has established procedures to provide inmates with disabilities and inmates who are limited English proficient 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. A language line has been established for limited English speaking inmates and staff use a TTY to communicate with hearing impaired inmates.

The auditor interviewed one of the inmates who was hearing impaired. The inmate was able to read the auditors lips. The inmate advised he understands the agency's policies on sexual abuse and acknowledged having access to the TTY to communicate with staff, if necessary.

During interviews with random staff, the auditor discovered many staff were familiar with the agency's policy prohibiting the use of inmate interpreters; however, some staff were unfamiliar with this policy. Prior to the conclusion of the Final Report, the auditor was provided with documentation of a training memo regarding the agency policy prohibiting the use of inmate interpreters, that was discussed with all security staff. In addition, the auditor was provided with signed acknowledgments from security staff, documenting receipt and understanding of the training. Due to the fact that this minor issue was addressed immediately after the site visit, as well as the fact that all other aspects of 115.16 were met, the auditor had determined the facility meets this standard.

115.17	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Audited at Agency Level
	<b>Auditor Discussion</b>
	<p>AMD.050.0041 Background Checks states:  The Department shall conduct a criminal history records check on all new employees in accordance with federal and State statute and regulation to detect criminal convictions that may be related specifically to job performance. "Employee" means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position regardless of job title or classification.</p> <p>COMAR 12.10.01.05 Correctional Training Commission states:  This regulation does not prevent an agency head from setting higher criminal history standards than specified in this regulation.</p> <p>DPCS 020.0026 PREA Compliance states:  The Human Resources Services Division (HRSD) shall adopt hiring policy consistent with federal PREA standards prohibiting the hiring or promotion of anyone who may have contact with inmates, and prohibiting the enlisting of the services of any contractor, who may have contact with inmates, who:</p> <ul style="list-style-type: none"> <li>a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.</li> <li>b) Was 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; or</li> <li>c) Was civilly or administratively adjudicated to have engaged in the activity described in section .04B(3) of this directive.</li> </ul> <p>COMAR 12.15.01.19 State Rap Back Program states:  If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository, shall:</p> <ul style="list-style-type: none"> <li>1) Enroll the employer or regulatory authority in the State Rap Back Program;</li> <li>2) Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority;</li> <li>3) Issue a revised printed statement for each previously processed individual when new information is added to the individual's CHRI indicating: <ul style="list-style-type: none"> <li>a) An arrest</li> <li>b) The issuance of an arrest warrant</li> <li>c) The filing of a charging document</li> <li>d) A disposition of conviction</li> <li>e) A verdict of not criminally responsible; or</li> <li>f) A disposition of probation before judgement; and</li> </ul> </li> <li>4) Send the revised printed statement to the employer, the regulatory authority, and the</li> </ul>

covered individual who is the subject of the printed statement.

COMAR 17.04.03.10 Employment Background Checks states:

The appointing authority shall determine the necessity of investigating the background of an eligible individual for purposes of verification of suitability for employment. When appropriate and job-related, areas of investigation may include but are not limited to employment history, academic credentials, military records, criminal conviction records, and personal references.

DPSCS.020.0026 Employment Background Checks states:

The HRSD shall consider incidents of sexual harassment when determining to hire or promote an employee or contract with a service provider if the individual may have contact with an inmate.

Hiring Guidelines for the Position of Correctional Officer include:

- 1) PREA (Prison Rape Elimination Act)- Any applicant who has engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or other institution shall be permanently disqualified from DPSCS employment.
- 2) Any applicant who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse shall be permanently disqualified from DPSCS employment.
- 3) Any applicant who has been civilly or administratively adjudicated to have engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility, or institution, or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse, shall be permanently disqualified from DPSCS employment.
- 4) Any applicant who has been terminated from previous employment or resigned in lieu of termination after having found to have engaged in sexual harassment shall be permanently disqualified from DPSCS employment.

DPSCS 020.0026 PREA Compliance states:

Before hiring a new employee to perform duties involving contact with an inmate, the Human Resources Division shall:

- (a) Conduct a criminal background records check; and
- (b) Consistent with federal, state, and local law, make a best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or a resignation during a pending investigation of an allegation of sexual abuse.

COMAR 12.15.01.19 State Rap Back Program states:

If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository shall:

- 1) Enroll the employer or regulatory authority in the State Rap Back Program;
- 2) Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority;
- 3) Issue a revised printed statement for each previously processed individual when new information is added to the individual's CHRI indicating:

- a) An Arrest;
- b) The issuance of an arrest warrant;
- c) The filing of a charging document;
- d) A disposition of conviction;
- e) A verdict of not criminally responsible; or
- f) A disposition of probation before judgment; and

4) Send the revised printed statement to the employer, the regulator authority, and the covered individual who is the subject of the printed statement.

DPSCS 020.0026 PREA Compliance states:

The HRSD shall conduct criminal records background checks every five years on employees or a contractor's services provider who may have contact with an inmate.

PREA DBM DPSCS JOBAPS Application Form is a form that all applicants are required to sign. The form contains an affirmation which states, "I hereby affirm that this application contains no willful misrepresentation or falsifications and that this information given by me is true and complete to the best of my knowledge and belief. I am aware that should investigation at any time disclose any misrepresentation or falsification, I shall be subject to immediate termination and/or my application will be disapproved, my name removed from the eligibility list, and that I will not be certified for employment in any position under the jurisdiction of the Department of Budget & Management. I am aware that a false statement is punishable under law by fine or imprisonment or both."

The auditor was provided with a Reference/Employment Verification Form that is used when contacting agencies where an applicant was previously employed.

The auditor was provided with a copy of mandated polygraph questions the DPSCS asks applicants. These questions are specifically about prior sexual abuse and sexual harassment.

The auditor viewed the employment application form and confirmed the required questions pertaining to sexual abuse and sexual harassment are asked as a part of the application.

The auditor was provided with a copy of a Wexford New Hire Offer letter, which states hiring is contingent upon passing a background investigation including criminal history check.

The auditor requested to see a random sample of personnel files, including, the employees' application and criminal background records checks. The auditor was advised there were no files available from employees who were hired prior to 2000, due to the agency purging files. The auditor discovered during his review that all employees sampled, who were hired after 2000, had documentation of criminal background records check. The auditor was advised that effective May 1, 2014, the agency added questions in their application that were specific to PREA and sexual misconduct. The auditor discovered during his review that all employees sampled, who were hired after May 1, 2014, had an application questionnaire completed in their file. This questionnaire included questions specific to 115.17 (a)-1.

Interviews with Human Resources staff indicate the hiring application asks the applicant questions specifically about prior sexual harassment. If the applicant were to answer yes to

any of the four questions in the application pertaining to sexual misconduct, the applicant would be disqualified for employment. The auditor was advised that all employees, including contractors, have gone through a criminal background records check. All background investigations go through the Central Hiring Unit. Employees who go up for a promotion go through a vetting process which include a fingerprint and criminal history check. All new employees are required to go through a polygraph examination. The auditor was advised that when an employee is hired, their information is entered into a database. If an employee is ever arrested, an alert would automatically be sent to IID for their review and investigation. This is done instantaneously and exceeds the standard requirement of criminal background records checks once every five years.

During the application process, the employee answers questions pertaining to sexual misconduct in the application. During the interview, the applicant is asked these same questions again verbally. The responses are documented on the PREA interview form. In addition, during orientation, the employee signs a PREA acknowledgement form (responding to the same four questions). Staff going up for a promotion, are required to respond to these questions on the promotional application and also during the promotional interview. There is an affirmation clause employees are required to sign, on the application, the orientation acknowledgement form, and the promotional application form.

Human Resources staff acknowledged upon receipt of receiving a release of information, any previous sexual misconduct information would be provided to the new employer by IID.

115.18	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The auditor was advised that Building 3 and Building 4 were opened in September 2016, along with the Support Services Building. When designing these buildings, PREA was taken into consideration and the building was designed in an effort to eliminate potential blind spot areas.</p> <p>The auditor was advised the facility recently added a camera to the Dry Storage area in the kitchen in response to a sexual abuse allegation. In total, 14 cameras have been added to reduce blind spots within the past 12 months.</p> <p>During an interview with the Agency Head, the auditor was advised that when designing, acquiring, or planning substantial modifications to facilities, the facility reviews the floor plan to identify any blind spots, hidden places, or areas that could present a potential problem area. The agency strategically places cameras in areas in an effort to cover blind spot areas.</p> <p>During an interview with the Warden, the auditor was advised Building 3, Building 4, and the Support Services Building were opened approximately six weeks prior to the site visit. These buildings were considered phase 2. The auditor was advised the facility reviewed any issues they had in the buildings opened in phase one, and tried to make modifications to phase 2 where necessary. Cameras are placed throughout the facility (excluding showers and restrooms). The facility monitors the cameras in all control areas. The Chief, Major, and Warden also have access to all of the cameras and can monitor them.</p>

115.21	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency/facility is responsible for conducting administrative and criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct).</p> <p>When conducting a sexual abuse investigation, the agency investigators follow a uniform evidence protocol This protocol can be found in the following policies:</p> <ol style="list-style-type: none"> <li>1) IIU.110.0011 Investigating Sex Related Offenses</li> <li>2) IIU.220.0002 Evidence Collection</li> <li>3) OSPS.050.0002 Evidence Collection</li> <li>4) DRCF Directive.110.0022.1 Reduction in Violence</li> <li>5) DRCF Directive.050.0030.1 Sexual Misconduct-Prohibited</li> </ol> <p>OSPS.050.0030 Sexual Misconduct states: If the alleged sexual misconduct involves sexual abuse, the assigned investigator shall (if medically appropriate or necessary to preserve evidence) offer the victim access to a medical forensics examination at no cost to the victim that is performed by a Sexual Assault Forensics Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE). These exams are conducted at Mercy Hospital in Baltimore.</p> <p>OSPS.050.0030 Sexual Misconduct states: If requested by the victim and the services are reasonably available, have one of the following accompany, for the purpose of support, the victim through the forensic examination and investigation interviews: a qualified victim advocate, a Department employee who is otherwise not involved in the incident and has received education and training concerning sexual assault and forensic examination issues and has been appropriately screened and determined to be competent to serve in this role, or a non-Department community-based organization representative who meets the criteria for a Department employee.</p> <p>The facility offers inmates who experience sexual abuse access to forensic medical examinations. IIU.110.0011 states, "When the possibility for recovery of physical evidence from the victim exists or otherwise is medically appropriate, coordinate with appropriate Department facility staff to arrange for the victim to undergo a forensic medical examination that is performed by a:</p> <ol style="list-style-type: none"> <li>a) A Sexual Assault Forensics Examiner (SAFE);</li> <li>b) Sexual Assault Nurse Examiner (SANE); or</li> <li>c) If documented attempts to obtain the services of a SAFE or SANE are unsuccessful, a licensed health care professional who has been trained to perform medical forensic examinations of sexual abuse victims." <p>There have not been any forensic examinations conducted within the past 12 months.</p> <p>The agency has made efforts to enter into an agreement with Maryland Coalition Against Sexual Assault (MCASA). This agreement has not been formalized; however, the auditor interviewed a representative from MCASA and discovered services would be provided with or</p> </li></ol>

without a formal MOU. The auditor was advised by the representative that MCASA would serve as a liaison between the facility and victim advocates from local rape crisis center. In the event an inmate was sexually abused, the agency would contact MCASA, and they would use their resources to locate a local victim advocate and have them provide services to the inmate in need.

Interviews with SAFE/SANE staff at Mercy Hospital confirm the hospital has forensic examiners on staff who are available to conduct forensic examinations on inmates if needed. The auditor was advised the hospital currently has approximately 30 SAFE/SANE examiners, and there is always at least one available. These staff work on a schedule and also work an on-call rotation as a back-up in the event there is ever a need for several examiners to be on site at any given time.

During an interview with the Warden, the auditor was advised the facility would use outside victim advocates provided by MCASA. In the event an outside victim advocate were unavailable, the facility would have facility case management staff serve as a victim advocate to the inmate.

At the time of the audit, there were no inmates who previously reported sexual abuse housed at the facility.

Staff were knowledgeable of IID being responsible for conducting sexual abuse investigations.

During interviews with random staff, some staff were unfamiliar with the agency's policy on collecting and preserving physical evidence. Prior to the completion of the Final Report, a training memo was discussed with all staff regarding the agency's policy on collecting and preserving physical evidence. In addition, the auditor was provided with signed acknowledgment sheets, acknowledging receipt and understanding of the information. Due to the fact that this minor issue was addressed immediately after the site visit, as well as the fact that all other areas of the standard were met, the auditor has determined the facility meets this standard.

115.22	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency ensures that all administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse and staff sexual misconduct).</p> <p>In the past 12 months, there have been seven allegations of sexual abuse and sexual harassment that were received. All seven allegations were investigated criminally by IID.</p> <p>IIU.110.0011 Investigating Sex Related Offenses- states: The Department shall promptly, thoroughly, and objectively investigate each allegation of</p>

employee or inmate misconduct involving a sex related offense according to a uniform protocol based on recognized investigative practices that maximize evidence collection to support effective administrative dispositions and, if appropriate, criminal prosecution of the identified perpetrator.

OSPS.050.0030 Section 05-G-1 states:

An IID investigator, or an investigator designated by IID, shall conduct a prompt, thorough and objective investigation of every alleged sexual misconduct according to applicable statutory, regulatory, case law, contract, Departmental procedures, or other reasonably accepted standards related to collecting and preserving evidence, interviewing victims and witnesses, conducting and using polygraph examinations, identifying suspects, preserving an individual's personal dignity and legal rights, and maintaining confidentiality of the investigation.

OSPS.200.0004 Section 05-G-1 states:

An IID investigator, or an investigator designated by IID, shall conduct a prompt, thorough and objective investigation of alleged inmate on inmate sexual conduct according to applicable statutory, regulatory, case law, contract, Departmental procedures, or other reasonably accepted standards related to collecting and preserving evidence, interviewing victims and witnesses, conducting and using polygraph examinations, identifying suspects, preserving an individual's personal dignity and legal rights, and maintaining confidentiality of the investigation.

The link to agency's website (<http://dpscs.maryland.gov/prea/index.shtml>) was reviewed. The Agency website does have the information regarding investigation policy and also contact information for filing a complaint to the Investigative Division.

The agency documents all referrals of allegations of sexual abuse or sexual harassment for criminal investigation.

The Agency Head interview indicated that all allegations of sexual abuse and sexual harassment will be referred to IID and will be investigated. If the allegation involves sexual harassment, the allegation may be referred back to the facility for investigation, but all Sexual Abuse allegations are investigated by IID.

Interviews with investigative staff confirm allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

Investigators confirm all allegations are referred to IID. All IID investigators have police powers and legal authority to conduct criminal investigations.

115.31	<b>Employee training</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1481 450">The agency trains all employees who may have contact with inmates on the agency's zero-tolerance policy for sexual abuse and sexual harassment. This training is conducted at Jessup Regional Training Center on an annual basis.</p> <p data-bbox="252 495 1481 573">The agency trains all employees who may have contact with inmates on the right of inmates to be free from sexual abuse and sexual harassment.</p> <p data-bbox="252 618 1465 696">The agency trains all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.</p> <p data-bbox="252 741 1406 819">The agency trains all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement.</p> <p data-bbox="252 864 1358 943">The agency trains all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims.</p> <p data-bbox="252 987 1430 1066">The agency trains all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse.</p> <p data-bbox="252 1111 1358 1189">The agency trains all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates.</p> <p data-bbox="252 1234 1469 1357">The agency trains all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming inmates.</p> <p data-bbox="252 1402 1445 1480">The agency trains all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</p> <p data-bbox="252 1525 1465 1671">OSPS.050.0030 Sexual Misconduct-Prohibited states: The head of a unit, or a designee, responsible for the custody and security of an inmate shall ensure that each employee attends approved training related to preventing, detecting, and responding to acts of sexual misconduct.</p> <p data-bbox="252 1715 1457 1861">OSPS.200.0004 Section states: The head of a unit or a designee, is responsible for ensuring that each supervisor, manager, shift commander, and contractor who has contact with an inmate under the authority of the unit head is familiar with Department policy preventing inmate on inmate sexual conduct.</p> <p data-bbox="252 1906 1445 1984">COMAR 12.10.01.16 mandates annual in-service training for all employees consisting of 18 total hours at minimum.</p> <p data-bbox="252 2029 1430 2107">During the pre-audit, the auditor was provided lesson plans and class curriculum for PREA</p>

training. Training records provided during the pre-audit were reviewed showing employees are receiving the required PREA training.

Training is tailored to the gender of the inmates at the facility. The auditor was provided with training specific to both male and female inmates. Employees who are reassigned from facilities housing the opposite gender are given additional training.

The auditor was advised that all new employees receive PREA training during their orientation. All existing staff receive PREA training during their annual in-service training. The auditor was advised 100% of all staff have received PREA training within the past 12 months. The auditor reviewed a random sample of training files and confirmed PREA training is being provided consistently to all staff.

Interviews with random staff confirmed they have been trained on the PREA required information. All staff were well informed and knowledgeable of their responsibilities and how to detect, report, and respond to incidents of sexual abuse and harassment.

115.32	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>All volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. The auditor reviewed the PREA Lesson Plan, Training for Medical and Mental Health Staff, and the Volunteer Handbook.</p> <p>In the past 12 months, there were 99 volunteers and 9 contractors who have received the training. This is 100% of all volunteers and contractors who have contact with inmates.</p> <p>The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with inmates.</p> <p>All volunteers and contractors who have contact with inmates have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.</p> <p>During the site visit, the auditor reviewed a random sample of contractor/volunteer PREA education acknowledgements and determined contractors and volunteers are consistently receiving PREA education.</p> <p>During an interview with a medical contractor, the auditor confirmed contractors and volunteers receive PREA training consisting of their responsibilities regarding sexual abuse/harassment prevention, detection, and response policies and procedures. The medical contractor confirmed she receives PREA training twice per year (once per year with the agency and twice per year with Wexford). The training consists of both classroom and online training. The training includes a review of the agency's zero-tolerance policy on sexual abuse and sexual harassment, as well as how to report such incidents.</p>

115.33	<b>Inmate education</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Inmates receive information at the time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>All inmates who were admitted within the past 12 months, were given this information at intake.</p> <p>The auditor was advised 100% of all inmates who were admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake.</p> <p>OSPS.200.0004, Section 5-C and OSPS.050.0030, Section 5-C both state: The head of a unit or a designee responsible for the custody and security of an inmate shall ensure that departmental and unit policy prohibiting inmate on inmate sexual conduct, procedures for filing a complaint, and inmate rights related to inmate on inmate sexual conduct are effectively communicated to each inmate as part of inmate orientation, by inclusion in the facility's inmate orientation paperwork, and the facility's inmate handbook.</p> <p>DOC.200.0001 Inmate Rights requires that each Warden ensure that newly received inmates are provided information about inmate rights, general institutional schedules, procedures and institutional plans. This orientation may be provided through group sessions or by giving the inmate an orientation package, and special assistances shall be provided to inmates with language or reading problems.</p> <p>Inmate PREA education is available in formats accessible to all inmates, including those who are limited English proficient. PREA brochures and PREA posters were posted in English and Spanish. Inmates who are deaf are given PREA educational brochures. Inmates who have limited reading skills are given verbal PREA education. Inmates who are visually impaired are given verbal PREA education.</p> <p>The auditor was provided with signed acknowledgement sheets from inmates documenting their receipt and understanding of PREA education.</p> <p>During an interview with intake staff, the auditor confirmed all inmates are provided with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. Information is provided in written, verbal, and video formats. All inmates receive this information during orientation as soon as they arrive at the facility. Intake staff confirmed inmates are required to sign acknowledgement forms, acknowledging receipt and understanding of the PREA education. Intake staff advised inmates typically receive this information within three days of intake.</p> <p>Interviews with random inmates confirm inmates receive a PREA brochure and watch a PREA</p>

educational video immediately upon intake.

115.34	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency currently has 30 investigators that have received specialized training for conducting sexual assault investigations in a confinement setting. These investigators are assigned to the Agency's Investigation and Intelligence Division (IID). During the pre-audit, the auditor was provided lesson plans, quiz, and other training related material for specialized training for the investigative staff. Training certificated were provided as supporting documentation of training.</p> <p>OSPS.050.0030 Sexual Misconduct requires that to the extent possible, but in every case where the allegation of alleged sexual misconduct involves sexual abuse, the investigator assigned to investigate the allegation shall have received specialized training related to conducting sexual abuse investigations in a confinement setting.</p> <p>OSPS.200.0004 Inmate Sexual Conduct requires that to the extent possible, but in every case where the allegation of alleged inmate on inmate sexual conduct involves sexual abuse, the investigator assigned to investigate the allegation shall have received specialized training related to conducting sexual abuse investigations in a confinement setting.</p> <p>IIU.110.0011 is a policy specific to investigators for investigation sex related offenses (in confinement). This policy outlines all requirements, duties, and responsibilities of the investigator during a sexual assault investigation.</p> <p>Interviews with investigative staff indicated all had received training on conducting sexual assault investigations in a confinement setting. All investigators interviewed were knowledgeable of the requirements relating to the PREA standards as applicable to investigative staff conducting sexual assault investigations. The investigative staff stated they receive training in the police academy. They also received an additional 7 hours of training specific to conducting PREA investigations. The training included use of Miranda and Garrity warnings, techniques for interviewing sexual abuse victims, evidence collection, and what is required to substantiate a case of sexual abuse.</p>

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The following policies are related to training of medical and mental health practitioners:</p> <ol style="list-style-type: none"> <li>1) DPSCS.020.0026 PREA Compliance</li> <li>2) Medical Staff Training Log</li> <li>3) Medical Contractor Policy</li> <li>4) Med Training Presentation</li> <li>5) Training for Med Staff-MH Staff</li> </ol> <p>The auditor was advised that 100% of all medical and mental health staff have received PREA training.</p> <p>Agency medical staff do not conduct forensic medical exams onsite. All forensic examinations are conducted at Mercy Hospital in Baltimore.</p> <p>The auditor was provided with training logs from medical and mental health staff documenting their PREA training.</p> <p>Interviews with medical and mental health staff confirm no facility staff are trained in conducting forensic examinations. All forensic examinations would be conducted at Mercy Hospital in Baltimore. Medical and mental health staff confirm they received training in how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Medical staff receive specialized PREA training twice per year (once per year from Wexford and once per year from the agency). Mental health staff receive annual in-service training through the agency as well. The auditor was advised the training consists of both classroom and online training.</p>

## 115.41 Screening for risk of victimization and abusiveness

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.200.0005 (Assessment for Risk of Sexual Victimization and Abusiveness) is a specific policy outlining responsibilities and instruction on conducting initial risk screening and 30-day reassessments. The policy outlines what the screening instrument will consider and how the scoring will help identify inmates at risk of victimization or abusiveness.

Risk assessments are conducted using an objective screening instrument. A review of the instrument indicates the instrument is a point-based, objective, instrument.

DRCF Directive 050.0030.1 states:

All inmates arriving to the facility are screened using the PREA Intake Screening Instrument within 72 hours of their arrival.

OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness states:

Facility Case Management staff re-assesses an inmate's risk of victimization or potential for abusiveness within 30 days of intake or transfer into the facility.

The auditor was advised that 100% of all inmates have received a risk screening within 72 hours of intake and again within 30 days of intake.

OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness states:

The PREA Coordinator shall ensure that procedures for using the approved screening instrument protocol at a minimum, require: An inmate's risk level to be re-assessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or potential for abusiveness.

OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness states:

The inmate is not disciplined for refusing to answer or not disclosing complete information in response to screening questions related to:

- a) The presence of a mental, physical, or developmental disability;
- b) The inmate being perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming;
- c) Previous sexual victimization; or
- d) The inmate's own perception of vulnerability.

A review of a random sample of risk assessments indicate inmates are being screening within 72 hours of intake and again within 30 days of intake on a consistent basis.

During an interview with staff responsible for risk screenings, the auditor confirmed Traffic conducts the initial assessments (within 72 hours of intake) and case management staff conduct the reassessments (within 30 days of intake). Inmates are also reassessed as needed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. Screening staff confirmed inmates are never disciplined for refusing to answer questions related to the risk

assessment.

Interviews with random inmates confirm inmates are screened during intake for their risk of victimization and abusiveness. Inmate interviews confirm case management staff conduct reassessments within 30 days of intake.

Interviews with the PREA Coordinator, PREA Compliance Manager, and staff responsible for risk screening confirm the agency has outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation. This information would be considered confidential and would only be assessible to staff who have a need to know, such as: housing traffic officers, medical and psychology, and the PREA Compliance Manager, and Case Management.

## 115.42 Use of screening information

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness states:

The PREA Coordinator shall ensure that the following issues are appropriately addressed in procedures for using information obtained during screening required under this directive:

(1) Screening information shall be considered:

(a) When making decisions related to housing, bed, work, education, and program assignments with the goal of separating inmates who are determined to be at high risk of being sexually victimized from inmates who are determined to be at high risk of being sexually abusive.

(b) When making individualized determinations as how to ensure the safety of each inmate.

(c) When deciding to assign a transgender or intersex inmate to a facility for male or female inmates and in other housing and programming assignments and, on a case by case basis, determining if the placement or assignment:

(i) Ensures the inmate's health and safety; and

(ii) Presents management or security problems.

(2) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review threats to safety experienced by the inmate.

(3) A transgender or intersex inmate's own views with respect to personal safety shall be seriously considered.

(4) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

(5) Lesbian, gay, bisexual, transgender, or intersex inmates may not be placed in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting inmates.

(6) Placement of an inmate in special confinement housing shall be in accord with provisions for special confinement housing established in the Case Management Manual.

Post Order 110-1-34 states:

Inmates that score for "at risk for victimization" on the PREA intake screening form shall be housed in housing #1 or housing unit #3. Inmates that score for "at risk for abusiveness" on the PREA Intake screening form shall be housed in housing unit #2 or housing unit #4. At no time are inmates that score for "at risk for victimization" on the PREA Intake screening form shall be housed in the same housing unit as an inmate that score for "at risk for abusiveness".

The PREA Compliance Manager indicated the initial risk screening is conducted in Traffic. They assign housing and assure the inmates identified as at risk of victimization are not housed on the same "floor" in any building as the inmates identified as being at risk of abusiveness. The PREA Compliance Manager advised the facility does this, because the floors tend to have activities together, such as chow, recreation, etc. The auditor was advised a transgender or intersex inmate's own views in regards to their own safety would be given serious consideration in their programming and placement assignments. Staff would ask the inmate if they are satisfied in their dorm assignment. If the inmate was not satisfied, they would attempt to find a prison with the same security level that has single cell housing

available for them. Staff would also consider whether the placement would ensure the inmate's health and safety, as well as whether the placement would present management or security problems. Staff acknowledged transgender and intersex inmates would be reassessed at least twice per year.

At the time of the site visit, there were no identified transgender or intersex inmates housed at the facility.

During the audit, the auditor was provided with documentation showing inmates identified as "At Risk for Victimization" are housed separately from inmates identified as "At Risk for Abusiveness."

During an interview with staff responsible for risk screening, the auditor confirmed that inmates identified as being at risk of victimization are never housed with inmates identified as being at risk of abusiveness.

## 115.43 Protective Custody

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

DRCF.050.0030.1 states:

Inmate at high risk of sexual victimization shall not be placed involuntary segregated housing unless an assessment of all available alternative has been made and a determination has been made, and there is not available alternative mean of separation from likely abuser. If the institution cannot conduct such an assessment immediately, the hold the inmate the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

Inmate placed in segregation housing for this purpose shall have access to programs, privileges, education and work opportunities to the extent possible.

The auditor was advised there have not been any inmates who were at risk of sexual victimization held in involuntary segregated housing within the past 12 months.

The auditor was advised the facility does not have segregated housing. This was confirmed during the site visit.

OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness states:

Placement of an inmate in special confinement housing shall be in accord with provisions for special confinement housing established in the Case Management Manual. Case management Manual (DOC.100.0002) mandates instances in which inmates may be placed in segregated housing and that an inmate assigned to administrative segregation shall be reviewed by the case management team at least once every 30 days.

During an interview with the Warden, the auditor confirmed agency policy prohibits placing inmates at high risk for sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers. The Warden advised inmates at high risk for sexual victimization or who have alleged sexual abuse are placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. The auditor was advised that this has never happened before.

## 115.51 Inmate reporting

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Inmates may report privately through the PREA Hotline. Inmates calling the hotline will be prompted to leave a detailed message. The hotline is provided by Life Crisis Center. Once Life Crisis Center receives this information, it will be forwarded to IID. OSPS.200.0004 states inmates may also report to the Office of the Attorney General. Both agencies are external to the agency. Posters containing the phone number to the Life Crisis Center are posted in all housing units and throughout the facility.

OSPS.200.0004 Inmate Sexual Conduct states:

The facility will accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties.

OSPS.050.0030 Sexual Misconduct states:

An employee receiving a complaint of or otherwise has knowledge of alleged sexual misconduct shall immediately report the complaint to a supervisor, manager, shift commander, or head of the unit followed by the appropriate written format used to document misconduct.

OSPS.050.0030 Sexual Misconduct states:

Information concerning a complaint of alleged sexual misconduct is confidential and may only be available to individuals who have an established role in the reporting, processing, investigating, and resolving the alleged sexual misconduct and immediate and continued care of the victim.

Staff are informed how to privately report allegations of sexual abuse or sexual harassment during the in-service academy.

Interviews with staff indicate they were well aware of several methods available for inmates to report instances of sexual abuse and harassment. They were also aware they have available to them the PREA hotline number for confidential reporting of inmate sexual abuse and harassment. Inmate interviews indicated inmates are knowledgeable of different avenues to report sexual abuse and harassment. Most were able to relay to the auditor in interviews that they could report directly to any staff member (in person), they could write a request or more informal note to a staff member, they could call the PREA hotline, and they could contact friends or family on the outside to report for them. Staff indicated any verbal report would be documented immediately after any safety concerns of an inmate were addressed.

During the site visit, the PREA hotline number was called by the auditor and was verified as a viable means to confidentially report sexual abuse and harassment.

## **115.52 Exhaustion of administrative remedies**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The agency has does not have an administrative procedure for dealing with inmate grievances regarding sexual abuse; therefore, they are exempt from this standard.

## **115.53 Inmate access to outside confidential support services**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse.

DPSCS Detainee Handbook provides mailing addresses to the following organizations:

- 1) Rape Abuse and Incest National Network (RAINN).
- 2) National Sexual Abuse Hotline.
- 3) Maryland Coalition Against Sexual Assault.

Contact Information to Foreign Consulates/Embassies is also listed in the Detainee Handbook.

Inmates may report confidentially by calling the hotline or by writing one of the agencies in the Detainee Handbook.

The agency has attempted to enter into a formal MOU with Maryland Coalition Against Sexual Assault (MCASA) for victim advocate services. The auditor was provided with email correspondence as well as a draft MOU. The auditor spoke with a representative with MCASA and discovered MCASA would work as a liaison between the agency and local rape crisis centers. The representative stated if an inmate were sexually abused, the agency would contact MCASA, and they would assist in finding a victim advocate from a local rape crisis center. The representative advised these services would be provided even without a signed MOU.

Inmates are notified to the extent to which such communications are monitored. This information is provided in the DPDS Detainee Handbook.

The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.

During the onsite audit, the auditor tested the PREA hotline and discovered that when inmates report using the hotline, inmates are informed on the limits of confidentiality and are informed on what information to provide in a recorded message.

Inmate interviews confirmed inmates are provided with mailing addresses and phone numbers to outside victim advocate services. Some inmates were unfamiliar with the services that were available. The auditor discussed this with facility staff and recommended the Victim Services flier be posted in all housing units. Prior to the conclusion of the Final Report, the auditor was provided with documentation stating that the Victim Services flier has been posted in all housing units. Since this minor issue was addressed immediately after the onsite audit, the auditor has determined the facility meets this standard.

## **115.54 Third-party reporting**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Third-party reports can be made via the PREA Hotline and/or the IID Complaint Number. The auditor found the IID Complaint Number listed on the agency website. The PREA Hotline number is posted throughout the facility.

The agency website states, "The Department's Internal Investigative Division is in charge of all PREA related investigations and will accept complaints from any concerned individual."

OSPS.050.0030 Sexual Misconduct Policy also indicates third party reports would be accepted and investigated.

Inmates were aware staff would accept third-party reports. Staff confirmed this as an acceptable means of inmates to report sexual abuse.

## **115.61 Staff and agency reporting duties**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency.

The agency requires all staff to report immediately and according to agency policy any retaliation to agency policy any retaliation against inmates or staff who reported such an incident.

The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Apart from reporting to designated supervisors or officials and designated state or local services agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Random staff interviews confirm staff are aware of their duty to report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment, retaliation against inmates or staff who reported such an incident, as well as any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Medical and mental health staff were also knowledgeable of their responsibilities to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor immediately upon learning of the information. The auditor was advised by facility staff that no inmates under the age of 18 are housed at the facility. The Warden confirmed all allegations of sexual abuse and sexual harassment (including those from third-party and anonymous sources) are reported directly to IID.

## **115.62 Agency protection duties**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

When the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate (i.e., it takes some action to assess and implement appropriate protective measures without unreasonable delay).

In the past 12 months, there have not been any times where the agency or facility determined that an inmate was subject to a substantial risk of imminent sexual abuse.

During an interview with the Agency Head and Warden, the auditor was advised that when they discover that an inmate is subject to a substantial risk of imminent sexual abuse, the agency attempts to find the most appropriate housing for the inmate and the appropriate staff are aware of the pending situation so they can help monitor for any incidents. Staff would ensure the victim would be separated from any potential abusers. Staff would communicate with the inmate periodically to check on the inmate's status. Referrals would be made to psychology. If the inmate was not satisfied with their current housing, the facility would consider alternative housing (transfer to another facility with individual cells). Interviews with random staff indicate staff would immediately separate any inmate found to be subject to a substantial risk of imminent sexual abuse. Supervisors would be notified and actions would be taken to ensure the inmate's safety.

## 115.63 Reporting to other confinement facilities

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030 Sexual Misconduct states:

An IID representative notified under §.05E(6) of this directive shall immediately:

(a) If the facility where the alleged sexual misconduct occurred is not a Department facility, notify the official responsible for the facility where the alleged sexual misconduct occurred and document the notification.

(b) If the facility where the alleged sexual misconduct occurred is a Department facility, notify the appropriate Department official with responsibility for the facility where the alleged sexual misconduct occurred to ensure that the complaint is addressed according to requirements established under this directive and document the notification.

(4) If the complaint of alleged sexual misconduct is received by an IID representative, the IID representative shall notify the appropriate agency head to ensure appropriate actions under §§.05F(3)(a) and (b) of this directive are initiated.

In the past 12 months, there have not been any allegations the facility received that an inmate was abused while confined at another facility (this is per IID).

During an interview with the Agency Head, the auditor confirmed that if another agency or facility within another agency referred allegations of sexual abuse or sexual harassment that occurred within one of the Maryland DOC facilities, the designated point of contact would be the PREA Coordinator and IID. If Maryland DOC (or one of its facilities) receives such an allegation, it is immediately investigated by IID. The auditor was advised there have been allegations made by facilities within the agency; however, no allegations have been received by an outside agency. The auditor was advised these allegations were forwarded to IID and were investigated.

During an interview with the Warden, the auditor was confirmed that if the facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred in your facility, IID would be notified and they would conduct the investigation. The auditor was advised there have not been any examples of this within the past 12 months.

## 115.64 Staff first responder duties

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

First responder duties are outlined in the following policies:

- 1) OSPS.050.0030 Sexual Misconduct
- 2) OSPS.200.0004 Inmate Sexual Misconduct
- 3) Sexual Assault Treatment Policy
- 4) Sexual Assault Procedure- Medical
- 5) DRCF Directive.050.0030.1 Sexual Misconduct-Prohibited

OSPS.050.0030 Sexual Misconduct states:

A supervisor, manager, shift commander, or head of the unit receiving a complaint under section .05E or 05F(2) of this directive shall immediately:

a) If sexual misconduct is actively taking place, dispatch staff:

- i) To stop the alleged incident;
- ii) Safeguard the victim from further harm;
- iii) If applicable, arrange for emergency medical services;
- iv) Detain the alleged perpetrator; and
- v) Preserve evidence and the scene of the alleged incident;

b) If the sexual conduct is not actively occurring, but the timeframe is such that there may be physical evidence at the scene or available from the victim or alleged perpetrator, dispatch staff to:

- i) Preserve evidence at the scene;
- ii) Detain the alleged perpetrator and prevent destruction of physical evidence;
- iii) Contact the victim and instruct the victim on the need to protect against the destruction of physical evidence; and refer the victim for appropriate medical and mental health follow up services.

In the past 12 months, the number of allegations that an inmate was sexually abused: 1

Of these allegations of sexual abuse in the past 12 months, the number of times the first security staff member to respond to the report separated the alleged victim and abuser: 1

In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 1

Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report preserved and protected any crime scene until appropriate steps could be taken to collect any evidence: 1

Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating: 1

Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report ensured that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating: 1

In the past 12 months, there have been no instances where the first responder was a non-security staff member.

During the site visit, there were not any staff on duty who have previously acted as first responders to a report of sexual abuse. Also, there were no inmates housed at the facility who have previously reported sexual abuse. Through interviews with random staff, the auditor determined that there is a general awareness of staff first responder duties. Staff interviewed were able to articulate they would first separate any identified inmates (victims and/or abusers), secure these inmates separate from each other and in a safe place. These inmates would be instructed not to do anything that may damage or destroy evidence (such as changing clothes, washing, brushing teeth, showering, using the restroom, eating, or drinking). Supervisors and medical personnel would be notified.

## **115.65 Coordinated response**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The facility coordinated response plan can be found in DRCF Directive.050.0030.1 Sexual Misconduct-Prohibited. Responsibilities for staff first responders, medical and mental health practitioners, investigators, and facility leadership are clearly outlined.

During an interview with the Warden, the auditor confirmed each facility within Maryland DOC is required to have a plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. The Warden advised their coordinated response plan is reviewed annually.

## 115.66 Preservation of ability to protect inmates from contact with abusers

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

AFSCME and Teamsters Union MOU- The Agency is apart of a collective bargaining agreement through the AFSCME and Teamsters Union. The auditor was provided with an MOU which states:

The employer retains the sole and exclusive authority for the management of its operations and may exercise all rights, powers, duties, authority and responsibilities conferred upon and invested to it by all laws including, but not limited to, the Collective Bargaining Law (Title 3, State Personnel and Pensions Article). It is agreed by the parties that any section of this MOU that conflicts with current law, in particular the Collective Bargaining Law (title 3, State Personnel and Pensions Article), can be changed by management after negotiations with the Union, to the extent required by Article 32 (Mid Contract Negotiations). It is understood and agreed by the parties that the Employer possesses all other power, duty and right to operate and manage its departments, agencies and programs and carry out constitutional, statutory and administrative policy mandates and goals.

Md. State Personnel and Pensions Code 9-302 Management Rights states:

The State, through its appropriate officers and employees, has the right to:

- (1) (I) determine the mission, budget, organization, numbers, types and grades of employees assigned, the work projects, tours of duty, methods, means, and personnel by which its operations are to be conducted, technology needed, internal security practices, and relocation of its facilities; and
- (ii) maintain and improve the efficiency and effectiveness of governmental operations;
- (2) determine the:
  - (I) services to be rendered, operations to be performed, and technology to be utilized; and
  - (ii) overall methods, processes, means, and classes of work or personnel by which governmental operations are to be conducted;
- (3) hire, direct, supervise, and assign employees;
- (4) (I) promote, demote, discipline, discharge, retain, and law off employees; and
- (ii) terminate employment because of lack of funds, lack of work, under conditions where the employer determines continued work would be inefficient or nonproductive, or for other legitimate reasons;
- (5) set the qualifications of employees for appointment and promotion, and set standards of conduct;
- (6) promulgate State or Department rules, regulations, or procedures;
- (7) provide a system of merit employment according to the standard of business efficiency; and
- (8) take actions, not otherwise specified in this section to carry out the mission of the employer.

A review of the Agency's collective bargaining agreement as well as Md. Code, indicates the Agency would be prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. Such an agreement would

be a direct conflict with Md. Code.

During interviews with the Agency Head, the auditor was confirmed the agency has entered into or renewed collective bargaining since August 20, 2012. The auditor was advised that the agreement permits the agency to remove alleged staff sexual abusers from contact with any inmate pending an investigation or a determination of whether and to what extent discipline is warranted.

## 115.67 Agency protection against retaliation

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.200.0004 Inmate Sexual Conduct states:

An individual (staff or inmate) reporting, participating in the investigation or resolution of, or who is a victim of alleged inmate on inmate sexual conduct is monitored for a minimum of 90 days from the date the incident was reported to detect actual, or feared, retaliation and if retaliation is identified or feared take action to stop the actual or feared retaliation that may include:

- (a) Provision of available medical or mental health services or counseling;
- (b) Changes to inmate housing assignments and staff work assignments; and
- (c) Continued monitoring as deemed appropriate;

OSPS.050.0030 Sexual Misconduct states:

An individual (staff or inmate) reporting, participating in the investigation or resolution of, or who is a victim of alleged sexual misconduct is monitored for a minimum of 90 days from the date the incident was reported to detect actual, or feared, retaliation and if retaliation is identified or feared take action to stop the actual or feared retaliation that may include:

- a) Application of available medical or mental health services or counseling;
- b) Changes to inmate housing assignments and staff work assignments; and
- c) Continued monitoring as deemed appropriate.

The auditor was advised that the Day Shift Captain is the designated staff member charged with monitoring retaliation.

In the past 12 months, there have been no instances of retaliation reported.

During an interview with the Agency Head, the auditor was advised the agency protects inmates and staff from retaliation through the investigation process and retaliation monitoring. The agency has the ability to transfer inmates from one facility to another, if there was a need. Staff could be transferred to another post and/or to another facility, if needed. The PREA Compliance Manager would communicate with the reportee on a regular basis to determine whether or not they are being retaliated against. Alternative housing would be arranged if necessary.

During the interview with the Warden, the auditor was advised the facility would initiate an investigation and require confidentiality from staff. They would keep the victims and perpetrators separated. If a staff member is alleged to be the perpetrator, this staff member would be reassigned to another post to ensure separation. If separation is unable to be maintained, the facility would request the staff member be temporarily transferred to another facility (pending the results of the investigation). If an inmate was the perpetrator, they would be transferred to another facility. The Warden advised the reportee would be reviewed every 30 days.

During the interview with the designated staff member charged with monitoring retaliation, the auditor was advised this staff member would conduct an initial interview with the reportee, and

conduct follow-up interviews once every 30 days for up to three months. This staff member would observe and monitor the reportee's activity. In order to protect the reportee from retaliation, the transfer the inmate to another housing unit or facility, and/or reassign staff to another shift or another facility. The Retaliation Monitor advised the reportee would be monitored indefinitely if there were a need.

## 115.68 Post-allegation protective custody

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Case Management Manual prohibits the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers.

DRCF Directive 050.0030.1 states:

Inmate at high risk of sexual victimization shall not be placed involuntary segregated housing unless an assessment of all available alternative has been made and a determination has been made, and there is not available alternative mean of separation from likely abuser. If the institution cannot conduct such an assessment immediately, the hold the inmate the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. Inmate placed in segregation housing for this purpose shall have access to programs, privileges, education and work opportunities to the extent possible.

There have not been any inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months.

Case Management Manual states:

An inmate assigned to administrative segregation shall be reviewed by the case management team at least once every 30 days. An inmate may refuse to appear before the case management team, and when doing so shall sign a waiver to indicate such action. One staff member shall witness the signing of the waiver. If the inmate refuses to appear and refuses to sign the waiver, the refusal to sign shall be witnessed by two staff members.

During the interview with the Warden, the auditor confirmed the agency policy prohibits placing inmates at high risk for sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers. The auditor also confirmed inmates at high risk for sexual victimization or who have alleged sexual abuse placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. The auditor was advised the facility has never had to use involuntary segregated housing for this reason (there is no segregated housing at this facility).

## 115.71 Criminal and administrative agency investigations

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

IUU.110.0011 (Investigating Sex Related Offenses) is a policy specifically dedicated to investigating sex related offenses. This policy states:

- A. The Department shall promptly, thoroughly, and objectively investigate each allegation of employee or inmate misconduct involving a sex related offense according to a uniform protocol based on recognized investigative practices that maximize evidence collection to support effective administrative dispositions and, if appropriate, criminal prosecution of the identified perpetrator.
- B. Department personnel assigned to conduct an investigation of alleged employee or inmate misconduct involving a sex related offense shall be trained in techniques related to conducting investigations of sex related offenses in the correctional setting.
- C. Department personnel assigned to conduct an investigation of alleged employee or inmate misconduct involving a sex related offense shall perform investigative activities professionally with due consideration for the emotional state of the victim resulting from the physical and emotional trauma and personal embarrassment resulting from the sex related offense.

IUU.110.0011 (Investigating Sex Related Offenses) states:

Investigative reports are maintained according to an established retention schedule, which requires that the report is maintained as long as the employee is employed by the Department or the inmate is under the authority of the Department plus five years.

Substantiated allegations of conduct that appear to be criminal are referred for prosecution. In the past 12 months, there have not been any allegations that were referred for prosecution.

Interview of investigators indicated that allegations normally would be responded to right away and that third-party investigations would be handled just as any other investigation of an alleged incident of sexual misconduct. Investigators do receive training specific to conducting sexual abuse investigations in confinement and this specialized training was a seven-hour training block. The training included 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 or prosecution referral. During interviews, investigators further stated the first steps of their investigation would normally be to talk to the victim. They would respond immediately, unless it is after hours and it is an allegation that can wait until the next day (sexual touching, etc.). However, if penetration was involved they would always respond immediately. They would interview the victim, collect all the evidence, interview witnesses and potential witnesses, submit the evidence to the state police crime lab. If it is a criminal matter, they would refer the case for criminal charges. Evidence collections would include gathering victim clothing, getting DNA swabs from any suspects, collecting witness statements, photographs, etc. Investigators would discuss possible charges with a prosecutor in the event evidence is discovered that may support criminal charges. If determined that staff violated policy, an administrative investigation would be opened on that staff member. They would review policy and the facts to determine whether the staff violated policy. Administrative and criminal investigations are documented in the same manner. Documentation of who, what, when, where, how, are all

listed in the reports. All evidence is included in the report, including results from DNA tests, victim, suspect, witness statements, and any other evidence. Cases would be referred for prosecution when the investigator determines there is enough evidence to warrant a prosecution.

## 115.72 Evidentiary standard for administrative investigations

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Preponderance of the evidence is the standard of proof when determining whether allegations of sexual abuse or sexual harassment are substantiated. This can be found in the following policies:

- 1) COMAR 12.02.27.14 Inmate Discipline-Evidence Standard.
- 2) COMAR 12.07.01.08 Inmate Grievance-Evidence Standard.
- 3) COMAR 12.11.04.09 Office of the Secretary- Evidence Standards.

COMAR 12.02.27.14 states:

The hearing officer shall decide the outcome of a case based on a preponderance of evidence.

COMAR 12.11.04.09 states:

The presiding officer shall use a preponderance of evidence as the standard of proof, unless the standard of clear and convincing evidence is required by regulation or statute.

IIU.110.001 (Investigating Sex Related Offenses) Section, 5-H-2 states: Upon concluding an investigation involving an inmate as a victim of a sex related offense and based on a preponderance of evidence, the investigator shall advise the victim inmate if the investigation resulted in the incident being determined to be:

- (a) Substantiated meaning an allegation that was investigated and determined to have occurred;
  - (b) Unsubstantiated meaning an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred; or
  - (c) Unfounded meaning an allegation was investigated and determined to not have occurred.
- Investigative staff interviews indicated a preponderance of evidence is the evidentiary standard they use when investigating allegations of sexual abuse and/or harassment.

Investigative staff interviews confirm investigators use a preponderance of evidence standard when determining whether allegations of sexual abuse or sexual harassment are substantiated.

## 115.73 Reporting to inmates

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

IIU.110.001 (Investigating Sex Related Offenses) states:

Upon concluding an investigation involving an inmate as a victim of a sex related offense and based on a preponderance of evidence, the investigator shall advise the victim inmate if the investigation resulted in the incident being determined to be:

- (a) Substantiated meaning an allegation that was investigated and determined to have occurred;
- (b) Unsubstantiated meaning an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred; or
- (c) Unfounded meaning an allegation was investigated and determined to not have occurred.

The investigator shall document victim notification under §.05H(2) of this directive in the investigative report recording:

- (a) The name of the individual who notified the victim;
- (b) The date, time, and location that the victim was notified; and
- (c) How the victim was notified.

OSPS.050.0030 Sexual Misconduct states:

- (1) When notified by an investigator under §.05G(4)(c) of this directive, if the allegation was sexual abuse, the head of the unit responsible for the victim inmate shall ensure that the victim inmate is notified of the investigator's determination that the allegation was substantiated, unsubstantiated, or unfounded.
- (2) Except when an allegation of sexual abuse is determined to be unfounded, the head of the unit responsible for the victim inmate shall, for as long as the inmate is under the authority of the Department, ensure that the inmate is notified of the following situations concerning the employee who victimized or is alleged to have victimized the inmate:
  - (a) The employee is no longer assigned to the inmate's housing unit;
  - (b) The employee is no longer assigned at the inmate's facility;
  - (c) If aware, the employee is criminally charged for an offense related to the sexual abuse that occurred within the facility; and
  - (d) If aware, the employee is convicted on a charge related to the sexual abuse that occurred within the facility.
- (3) A record of a notification made under §§.05H(1) and (2) of this directive shall be maintained in the victim inmate's base file and include the following information:
  - (a) Case number;
  - (b) Content of the notification;
  - (c) Date of the notification;
  - (d) Location where the notification was made;
  - (e) Printed name and signature of the employee making the notification; and
  - (f) The inmate's signature acknowledging notification or, if the inmate refuses to sign for the notification, "Refused to Sign" and the employee's signature.

The auditor was advised there has been one allegation of sexual abuse that was completed

within the past 12 months (per IID). This inmate was notified of the results of the investigation.

The agency IID conducts both criminal and administrative investigations. The auditor was advised no other agency would conduct such investigations. The auditor was advised there have been no such allegations completed by an outside agency.

During the interview with the Warden, the Warden indicated IID notifies all inmates of the results of any investigation of other information requiring inmate notification. The facility also receives a copy of any notification and this is maintained in the inmate's base-file. Investigative staff interviews indicated they notify the inmate and the PREA Compliance Manager at the facility. The inmate is told verbally and the PREA compliance Manager. The investigators document the time and date of inmate notification in their investigative report.

## 115.76 Disciplinary sanctions for staff

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Standards of Conduct page 20-21, identify three categories of unacceptable behavior according to severity. Third Category Infractions are the most serious and included in this group is unprofessional personal relationship or contacts with inmate, offender, or client. Third Category infractions shall result in termination from State service and the employee shall be suspended pending termination from State service.

OSPS.050.0030 Sexual Misconduct states:

- (1) An employee is subject to disciplinary action, up to and including termination of employment with the Department if it is determined that the employee:
  - (a) Except under exigent circumstances, did not perform responsibilities established under this directive; or
  - (b) Neglected or violated other duties or responsibilities that contributed to an incident of sexual misconduct.
- (2) An employee determined to have committed sexual misconduct is in violation of Department Standards of Conduct and is subject to:
  - (a) A penalty under the Standards of Conduct, up to and including termination of employment with the Department;
  - (b) Criminal prosecution; and
  - (c) If applicable, notification of a relevant licensing authority

No staff from this facility have violated agency sexual abuse or sexual harassment policies or have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies in the past 12 months.

The disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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.

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, are reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies.

## 115.77 Corrective action for contractors and volunteers

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030 Sexual Misconduct identifies volunteers and contractors in the definition of an employee. This policy further states:

(2) An employee determined to have committed sexual misconduct is in violation of Department Standards of Conduct and is subject to:

(a) A penalty under the Standards of Conduct, up to and including termination of employment with the Department;

(b) Criminal prosecution; and

(c) If applicable, notification of a relevant licensing authority.

(3) A contractor determined to have committed sexual misconduct is:

(a) Considered to be in violation of terms or conditions of a contract or other agreement establishing the relationship between the contractor and the Department or agency;

(b) Subject to sanctions according to provisions of the contract or agreement;

(c) Is subject to criminal prosecution; and

(d) If applicable, notification of a relevant licensing authority.

(4) A complaint of alleged sexual misconduct made in good faith based upon a reasonable belief that the alleged sexual misconduct occurred may not be considered a false report or lying, even if the required investigation does not establish sufficient evidence to substantiate the allegation of sexual misconduct.

In the past 12 months, there have not been any contractors or volunteers who have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates.

The facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

During the interview with the Warden, the auditor was advised that in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the facility would ban the contractor or volunteer from entering the facility, until IID can complete their investigation. If the investigation was substantiated, the contractor or volunteer would be permanently banned from the facility.

## 115.78 Disciplinary sanctions for inmates

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative or criminal finding that an inmate engaged in inmate-on-inmate sexual abuse.

In the past 12 months, the number of administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility: 1

In the past 12 months, the number of criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility: 0

The facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. The facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

The agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.

The agency prohibits all sexual activity between inmates. The agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.

OSPS.050.0030 Sexual Misconduct states:

A complaint of alleged sexual misconduct made in good faith based upon a reasonable belief that the alleged sexual misconduct occurred may not be considered a false report or lying, even if the required investigation does not establish sufficient evidence to substantiate the allegation of sexual misconduct.

Chapter 27 of COMAR 12.02.27 states:

B. Mental Health Condition.

(1) If the defendant inmate's behavior indicates that the inmate may not be competent to participate in a preliminary review or hearing, the defendant inmate shall be referred by the hearing officer or facility representative or staff to mental health staff to assess the inmate's mental health status.

(2) The mental health staff shall:

- (a) Conduct an assessment to determine the defendant inmate's ability to participate in the proceedings;
- (b) Document the assessment; and
- (c) Forward the assessment to the hearing office

OSPS.200.0004 Inmate Sexual Misconduct states:

A. An inmate may not:

- (1) Commit, participate in, support, or otherwise condone sexual conduct;
- (2) Dissuade, advise, or discourage or attempt to dissuade, advise, or discourage an

individual from filing a complaint of sexual conduct; or  
(3) Retaliate, threaten to retaliate, or attempt to retaliate against an individual who files a complaint of or participates in the investigation or resolution of an allegation of sexual conduct.

During the interview with the Warden, the auditor was advised inmates would receive a notice of infraction and sanctions could include loss of good conduct credits, reprimand, cell restriction, loss of phone, or loss of property. The Hearing Adjustment Officer would hear the case and make the determination. The Warden would review any appeals. Sexual abuse would be a category one infraction and would receive the most severe punishment. Sanctions would be proportionate to the nature and circumstances of the abuses committed, the inmates' disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. Mental disability or mental illness would be taken into consideration when determining disciplinary sanctions.

During an interview with mental health staff, the auditor was advised that mental health staff would provide cognitive therapy to the abuser. Any refusals of treatment would be communicated to case management and they could take this into consideration when determining the inmate's access to programming or other benefits.

## **115.81 Medical and mental health screenings; history of sexual abuse**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

DRCF Facility Directive 050.0030.1 states:

All inmates arriving to the facility are screened using the PREA Intake Screening Instrument within 72 hours of their arrival. Copies of all completed screening forms or those inmates having a history of being sexually abused or a sexual abuser are forwarded immediately to mental health to be offered follow-up service.

All inmates who disclosed prior victimization during screening are transported to Brockbridge Correctional Facility for Mental Health Services. The auditor was advised 100% of all inmates who disclosed prior victimization or abusiveness during screening, were referred to mental health within 14 days.

Medical and mental health staff maintain secondary materials (e.g., form, log) documenting compliance with the above required services.

The auditor was advised that only Case Management Staff, Traffic, and Administration Staff have access to the information from the risk screenings.

Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

During an interview with staff responsible for risk screening, the auditor confirmed risk screening staff offer inmates who disclose prior victimization or abusiveness a follow-up evaluation with mental health staff. The auditor was advised the referral is offered to the inmate immediately, and the evaluation would typically occur within a week.

During an interview with an inmate who disclosed victimization during the risk screening, the inmate confirmed that screening staff offered him a follow-up evaluation with mental health staff.

During interviews with medical and mental health staff, the auditor confirmed they obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

## **115.82 Access to emergency medical and mental health services**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services.

The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment.

Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Interviews with medical and mental health staff indicated inmate victims of sexual abuse do receive timely and unimpeded access to emergency medical treatment and crisis intervention services. This typically occurs immediately for medical and as soon as possible thereafter for crisis intervention services. All services provided are determined according to the medical or mental health provider's professional judgement. There were no security or non-security staff first responders present or available for interview during the site visit.

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

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Treatment services are 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.

The facility attempts to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

115.83 (d)-1 and 115.83 (e)-1 are not applicable due to the fact that female inmates are not housed at the facility.

At the time of the site visit, there were not any inmates who reported sexual abuse that were housed at the facility.

During interviews with medical staff, the auditor was advised medical staff would provide initial treatment to the inmate and interview them in a confidential manner. If appropriate, the inmate would be sent to Mercy Hospital for a forensic examination. Prior to leaving the facility, the inmate would be educated on how not to destroy physical evidence on their person. Within 24 hours, the inmate would be seen by mental health. Upon return to the facility, medical staff would follow up with the inmate at 7 days and 30 days after the incident. Medical and mental health services are consistent with community level of care services. Mental health staff confirmed mental health conducts an evaluation on all known inmate-on-inmate abusers and offers treatment if appropriate. The auditor was advised that this would typically take place within 7 days of receiving the information.

## 115.86 Sexual abuse incident reviews

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. The facility ordinarily conducts a sexual abuse incident review within 30 days of the conclusion of the criminal or administrative sexual abuse investigation. The sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

The facility prepares a report of its findings from sexual abuse incident reviews including, but not necessarily limited to, determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section and any recommendations for improvement, and submits such report to the facility head and PREA Compliance Manager.

The facility implements the recommendations for improvement or documents its reasons for not doing so.

DRCF Facility Directive 050.0030.1 states:

DRCF shall conduct a sexual abuse incident at the conclusion of each PREA investigation, unless it is determined to be unfounded. This review shall be held in consumption with the Reduction In Violence meeting within 30 days of the conclusion of the investigation. The PCM shall lead this review and complete a Sexual Abuse Incident Review. The completed form is sent to the Warden with a copy kept in the PCM file for that incident.

The auditor was advised there has been one allegation of sexual abuse that was closed as unsubstantiated. The auditor was provided with documentation from the Reduction of Violence Meeting, showing this incident was reviewed.

During an interview with the Warden and the Major who oversees the incident reviews, the auditor confirmed the facility has a sexual abuse incident review team. The review team consists of upper-level management officials and allow for input from line supervisors, investigators, and medical or mental health practitioners. The review team evaluates the incident and tries to determine whether or not their procedures need to be changed, whether or not staff need to move staffing positions, or whether or not additional cameras need to be added. The auditor was advised the review team evaluates the incident as if the incident occurred and determines how they can be more effective in managing that area and improve their systems and processes to prevent future incidents from occurring. The review team considers 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; and/or other group dynamics at the facility; examines the area in the 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; and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

During an interview with the PREA Compliance Manager, the auditor was advised the facility

prepares a report of its findings from the reviews, including any determinations per Standard 115.86 (d) -1 through (d) -5 and any recommendations for improvement. The PREA Compliance Manager stated the recommendations would be implemented if they were under his authority. No trends have been noticed.

**115.87 Data collection**

**Auditor Overall Determination:** Audited at Agency Level

**Auditor Discussion**

**115.88 Data review for corrective action**

**Auditor Overall Determination:** Audited at Agency Level

**Auditor Discussion**

**115.89 Data storage, publication, and destruction**

**Auditor Overall Determination:** Audited at Agency Level

**Auditor Discussion**

## **115.401 Frequency and scope of audits**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

During the onsite audit the auditor was provided with access to, and toured, all areas of the facility inmates have access to. The auditor was provided with documentation related to the pre-audit questionnaire, and was provided with additional information while onsite. The auditor retained this documentation and has taken appropriate actions to ensure it is securely retained.

The auditor was provided with a office to conduct private, one-on-one interviews with both inmates and staff.

Six weeks prior to the onsite audit, the auditor provided the facility with an audit notification, containing the auditor's name and address. This notification was posted in all housing units and throughout the facility. The notification advised any inmate with relevant information to mail the auditor a detailed letter at least 10 days prior to the onsite audit. During the site visit, the auditor observed the Audit Notification posted in all housing units. Inmates indicated the Audit

Notification has been posted for several weeks. Prior to, and immediately after the audit, the auditor did not receive any correspondence from inmates.

## **115.403 Audit contents and findings**

**Auditor Overall Determination:** Audited at Agency Level

### **Auditor Discussion**

## Appendix: Provision Findings

### 115.11 (a) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? yes

Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? yes

### 115.11 (c) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) yes

Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.) yes

### 115.12 (a) Contracting with other entities for the confinement of inmates

If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) yes

### 115.12 (b) Contracting with other entities for the confinement of inmates

Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".) yes

### 115.13 (a) Supervision and monitoring

Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video yes

monitoring, to protect inmates against sexual abuse?

Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? yes

Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? yes

Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring ? yes

**115.13 (b) Supervision and monitoring**

In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) na

**115.13 (c) Supervision and monitoring**

In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? yes

In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? yes

In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? yes

**115.13 (d) Supervision and monitoring**

Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? yes

Is this policy and practice implemented for night shifts as well as day shifts? yes

Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? yes

**115.14 (a) Youthful inmates**

Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

**115.14 (b) Youthful inmates**

In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

**115.14 (c) Youthful inmates**

Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).) na

**115.15 (a) Limits to cross-gender viewing and searches**

Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? yes

**115.15 (b) Limits to cross-gender viewing and searches**

Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20,2017.) na

Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20,2017.) na

**115.15 (c) Limits to cross-gender viewing and searches**

Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? yes

Does the facility document all cross-gender pat-down searches of female inmates? yes

**115.15 (d) Limits to cross-gender viewing and searches**

Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? yes

Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? yes

**115.15 (e) Limits to cross-gender viewing and searches**

Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? yes

If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? yes

**115.15 (f) Limits to cross-gender viewing and searches**

Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? yes

Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? yes

**115.16 (a) Inmates with disabilities and inmates who are limited English proficient**

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all

aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? yes

Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.) yes

Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? yes

Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? yes

Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision? yes

**115.16 (b) Inmates with disabilities and inmates who are limited English proficient**

Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?      yes

Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?      yes

**115.16 (c) Inmates with disabilities and inmates who are limited English proficient**

Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?      yes

**115.17 (a) Hiring and promotion decisions**

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? yes

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? yes

Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? yes

Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? yes

**115.17 (b) Hiring and promotion decisions**

Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? yes

**115.17 (c) Hiring and promotion decisions**

Before hiring new employees who may have contact with inmates, does the agency: perform a criminal background records check? yes

Before hiring new employees who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? yes

**115.17 (d) Hiring and promotion decisions**

Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? yes

**115.17 (e) Hiring and promotion decisions**

Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? yes

**115.17 (f) Hiring and promotion decisions**

Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? yes

Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? yes

Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? yes

**115.17 (g) Hiring and promotion decisions**

Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? yes

**115.17 (h) Hiring and promotion decisions**

Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) yes

**115.18 (a) Upgrades to facilities and technologies**

If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) yes

**115.18 (b) Upgrades to facilities and technologies**

If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) yes

**115.21 (a) Evidence protocol and forensic medical examinations**

If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

**115.21 (b) Evidence protocol and forensic medical examinations**

Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) yes

**115.21 (c) Evidence protocol and forensic medical examinations**

Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? yes

Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? yes

If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? yes

Has the agency documented its efforts to provide SAFEs or SANEs? yes

<b>115.21 (d)</b>	<b>Evidence protocol and forensic medical examinations</b>	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
 <b>115.21 (e)</b>	 <b>Evidence protocol and forensic medical examinations</b>	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
 <b>115.21 (f)</b>	 <b>Evidence protocol and forensic medical examinations</b>	
	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 criminal AND administrative sexual abuse investigations.)	yes
 <b>115.21 (h)</b>	 <b>Evidence protocol and forensic medical examinations</b>	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.)	yes

<b>115.22 (a)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	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
<b>115.22 (b)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
<b>115.22 (c)</b>	<b>Policies to ensure referrals of allegations for investigations</b>	
	If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes

**115.31 (a) Employee training**

Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

<b>115.31 (b)</b>	<b>Employee training</b>	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
<b>115.31 (c)</b>	<b>Employee training</b>	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
<b>115.31 (d)</b>	<b>Employee training</b>	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
<b>115.32 (a)</b>	<b>Volunteer and contractor training</b>	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
<b>115.32 (b)</b>	<b>Volunteer and contractor training</b>	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

<b>115.32 (c)</b>	<b>Volunteer and contractor training</b>	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
<b>115.33 (a)</b>	<b>Inmate education</b>	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
		During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
<b>115.33 (b)</b>	<b>Inmate education</b>	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
		Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
		Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
<b>115.33 (c)</b>	<b>Inmate education</b>	Have all inmates received such education?	yes
		Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

**115.33 (d) Inmate education**

Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? yes

Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? yes

Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? yes

Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? yes

Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? yes

**115.33 (e) Inmate education**

Does the agency maintain documentation of inmate participation in these education sessions? yes

**115.33 (f) Inmate education**

In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? yes

**115.34 (a) Specialized training: Investigations**

In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

**115.34 (b) Specialized training: Investigations**

Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

**115.34 (c) Specialized training: Investigations**

Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) yes

**115.35 (a) Specialized training: Medical and mental health care**

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? yes

Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? yes

<b>115.35 (b)</b>	<b>Specialized training: Medical and mental health care</b>	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.)	yes
<b>115.35 (c)</b>	<b>Specialized training: Medical and mental health care</b>	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere?	yes
<b>115.35 (d)</b>	<b>Specialized training: Medical and mental health care</b>	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31?	yes
	Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32?	yes
<b>115.41 (a)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
<b>115.41 (b)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

**115.41 (c) Screening for risk of victimization and abusiveness**

Are all PREA screening assessments conducted using an objective screening instrument? yes

**115.41 (d) Screening for risk of victimization and abusiveness**

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

<b>115.41 (e)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse?	yes
<b>115.41 (f)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
<b>115.41 (g)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Does the facility reassess an inmate's risk level when warranted due to a: Referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Request?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
<b>115.41 (h)</b>	<b>Screening for risk of victimization and abusiveness</b>	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes

**115.41 (i) Screening for risk of victimization and abusiveness**

Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? yes

**115.42 (a) Use of screening information**

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? yes

Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? yes

**115.42 (b) Use of screening information**

Does the agency make individualized determinations about how to ensure the safety of each inmate? yes

<b>115.42 (c)</b>	<b>Use of screening information</b>	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes
<b>115.42 (d)</b>	<b>Use of screening information</b>	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
<b>115.42 (e)</b>	<b>Use of screening information</b>	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
<b>115.42 (f)</b>	<b>Use of screening information</b>	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes

**115.42 (g) Use of screening information**

Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? yes

Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? yes

Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? yes

**115.43 (a) Protective Custody**

Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? yes

If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? yes

**115.43 (b) Protective Custody**

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? yes

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? yes

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? yes

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? yes

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? yes

**115.43 (c) Protective Custody**

Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? yes

Does such an assignment not ordinarily exceed a period of 30 days? yes

**115.43 (d) Protective Custody**

If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety? yes

If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? yes

<b>115.43 (e)</b>	<b>Protective Custody</b>	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
<b>115.51 (a)</b>	<b>Inmate reporting</b>	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
		Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
		Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
<b>115.51 (b)</b>	<b>Inmate reporting</b>	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
		Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
		Does that private entity or office allow the inmate to remain anonymous upon request?	yes
		Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security?	yes

<b>115.51 (c)</b>	<b>Inmate reporting</b>	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
<b>115.51 (d)</b>	<b>Inmate reporting</b>	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
<b>115.52 (a)</b>	<b>Exhaustion of administrative remedies</b>	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
<b>115.52 (b)</b>	<b>Exhaustion of administrative remedies</b>	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na

**115.52 (c) Exhaustion of administrative remedies**

Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) na

Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) na

**115.52 (d) Exhaustion of administrative remedies**

Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) na

If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) na

At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) na

**115.52 (e) Exhaustion of administrative remedies**

Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) na

Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) na

If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.) na

**115.52 (f) Exhaustion of administrative remedies**

Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) na

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.) na

After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) na

After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) na

Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) na

Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) na

Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) na

**115.52 (g) Exhaustion of administrative remedies**

If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) na

**115.53 (a) Inmate access to outside confidential support services**

Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? yes

Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? yes

Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? yes

**115.53 (b) Inmate access to outside confidential support services**

Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? yes

**115.53 (c) Inmate access to outside confidential support services**

Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? yes

Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? yes

**115.54 (a) Third-party reporting**

Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? yes

Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? yes

**115.61 (a) Staff and agency reporting duties**

Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? yes

Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? yes

Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? yes

**115.61 (b) Staff and agency reporting duties**

Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? yes

**115.61 (c) Staff and agency reporting duties**

Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? yes

Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? yes

**115.61 (d) Staff and agency reporting duties**

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? yes

<b>115.61 (e)</b>	<b>Staff and agency reporting duties</b>	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
<b>115.62 (a)</b>	<b>Agency protection duties</b>	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
<b>115.63 (a)</b>	<b>Reporting to other confinement facilities</b>	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
<b>115.63 (b)</b>	<b>Reporting to other confinement facilities</b>	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
<b>115.63 (c)</b>	<b>Reporting to other confinement facilities</b>	Does the agency document that it has provided such notification?	yes
<b>115.63 (d)</b>	<b>Reporting to other confinement facilities</b>	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

**115.64 (a) Staff first responder duties**

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? yes

Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? yes

**115.64 (b) Staff first responder duties**

If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? yes

**115.65 (a) Coordinated response**

Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? yes

**115.66 (a) Preservation of ability to protect inmates from contact with abusers**

Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? yes

**115.67 (a) Agency protection against retaliation**

Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? yes

Has the agency designated which staff members or departments are charged with monitoring retaliation? yes

**115.67 (b) Agency protection against retaliation**

Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? yes

**115.67 (c) Agency protection against retaliation**

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? yes

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? yes

Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? yes

**115.67 (d) Agency protection against retaliation**

In the case of inmates, does such monitoring also include periodic status checks? yes

<b>115.67 (e)</b>	<b>Agency protection against retaliation</b>	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
<b>115.68 (a)</b>	<b>Post-allegation protective custody</b>	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
<b>115.71 (a)</b>	<b>Criminal and administrative agency investigations</b>	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
		Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
<b>115.71 (b)</b>	<b>Criminal and administrative agency investigations</b>	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
<b>115.71 (c)</b>	<b>Criminal and administrative agency investigations</b>	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
		Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
		Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

- 115.71 (d) Criminal and administrative agency investigations**
- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? yes
- 115.71 (e) Criminal and administrative agency investigations**
- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? yes
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? yes
- 115.71 (f) Criminal and administrative agency investigations**
- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? yes
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? yes
- 115.71 (g) Criminal and administrative agency investigations**
- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? yes
- 115.71 (h) Criminal and administrative agency investigations**
- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? yes

- 115.71 (i) Criminal and administrative agency investigations**
- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? yes
- 115.71 (j) Criminal and administrative agency investigations**
- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? yes
- 115.71 (l) Criminal and administrative agency investigations**
- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) yes
- 115.72 (a) Evidentiary standard for administrative investigations**
- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? yes
- 115.73 (a) Reporting to inmates**
- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? yes
- 115.73 (b) Reporting to inmates**
- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) yes

**115.73 (c) Reporting to inmates**

Following a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit? yes

Following a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility? yes

Following a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? yes

Following a inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? yes

**115.73 (d) Reporting to inmates**

Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? yes

Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? yes

<b>115.73 (e)</b>	<b>Reporting to inmates</b>	Does the agency document all such notifications or attempted notifications?	yes
<b>115.76 (a)</b>	<b>Disciplinary sanctions for staff</b>	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
<b>115.76 (b)</b>	<b>Disciplinary sanctions for staff</b>	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
<b>115.76 (c)</b>	<b>Disciplinary sanctions for staff</b>	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
<b>115.76 (d)</b>	<b>Disciplinary sanctions for staff</b>	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
		Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

<b>115.77 (a)</b>	<b>Corrective action for contractors and volunteers</b>	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
 <b>115.77 (b)</b>	 <b>Corrective action for contractors and volunteers</b>	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
 <b>115.78 (a)</b>	 <b>Disciplinary sanctions for inmates</b>	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
 <b>115.78 (b)</b>	 <b>Disciplinary sanctions for inmates</b>	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
 <b>115.78 (c)</b>	 <b>Disciplinary sanctions for inmates</b>	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

- 115.78 (d) Disciplinary sanctions for inmates**
- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? yes
- 115.78 (e) Disciplinary sanctions for inmates**
- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? yes
- 115.78 (f) Disciplinary sanctions for inmates**
- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? yes
- 115.78 (g) Disciplinary sanctions for inmates**
- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) yes
- 115.81 (a) Medical and mental health screenings; history of sexual abuse**
- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? yes

**115.81 (b) Medical and mental health screenings; history of sexual abuse**

If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)

yes

**115.81 (c) Medical and mental health screenings; history of sexual abuse**

If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?

yes

**115.81 (d) Medical and mental health screenings; history of sexual abuse**

Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?

yes

**115.81 (e) Medical and mental health screenings; history of sexual abuse**

Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?

yes

**115.82 (a) Access to emergency medical and mental health services**

Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?

yes

**115.82 (b) Access to emergency medical and mental health services**

If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? yes

Do security staff first responders immediately notify the appropriate medical and mental health practitioners? yes

**115.82 (c) Access to emergency medical and mental health services**

Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? yes

**115.82 (d) Access to emergency medical and mental health services**

Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? yes

**115.83 (a) Ongoing medical and mental health care for sexual abuse victims and abusers**

Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? yes

**115.83 (b) Ongoing medical and mental health care for sexual abuse victims and abusers**

Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? yes

- 115.83 (c) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Does the facility provide such victims with medical and mental health services consistent with the community level of care?                      yes
- 115.83 (d) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)                      na
- 115.83 (e) Ongoing medical and mental health care for sexual abuse victims and abusers**
- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.)                      na
- 115.83 (f) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?                      yes
- 115.83 (g) Ongoing medical and mental health care for sexual abuse victims and abusers**
- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?                      yes

**115.83 (h) Ongoing medical and mental health care for sexual abuse victims and abusers**

If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)

yes

**115.86 (a) Sexual abuse incident reviews**

Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?

yes

**115.86 (b) Sexual abuse incident reviews**

Does such review ordinarily occur within 30 days of the conclusion of the investigation?

yes

**115.86 (c) Sexual abuse incident reviews**

Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?

yes

**115.86 (d) Sexual abuse incident reviews**

Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? yes

Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? yes

Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? yes

Does the review team: Assess the adequacy of staffing levels in that area during different shifts? yes

Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? yes

Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? yes

**115.86 (e) Sexual abuse incident reviews**

Does the facility implement the recommendations for improvement, or document its reasons for not doing so? yes

**115.401 (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