

PREA Facility Audit Report: Final

Name of Facility: MD Reception, Diagnostic Classification Center

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 12/13/2016

AUDITOR DECLARATION	
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 type="checkbox"/>
Auditor Full Name as Signed: Jeff Kovar	Date of Signature: 12/13/2016

AUDITOR INFORMATION	
Auditor name:	Kovar, Jeff
Address:	
Email:	jeff@preaauditing.com
Telephone number:	
Start Date of On-Site Audit:	2016-11-02
End Date of On-Site Audit:	2016-11-03

FACILITY INFORMATION	
Facility name:	MD Reception, Diagnostic Classification Center
Facility physical address:	550 E. Madison Street, Baltimore, Maryland - 21202
Facility mailing address:	n/a,
The facility is:	<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
Facility Type:	<input checked="" type="radio"/> Prison <input type="radio"/> Jail

Primary Contact			
Name:	Christopher S. Smith	Title:	Assistant Warden
Email Address:	ChristopherS.Smith@maryland.gov	Telephone Number:	410 878-4200

Warden/Superintendent			
Name:	Tina Stump	Title:	Warden
Email Address:	tina ,stump@maryland.gov	Telephone Number:	410 878-4100

Facility PREA Compliance Manager			
Name:	Christopher S. Smith	Title:	Assistant Warden
Email Address:	ChristopherS.Smith@maryland.gov	Telephone Number:	410 878-4200

Facility Health Service Administrator			
Name:	Sonya Wilson	Title:	Doctor
Email Address:		Telephone Number:	410 878-2485

Facility Characteristics		
Designed facility capacity:	808	
Current population of facility:	627	
Age Range	Adults: 19-65	Youthful Residents: under 18
Facility security level/inmate custody levels:	Maximum/Administrative	
Number of staff currently employed at the facility who may have contact with inmates:		

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

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

Agency-Wide PREA Coordinator Information

Name:	David Wolinski	Title:	Special Assistant
Email Address:	David.Wolinski@maryland.gov	Telephone Number:	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 Maryland Reception, Diagnostic, and Classification Center was conducted from November 2-3, 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 Tina Stump and her 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 and PREA Compliance Manager Chris Smith for their 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 3, 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 following persons: Warden Tina Stump, PREA Compliance Manager/Assistant Warden Chris Smith, Captain Wallace Singletary, and Corporal Sheryl Robinson.

After the entrance meeting, the auditor was given a tour of all areas of the facility, including: Food Preparation Area, Storeroom Area, Maintenance Shop, Sally Port, Inmate Receiving, Medical Unit, Aids Orientation Room, PSA/Psychology/Strip Search Area/Visitation/Staff Dining, 3A Dorm, 3B Dorm, 3CM Dorm, 4A Dorm, 4B Dorm, 4C Dorm, 7B Dorm, 7C Dorm, 6A Dorm, 6B Dorm, 6C Dorm, 5C Dorm, and 5A Dorm.

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 22 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 652. The count on the final day of the audit was 652.

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 PREA Compliance Manager Chris Smith.

When the audit was completed, the auditor conducted an exit briefing on November 3, 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.

Maryland Reception, Diagnostic, and Classification Center (MRDCC) is located at 550 East Madison Street Baltimore, Maryland 21202. MRDCC is an intake and classification facility, which means it contains all custody levels. Currently this facility can hold up to 808 inmates. Most of the offenders at this facility are parole violators or have been assigned to administrative/disciplinary segregation. In addition, this facility is responsible for the intake and classification of inmates in four counties.

The facility consist of the following housing units; 3A, 3B, 3CM, 4A, 4B, 4C, 5A, 5C, 6A, 6B, 6C, 7B, and 7C. Each dorm has two tiers and holds between 32 and 64 inmates. Each dorm has two man cells and four shower areas, consisting of two-single showers on each tier, on opposite sides of the housing unit. All inmates shower according to a schedule and are only allowed in the shower room one at a time. 4A, 5A, 5C, and 6A are all segregated housing units. In all, there are 128 segregation cells.

The age range of the adult offenders is 19-65. In the past 12 months, there were six youthful inmates housed at the facility; however, the auditor was advised they were transferred out and are now housed in the Wyatt Building at the Baltimore Pre-Trail Complex. The average length of stay is approximately 45 days.

The facility has a medical unit, psychology unit, visitation area, strip search area, food prep area, storeroom area, dining hall, staff dining area, aids orientation room, maintenance shop, sally port, and inmate receiving.

PREA posters are posted in all housing units and throughout the facility. The PREA Hotline number is also stenciled on the walls inside the housing units.

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.

Number of standards exceeded:	0
Number of standards met:	38
Number of standards not met:	0
Number of Standards Not Applicable: (The total number of standards that were audited at the agency level)	7

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: 38

(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, 115.67, 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	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>OSPS.050.0030 Sexual Misconduct states: The Department does not:</p> <ol style="list-style-type: none"> 1) Tolerate sexual misconduct by an employee, by either omission or commission; and 2) Consider alleged or actual consent as a defense to an allegation of sexual misconduct. <p>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: The Department does not:</p> <ol style="list-style-type: none"> 1) Tolerate inmate on inmate sexual conduct; and 2) Consider alleged or actual consent as a defense to an allegation of inmate on inmate sexual conduct. <p>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>MRDCC.0030.1 outlines 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 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>DPSCS.020.0026 includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.</p> <p>The facility has a designated PREA Compliance Manager. The PREA Compliance Manager reports to the Assistant Warden. The auditor reviewed the facility's organizational chart and confirmed this. In addition, the PREA Compliance Manager reports to the PREA Coordinator.</p> <p>Both the PREA Coordinator and PREA Compliance Manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. This was confirmed through interviews with the PREA Coordinator and PREA Compliance Manager.</p> <p>The zero tolerance stance was clearly observed during the auditor's site visit. PREA education posters were in the housing units and throughout the facility. In addition, the facility used a stencil to paint the PREA Hotline telephone number on the walls throughout the facility. Both Administrative and First Line Staff were knowledgeable and supportive of the zero tolerance policies.</p>

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	<p>This standard was audited during the agency level audit. The findings from the audit are listed below.</p> <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	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor was provided with the latest staffing plan which was written in November 2015.</p> <p>Since August 20, 2012, the average daily number of inmates is 627.</p> <p>Since August 20, 2012, the average number of inmates on which the staffing plan was predicated was 808.</p> <p>There have been no deviations from the staffing plan.</p> <p>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 compliant with the staffing plan.</p> <p>OSPS.050.0030 Sexual Misconduct states: A supervisor, manager, or shift commander shall:</p> <ol style="list-style-type: none"> 1) Take reasonable actions to eliminate circumstances that may result in or contribute to an incident of sexual misconduct that include conducting and documenting security rounds to identify and deter staff sexual abuse and harassment that are performed: <ol style="list-style-type: none"> a) Randomly on all shifts; b) Except when necessary to prevent prohibited cross gender viewing of an inmate or as part of a legitimate facility operation, unannounced in order to prohibit staff from alerting other staff that the rounds are being conducted; and c) At a frequency established by the managing official <p>During the pre-audit and onsite audit, the auditor was provided with, and reviewed a sample of documented unannounced rounds. A review of the documented rounds indicate unannounced rounds occur on all shifts.</p> <p>Interviews conducted with the Warden, PREA Compliance Manager, PREA Coordinator, as well as interviews with intermediate and higher-level facility staff supported compliance with this standard. Interviews confirmed the facility has a documented staffing plan, which considers; adequate staffing levels to protect inmates against sexual abuse and the use of video monitoring technology. The auditor was advised the facility has Special Assignment Posts (SAP) which are collapsible. The staffing plan is documented in the Warden's Office. The auditor was advised the Chief of Security reviews the Post Assignment Work Sheets daily, in order to ensure the facility is compliant with the staffing plan. The auditor was advised by staff that when assessing adequate staffing levels and the need for video monitoring, the facility staffing plan considers:</p> <ol style="list-style-type: none"> 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 auditor was advised there has been only one instance in the past two years where the staffing plan was not complied with, and that was due to a severe blizzard. Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. The auditor was advised the facility has mandatory positions and other positions that are collapsible. The auditor was advised the facility would collapse non-mandatory positions and reassign them to the mandatory positions and/or use overtime to fill mandatory positions, when necessary.

Staff interviews confirmed the facility staffing plan is reviewed annually.

Intermediate and higher-level facility staff interviews indicate unannounced supervisor rounds occur daily on all three shifts. These rounds are documented in red ink in the post log book. The supervisors interviewed indicated they make their rounds in an irregular manner so that staff are unaware of where they are going. Supervisors confirmed staff have been made aware they are prohibited from alerting other staff of these unannounced rounds, periodically during roll calls.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<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>The facility has an empty housing unit (7B) that would be used to house youthful inmates in the event they were housed at the facility.</p> <p>In the past 12 months, there have only been two youthful inmates housed at the facility.</p> <p>In the past 12 months, there have not been any youthful inmates placed in SAME HOUSING UNIT as adults at this facility.</p> <p>The facility documents the exigent circumstances for each instance in which youthful inmates' access to large-muscle exercise, legally required education services, and other programs and work opportunities was denied.</p> <p>In the past 12 months, there have not been any youthful inmates who have been placed in isolation in order to separate them from adult inmates.</p> <p>Staff interviews confirmed staff would use 7B Housing Unit to house Youthful Inmates separate from adult offenders. Staff indicated youthful inmates are rarely housed at the facility. At the time of the audit, there were no youthful inmates housed at the facility.</p>

115.15	Limits to cross-gender viewing and searches
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>OPS.110.0047 Inmate Personal Searches states: An inmate strip search shall be conducted:</p> <ol style="list-style-type: none"> a) By a single correctional officer of the same gender as that of the inmate being searched; b) In a location and in a manner that ensures maximum privacy for the inmate being strip searched; and c) In the presence of an additional correctional officer. <p>Body Cavity Search A body cavity search of an inmate requires:</p> <ol style="list-style-type: none"> a) Reasonable suspicion that the inmate possesses contraband; and b) Prior written authorization from the managing official, or a designee. <p>2) Only a certified medical professional may perform a body cavity search of an inmate.</p> <p>Except under provisions of section .05E(3)(c) of this directive, a frisk search of a female inmate shall be conducted by a female correctional officer.</p> <p>A frisk search of a male inmate may be conducted by either a male or female correctional officer provided that a female officer does not touch the genital area of the inmate being searched.</p> <p>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:</p> <ol style="list-style-type: none"> i) Conversation with the inmate; ii) A review of available medical records; or iii) Part of a broader medical examination conducted in private by a licensed medical professional. <p>The auditor was advised that no such searches have occurred in the past 12 months.</p> <p>OPS.110.0047 Inmate Personal Searches states: Searches are documented in compliance with established reporting requirements.</p> <p>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. These two policies specifically require staff of the opposite gender to announce their presence when entering an inmate housing unit.</p> <p>In the past 12 months, there have not been any cross-gender strip or cross-gender body cavity searches of inmates.</p> <p>The facility houses only male offenders; therefore, 115.15 (b) is not applicable.</p>

The auditor was advised that 100 percent of all security staff 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.

Staff interviews confirm both male and female staff were aware female staff have to announce their presence prior to entering the housing unit. Female staff typically announce "female on the tier" or "female on the floor." Staff were acknowledged receiving training in conducting cross-gender pat-down searches and searches of transgender/intersex inmates. Staff were also aware of the agency policy that prohibits staff from searching a transgender or intersex inmate for the sole purpose of determining their genital status.

Inmate interviews confirm female staff announce their presence prior to entering the housing unit.

The auditor interviewed a transgender inmate and was advised the inmate felt comfortable where she was housed. The transgender inmate advised when she was booked into the facility, staff asked her where she felt comfortable being housed and required her to sign a waiver to be housed in general population. She advised staff went out of their way to find another inmate who would "accept" a transgender inmate housed with them. The transgender inmate stated she feels very safe and that stated staff have asked her which gender staff she felt more comfortable being searched by and has accommodated her request. The auditor was advised that all of her searches have been conducted in a professional manner. The transgender inmate stated she does not have any issues being housed at this facility.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<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>Language services are provided through an agreement with LEP Interpreter Services to Ad Astra. This information is made available to staff with information necessary to provide interpreter services as needed.</p> <p>DPSCS has established a Limited English Proficiency Plan that contains resources and other information to further aid in providing inmates with limited English proficiency 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.</p> <p>The agency or facility documents the limited circumstances in individual cases where inmate interpreters, readers, or other types of inmate assistants are used.</p> <p>In the past 12 months, there have not been any instances where interpreters, readers, 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 first-response duties under 115.64, or the investigation of the inmate's allegations.</p> <p>Staff interviews the facility utilizes a language line to communicate with limited English speaking inmates and a TTY for the hearing impaired.</p> <p>The auditor conducted an interview with a Spanish speaking inmate using the language line. The inmate confirmed he was provided with PREA educational brochures written in Spanish. The inmate acknowledged that the facility had PREA information written in Spanish, posted in all housing units and throughout the facility. The inmate acknowledged he was aware of the</p>

agency zero tolerance policy and how to report sexual abuse, if he ever needed to.

Staff interviews indicate staff were aware of the agency policy prohibiting staff from using another inmate to translate for a limited English inmate that was sexually abused. Staff indicated they would use a staff interpreter or would call the language line. Staff indicated they had no knowledge of inmate interpreters ever being used for this reason.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	<p>This standard was audited during the Agency-level Audit. The results from the Agency Audit are listed below.</p> <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"> a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. 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 c) Was civilly or administratively adjudicated to have engaged in the activity described in section .04B(3) of this directive. <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"> 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: <ul style="list-style-type: none"> 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 judgement; and

4) Send the revised printed statement to the employer, the regulatory authority, and the 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 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	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The agency/facility has not acquired a new facility or made a substantial expansion or modification to existing facilities since August 20, 2012.</p> <p>The facility has recently upgraded their video surveillance system. In the Spring/Summer 2015, the camera upgrades were made to: housing units, entry/exiting post, sally ports, medical, and professional areas.</p> <p>Staff interviews indicate when designing and/or modifying a facility, the agency reviews the floor plan in order to identify any potential blind spots, hidden places, or other areas that could present a potential problem. The agency strategically places cameras in areas in order to reduce blind spots. The agency assesses areas for vulnerability and makes adjustments as needed.</p> <p>During the interview with the Warden, the auditor confirmed there have been no expansions or modifications to the facility since August 20, 2012. The auditor was advised that the facility's camera system was updated approximately one year ago. Cameras were added to all housing units and throughout the facility.</p>

115.21	Evidence protocol and forensic medical examinations
	<p data-bbox="252 170 895 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 1481 701">OSPS.050.0030 Sexual Misconduct, IIU.110.0011 Investigating Sex Related Offenses, and IIU.220.0002 Evidence Collection are Policies that have been established designating the Agency Intelligence and Investigative Division (IID) as the responsible party for most sexual abuse and/or harassment investigations. These policies outline the responsibilities of the Investigators and procedures for conducting the investigations as well. The investigators do follow a uniform evidence protocol that is adapted from or otherwise based on the most recent edition of the U.S. DOJ's Office on Violence Against Women publication "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or similarly comprehensible and authoritative protocols developed after 2011.</p> <p data-bbox="252 752 1469 1003">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 data-bbox="252 1055 1477 1391">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 data-bbox="252 1442 1161 1476">115.21 (b)-1: N/A (No youth are currently being housed at the facility).</p> <p data-bbox="252 1527 1453 1816">The Agency is in the process of formalizing an MOU with Maryland Coalition Against Sexual Assault (MCASA). The auditor spoke with a representative from MCASA and discovered MCASA would serve as a liaison between the agency and victim advocates from local rape crisis centers. The auditor was advised these services would be provided even though the formal MOU has not been finalized. The auditor was provided with email correspondence as well as a draft MOU, documenting the agency's efforts to establish an MOU with an outside victim advocate.</p> <p data-bbox="252 1868 1461 2114">Staff interviews indicate staff were knowledgeable of the agency's protocol for obtaining usable physical evidence if an inmate alleges sexual abused, as well as who was responsible for conducting sexual abuse investigations (IID). Staff interviews confirm that initial victim advocate services would be provided by a victim advocate, provided by the hospital. Staff advised follow-up services would be coordinated through Maryland Coalition Against Sexual Assault (MCASA).</p>

Interviews with one of the SAFE/SANE staff at Mercy Hospital and confirmed the hospital's SAFE/SANE staff would conduct forensic examinations for any inmate who was sexually abused. The auditor was advised there are approximately 30 SAFE/SANE examiners who work for Mercy Hospital and there was always at least one available. SAFE/SANE staff work a regular schedule at the hospital and also have an on-call rotation as a back-up in the event that additional staff are ever needed at any given time.

115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="252 170 898 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 983 360">IIU.110.0011 Investigating Sex Related Offenses states:</p> <p data-bbox="252 371 1430 573">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.</p> <p data-bbox="252 629 762 663">OSPS.050.0030 Section 05-G-1 states:</p> <p data-bbox="252 674 1477 920">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.</p> <p data-bbox="252 976 762 1010">OSPS.200.0004 Section 05-G-1 states:</p> <p data-bbox="252 1021 1477 1312">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.</p> <p data-bbox="252 1357 1453 1469">The link to agency's website (http://dpscs.maryland.gov/prea/index.shtml) was followed. The Agency website does have the information regarding investigation policy and also contact information for filing a complaint to the Investigative Division.</p> <p data-bbox="252 1525 1445 1648">In the past 12 months, there were nine allegations of sexual abuse and sexual harassment that were received. All nine of these allegations were investigated criminally. Three of these allegations are still open cases.</p> <p data-bbox="252 1704 1445 1783">The agency documents all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. This information is logged and tracked at IID.</p> <p data-bbox="252 1827 1366 1906">Agency Staff interviews indicate allegations of sexual abuse are conducted by IID and allegations of sexual harassment are conducted by facility investigators.</p> <p data-bbox="252 1962 1477 2029">Investigative staff interviews indicate all detectives at IID have the authority to conduct criminal investigations and have police powers.</p>

115.31	Employee training
	<p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 810 360">OSPS.050.0030 Sexual Misconduct states:</p> <p data-bbox="252 371 1461 488">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="252 539 906 573">OSPS.200.0004 Inmate Sexual Misconduct states:</p> <p data-bbox="252 584 1453 701">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="252 752 1442 826">COMAR 12.10.01.16 mandates annual in-service training for all employees consisting of 18 total hours at minimum.</p> <p data-bbox="252 882 1481 999">During the pre-audit, the auditor was provided lesson plans and class curriculum for PREA training. Training records provided during the pre-audit were reviewed showing employees are receiving the required PREA training.</p> <p data-bbox="252 1055 1426 1128">Training is tailored to the gender of the inmates at the facility. The auditor reviewed lesson plans specifically for Managing Female Offenders.</p> <p data-bbox="252 1184 1353 1258">Employees who are reassigned from facilities housing the opposite gender are given additional training.</p> <p data-bbox="252 1314 1426 1388">There are 247 staff currently employed by the facility, who may have contact with inmates, who were trained or retrained on the PREA requirements enumerated above.</p> <p data-bbox="252 1444 1453 1644">Between trainings, the agency provides employees who may have contact with inmates with refresher information about current policies regarding sexual abuse and sexual harassment. This is done through distribution of the PREA Brochure, Pamphlet, as well as any updates or changes in policy as provided by the PREA Coordinator. Each staff member is also provided with a pocket-size PREA card.</p> <p data-bbox="252 1700 1417 1774">Annual training to include any policy updates is provided by the Agency. Custody staff are inspected daily to ensure that PREA cards are on their person.</p> <p data-bbox="252 1830 1445 1904">The agency documents that employees who may have contact with inmates understand the training they have received through employee signature or electronic verification.</p> <p data-bbox="252 1960 1414 2033">Interviews with staff confirm staff receive PREA training during the academy and annually during in-service training.</p>

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OSPS.050.0030 Sexual Misconduct mandates training for all volunteers and contractors.</p> <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. Auditor was provided with, and reviewed the Contractor Brochure, PREA Information Brochure for Volunteers and Contractual Workers, and the Volunteer Handbook. These training documents outline contractor and volunteer responsibilities relating to sexual abuse.</p> <p>There have been 17 volunteers and contractors, who may have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response.</p> <p>The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact with inmates. A review of the training documents indicate medical and mental health staff have more in-depth training. Other contractors and volunteers have more general information.</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>Contractor/Volunteer interviews indicate contractors and volunteers are trained on their responsibilities regarding sexual abuse/harassment prevention, detection, and response policies and procedures. Training includes an overview of the agency policy, including guidelines on how and to whom to report sexual abuse.</p>

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OSPS.200.0004 Inmate Sexual Misconduct and OSPS.050.0030 Sexual Misconduct both state:</p> <p>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 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>During the site visit, the auditor was provided with signed PREA acknowledgement forms, documenting PREA inmate education.</p> <p>During inmate interviews, it was discovered that many inmates struggled with their retention of PREA education. In discussing Inmate PREA Education with staff, it was discovered staff were not providing inmates with the Inmate Handbook. The auditor was advised the Inmate Handbook is currently being revised and has not been approved. The auditor was also advised that the PREA brochure has not been provided to inmates in a while; however, they have been providing inmates with PREA video education. The auditor recommended the facility get their Inmate Handbook approved, and provide it, along with PREA brochures to all inmates, and make victim services information available to all inmates. The auditor recommended victim services information be provided to the inmates as a part of their intake education, as well as posted in all housing areas. Immediately after the onsite audit, MRDCC initiated the process of ensuring distribution of the referenced publications to the intake unit for distribution to the inmate population. Inmates Handbooks were distributed to all housing units as well as the corridor areas to ensure the information is accessible to all inmates. An Institutional Bulletin and policy update to the post orders was implemented to ensure compliance with the requirement as noted. Due to the fact that immediate action was taken, to reinforce the PREA education already provided, the auditor has determined the facility meets this standard.</p>

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<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 Misconduct 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>Investigative staff interviews confirm all investigators received basic training in conducting sexual abuse investigations during the police academy. In addition to this training, all investigators received a formal block of training specifically for PREA investigations. The auditor was advised this was an all day class and include topics, such as:</p> <ul style="list-style-type: none"> *Techniques for interviewing sexual abuse victims *Proper use of Miranda and Garrity warnings *Sexual abuse evidence collection in confinement settings *The criteria and evidence required to substantiate a case for administrative or prosecution referral <p>Investigators also confirmed that agency policy requires allegations of sexual abuse or sexual harassment are referred to IID, unless the allegation does not involve potentially criminal behavior. IID investigators have police powers and the legal authority to conduct criminal investigations.</p>

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The agency has a policy related to training medical and mental health practitioners who work regularly in its facilities. This information can be found in the following policies:</p> <ul style="list-style-type: none"> *DPSCS.020.0026 *Medical Contractor Policy-Wexford *Training for Medical and Mental Health Staff Guidelines-Wexford <p>DPSCS.020.0026 (PREA) mandates the PREA Coordinator to ensure PREA related trainings comply with federal PREA standards including training for medical and mental health care.</p> <p>Wexford Health (contracted medical provider) Policy mandates staff training that includes (specifically) "Review of this policy, the Prison Rape Elimination Act (2003), and any other applicable state or federal laws."</p> <p>The auditor was advised that 100% of all medical and mental health staff who work regularly at this facility who received the training required by agency policy.</p> <p>The auditor was advised that medical staff at this facility do not conduct forensic medical exams. All forensic exams are conducted by medical staff at Mercy Hospital in Baltimore City.</p> <p>Medical staff training logs were provided during the pre-audit and indicated all medical contracted staff have received PREA training. Interviews of Medical and Mental Health staff indicated they have received specialized training regarding PREA and this included a Power Point presentation that covered topics such as 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.</p>

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>OSPS.200.0005 states: The PREA Coordinator shall ensure that a screening instrument is used to objectively assess an inmate's risk of:</p> <ol style="list-style-type: none"> 1) Sexual victimization that, at a minimum, considers: <ol style="list-style-type: none"> a) The presence of a mental, physical, or developmental disability; b) The age of the inmate; c) The physical build of the inmate; d) Previous incarceration; e) If the inmate's criminal history was exclusively nonviolent; f) Prior convictions for sex offenses against an adult or child; g) If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; h) History of sexual victimization; i) The inmate's own perception of vulnerability; and j) If the inmate is detained solely for civil immigration purposes; and 2) Being sexually abusive that, at a minimum, considers: <ol style="list-style-type: none"> a) Previous acts of sexual abuse; b) Prior convictions for violence or sexual abuse; and c) History of institutional violence or sexual abuse. <p>OSPS.200.0005 states: The PREA Coordinator shall ensure that procedures for using the approved screening instrument protocol at a minimum, require:</p> <ol style="list-style-type: none"> 1) That each managing official designate sufficient intake, custody, or case management staff to assess each inmate for risk of sexual victimization or potential for abusiveness within 72 hours of arrival at a facility. <p>A review of the instrument indicates it is a point additive instrument consisting of "yes" or "no" questions. Four or more affirmative responses on the victim questions indicate an "At Risk for Victimization." Three or more affirmative responses on the abusive side indicate "At Risk for Abusiveness."</p> <p>OSPS.200.0005 states: The PREA Coordinator shall ensure that procedures for using the approved screening instrument protocol at a minimum, require: Case Management staff re-assess each inmate within 30 days of the inmate's arrival at the facility for risk of victimization or potential for abusiveness based upon additional, relevant information received by the facility since the initial screening.</p> <p>OSPS.200.0005 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</p>

sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or potential for abusiveness.

OSPS.200.0005 states:

The PREA Coordinator shall ensure that procedures for using the approved screening instrument protocol shall at a minimum, require:

That an 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 or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- c) Previous sexual victimization; or
- d) The inmate's own perception of vulnerability

The auditor was advised that 100% of all new intakes within the past 12 months were screened within 72 hours and again within 30 days.

The auditor reviewed a random sample of risk screenings and determined they were being conducted within the required timeframes.

Screening staff interviews confirmed inmates are screened upon admission their facility or transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates. Screening staff confirmed inmates are screened within 72 hours of intake (typically, the same day the inmate arrives at the facility). Screening staff advised the screening instrument consists of "yes" or "no" questions that are used to assess each inmates risk level of victimization, as well as their risk level of abusiveness. Screening staff confirmed inmates are reassessed within 30 days of intake, and 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. The auditor was advised intake staff conduct the initial screening and case management conducts the 30 day screenings. Only Case Management, intake screening staff, and the PREA Compliance Manager have access to the information related to the risk screenings.

Inmate interviews indicate inmates are being asked screening questions within 72 hours of intake. Some inmates stated they did not remember being asked these questions a second time. The auditor reviewed screening documentation and confirmed inmates are being rescreened a second time within 30 days of intake, by case management staff.

115.42 Use of screening information

Auditor Overall Determination: Meets Standard

Auditor Discussion

OSPS.200.0005 mandates screening information be considered 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; When making individualized determinations as how to ensure the safety of each inmate; 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: Ensures the inmate's health and safety; and presents management or security problems. Screening information shall also be considered for 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. A transgender or intersex inmate's own views with respect to personal safety shall be seriously considered. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. 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. Placement of an inmate in special confinement housing shall be in accord with provisions for special confinement housing established in the Case Management Manual.

OSPS.200.0005 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

The auditor reviewed housing assignments for inmates determined to be at risk for victimization and those determined to be at risk for abusiveness and discovered these two types of inmates are being housed separately from one another.

The interview with the PREA Compliance Manager indicates if an inmate scores high to be a victim, they will be housed separately from those that score high to be abusive. The auditor was advised that transgender/intersex inmates would be housed with the general population and would have access to all regular programs, privileges, and work opportunities as the

general population inmates. The placement would ensure the inmate's health and safety. Management and security concerns would also be taken into consideration. Interviews with Staff Responsible for Risk Screening indicates if an inmate scores to be at risk for victimization, an alert would be placed in the computer, so staff would be made aware not to house this inmate with any inmate who scores to be at risk for abusiveness. Both the PREA Compliance Manager and Staff Responsible for Risk Screening acknowledged that a transgender or intersex inmates own views in regards to his/her own safety is given serious consideration.

During an interview with a transgender inmate, the transgender inmate acknowledged that staff asked several questions pertaining to proper housing and safety. The inmate stated she requested to be housed in general population and signed a waiver to be housed there. The transgender inmate advised staff made sure they found another inmate who did not have any issues being housed with a transgender inmate, and housed her with that inmate. This inmate stated she has not had any issues with her housing. This inmate confirmed staff asked her which gender staff she felt most comfortable being searched by and has accommodated her preference. This inmate further stated staff are professional when searching her. This inmate acknowledged being allowed to shower separately at 9pm, when all other inmates are in their cells.

115.43 Protective Custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

OSPS.200.0005 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.

There have not been any inmates housed in involuntary segregated housing due to them being at risk of sexual victimization.

During the interview with the Warden, the Warden 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 was advised that if an inmate were held in involuntary segregated housing for this reason, they would only be housed until alternative means of separation from likely abusers could be arranged. Typically, they would be housed here no longer than 24 hours.

During an interview with a staff who supervise inmates in segregated housing, the auditor was advised that if an inmate was placed in involuntary segregated housing for this reason, the inmate would still have access to programs, privileges, education, and work opportunities. If one or more of these activities had to be restricted, the facility would document the opportunities that were limited, the duration of the limitations, and the reasons for the limitations. This information would be documented on the inmate's confinement sheet. The auditor was advised that if an inmate were held in involuntary segregated housing for this reason, they would only be housed until alternative means of separation from likely abusers could be arranged. The auditor was advised that all inmates in segregated housing are reviewed by case management every 30 days.

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.050.0030 Sexual Misconduct provides information regarding filing a complaint:

(1) A complaint of alleged sexual misconduct may be submitted by the following individuals:

- (a) The victim;
- (b) An individual with knowledge of an incident of alleged sexual misconduct; or
- (c) A “third party” on behalf of the victim or other individual who has knowledge of the alleged sexual misconduct.

(2) A complaint of alleged sexual misconduct may be submitted in the following formats:

- (a) In writing (includes electronic documents); or
- (b) Verbally.

(3) A complainant may remain anonymous.

(4) To effectively reduce actual or implied barriers to filing a complaint, an individual may file a complaint of sexual misconduct with any one or all of the following without regard to chain of command or assignment:

(a) Within the Department:

- (i) An employee;
- (ii) A supervisor, manager, or shift commander;
- (iii) The head of a unit;
- (iv) The Intelligence and Investigative Division (IID);

(v) The Inmate Grievance Office; or

(b) Outside the Department:

- (i) The Office of the Attorney General; or
- (ii) Other private or public office able to receive and immediately forward the complaint of

alleged sexual misconduct to the Department.

(5) 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.

(6) If a complaint of alleged sexual misconduct is received by a supervisor, manager, shift commander, or head of the unit at a facility other than the facility where the alleged sexual misconduct occurred, the head of the unit responsible for the facility receiving the complaint shall immediately notify the Intelligence and Investigative Division (IID) of the complaint.

(8) 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.

OSPS.200.0004 outlines the exact same process as above for any instance of inmate-on-inmate sexual conduct.

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. Life Crisis Center an independent entity, not part of the Agency.

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 also 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

OPS.185.0002 Administrative Remedy Procedures states:

The Department does not permit the use of an informal resolution process or ARP to resolve complaints of rape, sexual assault, sexual harassment, sexual abuse sexual misconduct, inmate on inmate sexual conduct, or other areas afforded protections by standards established under the authority of the Prison Rape Elimination Act (PREA) and related Department procedures, therefore this standard does not apply to this facility.

Interviews with facility staff confirmed the above as being not applicable to this facility.

115.53 Inmate access to outside confidential support services

Auditor Overall Determination: Meets Standard

Auditor Discussion

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:

(i) A qualified victim advocate;

(ii) 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

(iii) A non-Department community-based organization representative who meets the criteria for a Department employee established under §.05G(3)(b)(ii) of this directive.

OSPS.200.0004 Inmate Sexual Misconduct states:

The same as above for instances of inmate-on-inmate sexual conduct.

The auditor was advised the agency has an MOU pending with Maryland Coalition Against Sexual Assault (MCASA) for victim advocate services. The auditor spoke with a representative from MCASA and was advised MCASA would serve as a liaison between the agency and victim advocates from local rape crisis centers. The auditor was advised MCASA would provide these services even without a formal MOU.

In the event a victim advocate was unavailable through MCASA, the auditor was advised the facility social worker would provide victims with mailing addresses and telephone numbers for local, state, or national victim advocacy or rape crisis organizations. The auditor was also advised the hospital provides victim advocates to all victims of sexual abuse. In the event an inmate was transported to the hospital for a forensic examination, a victim advocate would be made available by the hospital. The PREA Coordinator provided the auditor with email correspondence and a draft MOU with MCASA, documenting the agency's efforts to enter into an MOU for outside victim advocate services.

The facility provides inmates with access to such services by enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

The facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored.

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.

The majority of inmates interviewed did not know specific information regarding the availability of victim advocates or other victim services. The common response to questions about victim services was that the inmate has not had the need for any services such as that, therefore they did not know any details regarding the services provided. The inmates interviewed felt that if they did have questions about services, they would be able to get answers from staff. As a means of refreshing inmates with information on outside victim advocate services, the auditor recommended the facility post victim services information and discuss this information in detail, during the intake education process. Prior to the completion of the Final Report, the auditor was provided with documentation showing the facility has implemented these recommendations. Since this minor issue was addressed immediately after the onsite visit, the auditor has determined the facility meets this standard.

115.54 Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

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." The complaint number to IID is posted on the agency website. Policy also indicates third party reports would be accepted and investigated.

The auditor verified this information was posted on the agency website.

Interviews with staff at IID indicate they would accept and investigate all complaints, including third-party reports.

115.61 Staff and agency reporting duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

OSPS.050.0030 Sexual Misconduct and OSPS.200.0004 Inmate Sexual Misconduct state: A complaint of alleged sexual misconduct (or inmate-on -inmate sexual conduct) may be submitted by the following individuals:

- (a) The victim;
 - (b) An individual with knowledge of an incident of alleged sexual misconduct; or
 - (c) A “third party” on behalf of the victim or other individual who has knowledge of the alleged sexual misconduct.
- (2) A complaint of alleged sexual misconduct may be submitted in the following formats:
- (a) In writing (includes electronic documents); or
 - (b) Verbally.
- (3) A complainant may remain anonymous.
- (5) 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.
- (6) If a complaint of alleged sexual misconduct is received by a supervisor, manager, shift commander, or head of the unit at a facility other than the facility where the alleged sexual misconduct occurred, the head of the unit responsible for the facility receiving the complaint shall immediately notify the Intelligence and Investigative Division (IID) of the complaint.
- (8) 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.

F. Processing a Complaint.

- (1) A complaint of alleged sexual misconduct received anonymously shall be accepted and processed the same as a complaint received from an identified source.

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.

IIU.020.0002 also addresses the responsibilities of investigators and maintaining confidentiality and complying with all applicable Constitutional and statutory law and judicial rules when conducting an assigned investigation.

Random staff interviews indicated all are aware of their duty to report 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. Interviews with medical/mental health staff indicated an awareness that they are required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it, and that at the initiation of services to an inmate they do disclose the limitations of confidentiality and their duty to report. Warden and other staff interviews disclosed all allegations of sexual abuse and harassment are forwarded to IID. IID conducts all investigations for sexual abuse, but facility may investigate harassment complaints.

115.62 Agency protection duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

OSPS.200.0004 Inmate Sexual Misconduct states:

A supervisor, manager, or shift manager shall:

- 1) Take reasonable actions to eliminate circumstances that may result in or contribute to an incident of inmate on inmate sexual conduct;
- 2) If aware of an act of alleged inmate on inmate sexual conduct, ensure that a complaint is immediately filed according to established procedures for reporting an inmate rule violation through the Inmate Disciplinary Process;
- 3) If applicable, ensure that appropriately trained employees take action to preserve the scene and other evidence related to an alleged incident of inmate on inmate sexual conduct; and
- 4) Ensure the safety of a victim of inmate on inmate sexual conduct, through a coordinated response to a complaint of inmate on inmate sexual conduct that includes:
 - a) Immediately stopping an incident in progress;
 - b) If applicable, immediate medical attention;
 - c) Appropriate action to provide immediate and continued personal protection;
 - d) Referral for medical and mental health care follow up; and
 - e) Non-medical or mental health related counseling and support services.

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

Interviews with staff confirmed the facility would take immediate action anytime and inmate was found to be subject to a substantial risk of imminent sexual abuse. The auditor was advised the inmates involved would be separated immediately. Staff would communicate regularly with the alleged victim to ensure their safe. Psychology staff would also interview the alleged victim regularly.

115.63 Reporting to other confinement facilities

Auditor Overall Determination: Meets Standard

Auditor Discussion

OSPS.050.0030 Sexual Misconduct requires that 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 been two allegations received that an inmate was abused while confined at another facility. These allegations were immediately forwarded to the facility and IID. These allegations were investigated and determined to be unfounded.

Interviews with Agency Head and Warden indicate that Agency Policy requires that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred.

The agency or facility documents that it has provided such notification within 72 hours of receiving the allegation. These notifications are documented by IID.

115.64 Staff first responder duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

First responder policies can be found in the following procedures:

- 1) OSPS.050.0030 Sexual Misconduct
- 2) OSPS.200.0004 Inmate Sexual Misconduct
- 3) Sex Assault Treatment Policy
- 4) Sexual Assault Procedure-Medical

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, there were four allegations that an inmate was sexually abused. In all of these instances, the first responder separated the victim from the abuser. None of the above allegations were reported within a time period suitable for collecting evidence.

Of the allegations that an inmate was sexually abused made in the past 12 months, there were no instances that a non-security staff member was the first responder.

Interviews with staff indicate staff had a general awareness of staff first responder duties. Staff interviewed were able to articulate they would first separate any identified inmates (victims and/or suspects), secure these inmates separate from each other and in a safe place. 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).

115.65 Coordinated response

Auditor Overall Determination: Meets Standard

Auditor Discussion

Facility policy MRDCC 050.0030.1 is a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

The auditor interviewed the Warden and confirmed the facility has 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 auditor was advised that all parties have their own individual checklist of duties to follow.

115.66 Preservation of ability to protect inmates from contact with abusers

Auditor Overall Determination: Audited at Agency Level

Auditor Discussion

The auditor confirmed this standard was audited during the Agency Audit and meets standard.

115.67 Agency protection against retaliation

Auditor Overall Determination: Meets Standard

Auditor Discussion

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 PREA Compliance Manager is the designated staff member charged with monitoring retaliation.

In the past 12 months, there have been no instances or 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.

During an interview with the Warden, the auditor confirmed the inmate/officer involved in the incident would be separated from the alleged victim. The alleged victim would be interviewed and appropriate housing would be arranged to ensure they are separated from any possible retaliation. If a staff member were found to have retaliated, the officer would go through the Correctional Officer Bill of Rights procedure for disciplinary action. If an inmate were found to have retaliated, he would face disciplinary action.

During an interview with the Designated Staff Member charged with Monitoring Retaliation, the auditor was advised he would speak with other inmates and staff to see if they have overheard or seen anything related to retaliation. This staff member would also speak with the inmate/staff involved and see if they are in fear of being retaliated against and would ensure the alleged victim is housed separately from the alleged abuser. Monitoring would continue for a minimum of 90 days. Monitoring would continue beyond 90 days, if necessary. The auditor was advised monitoring would continue as long as necessary.

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.

In the past 12 months, there have not been any inmates held in involuntary segregated housing who have alleged to have suffered sexual abuse.

During an interview with the Warden, the auditor confirmed the agency has a policy (Case Management Manual) prohibiting the placement of 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 alternative means of separation from likely abusers. If an inmate was housed in involuntary segregated housing for this reason, they would only be housed here until alternative housing could be arranged. Typically, inmates would not be housed here longer than 24 hours. The auditor was advised there have not been any inmates housed in involuntary segregated housing for this reason within the past 12 months.

During an interview with staff who supervise inmates in segregated housing, the auditor was advised that if inmates are placed in segregated housing for protection from sexual abuse, they would still have access to programs, privileges, education, and work opportunities. If for some reason these activities were restricted, the facility would document the opportunities that were limited, the duration of the limitations, and the reasons for the limitations. This information would be documented on the inmate's confinement sheet. The auditor was advised that if an inmate was housed in involuntary segregated housing, they would only be housed here for a very short time (generally no more than a few weeks). The auditor was advised all inmates in segregated housing are reviewed every 30 days by case management staff.

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 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.

Since August 20, 2012, there have not been any allegations of conduct that appear to be criminal 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.

During interviews with inmates who reported sexual abuse, the auditor confirmed inmates are not required to submit to a polygraph examination as a condition of proceeding with the investigation.

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.

IU.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.

In the past 12 months, there were four sexual abuse investigations completed by the agency.

All four of these inmates were notified of the results of the investigation.

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 are commensurate of 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.

During an interview with the Facility Administrator, she indicated in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer they would not allow the contractor/volunteer back in the building during the investigation. Criminal charges may be filed if necessary or justified.

In the past 12 months, there have not been any contractors or volunteers reported to law enforcement 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 confirmed the agency has not had any sexual abuse or sexual harassment investigations involving contractors or volunteers. The auditor advised that if such an allegation was received, the facility would prohibit the contractor/volunteer from entering into the facility. If they were cleared from the investigation, additional training would be provided to ensure they were clear on what is prohibited by policy.

115.78 Disciplinary sanctions for inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

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.

In the past 12 months, there have not been any administrative or criminal findings of inmate-on-inmate sexual abuse that have occurred at the facility.

During the interview with the Warden, the auditor was advised inmates would be subject to in-house disciplinary sanctions for engaging in inmate-on-inmate sexual abuse. Following a criminal finding of guilt for inmate-on-inmate sexual abuse, inmates subject to disciplinary sanctions. Criminal charges would be filed if determined to be appropriate during the course of the investigation. The disciplinary sanctions imposed would be similar to those imposed on other inmates having committed similar offenses. 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 when mental health is made aware of known abusers, mental health staff would provide crisis counseling to the inmate. If the inmate refused to participate in counseling sessions, security staff would take this into consideration when determining access to programming or other benefits.

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

Screening instrument instructions outline that all inmates at the facility who disclose victimization during a screening are offered a follow-up with medical or mental health. The follow-up referral is offered the same day and the meeting would typically occur within a week.

In the past 12 months, 100% of inmate who disclosed prior victimization were offered a follow-up meeting with a medical or mental health practitioner.

All prison inmates who have previously perpetrated sexual abuse, as indicated during the screening, are offered a follow-up meeting with a mental health practitioner. The follow-up meeting is offered within 14 days of intake.

In the past 12 months, 100% of inmates who have previously perpetrated sexual abuse, as indicated during the screening, were offered a follow-up meeting with a mental health practitioner.

The auditor was provided with secondary materials used to document and track mental health referrals.

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.

Through interviews with staff responsible for conducting screenings, they indicated most initial screening occur within a couple of hours of an inmate arriving. Case Management interviews indicated that upon receipt of all screening instruments (normally the day after inmates arrive, or the Monday after arriving if on the weekend) they review each one and refer to mental health if screenings indicate prior victimization or abusiveness, or the potential for either of these. Case Managers are also responsible for conducting the 30-day reassessments and normally conduct these within 20-30 days after inmates arrive. Referrals are made for inmates that disclose prior victimization and abusiveness, or screen as potential victims or abusers.

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.

The auditor was provided with secondary materials used to document the treatment of victims of sexual abuse.

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.

OSPS.050.0030 Sexual Misconduct states:

If the alleged sexual misconduct involves sexual abuse, the assigned investigator shall:

a) 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:

i) A Sexual Assault Forensics Examiner (SAFE);

ii) Sexual Assault Nurse Examiner (SANE);

iii) If after documented attempts to provide a SANE or SANE are unsuccessful, a medical professional who has been specifically trained to conduct medical forensics examinations.

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.

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.

Wexford Health medical policy states:

Prophylactic treatment and testing is offered to the patient, as well as follow-up care for sexually transmitted or other communicable diseases.

OSPS.050.0030 Sexual Misconduct states:

If the alleged sexual misconduct involves sexual abuse, the assigned investigator shall:

- a) 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:
 - I) A Sexual Assault Forensics Examiner (SAFE);
 - ii) Sexual Assault Nurse Examiner (SANE);
 - iii) If after documented attempts to provide a SANE or SANE are unsuccessful, a medical professional who has been specifically trained to conduct medical forensics examinations.

Interviews with medical staff indicate treatment includes the inmate being sent to the hospital for a forensic examination. Upon return to the facility, medical will get a detailed statement as to what occurred. If appropriate, the inmate would be given education, prophylactic treatment, and STD testing. The inmate would be referred to dental and mental health. Medical would conduct follow up evaluations at Day 1, Day 5, Day 10, Day 60, and Day 90. Medical and mental health services are consistent with community level care.

Mental health staff confirmed they would offer treatment to all known inmate on inmate abusers. The auditor was advised that once they receive this information, follow up treatment would be a priority. He stated he would conduct an initial evaluation within the same day or the next day.

Inmate interviews confirm inmates are not charged for treatment related to sexual abuse.

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.

The auditor was advised there were four sexual abuse investigations completed; however, these investigations were unfounded. For this reason, there is no documentation of sexual abuse incident reviews available.

The Warden indicated the facility does have an incident review team that consists of upper-level administration, first line supervisors, medical and mental health staff, investigative staff, and the PREA Compliance Manager. Sexual abuse incident reviews would be conducting during the monthly Reduction in Violence meetings. During the incident review, staff would discuss possible changes or variables that may have caused the incident. All recommendations would be taken into consideration and looked at to better the environment and improve safety for the inmates and staff.

The PREA Compliance Manager stated during the interview that 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 prepares the report and it is forwarded to the Facility Administrator for review and approval. From the prior incident reviews conducted, there have been no trends noticed. At the conclusion of an incident review, any recommended changes would be looked into, followed up on, and/or considered.

The interview conducted with a member of the Incident Review Team indicated the review team does consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility. The team also examines the area in the facility where the incident

allegedly occurred to assess whether physical barriers in the area may enable abuse, and assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff. They also assess the adequacy of staffing levels in that area during different shifts.

Incident reviews are documented on a standardized form titled "Sexual Abuse Incident Review". This form contains general information to be provided as well as blanks to input narratives in response to certain questions.

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. The auditor received one letter immediately from an inmate immediately after the site visit.

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.)

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".)

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?

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

115.21 (a) Evidence protocol and forensic medical examinations

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

115.21 (b) Evidence protocol and forensic medical examinations

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

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

115.21 (c) Evidence protocol and forensic medical examinations

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

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

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

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

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

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

115.31 (a) Employee training

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

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

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

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

115.41 (c) Screening for risk of victimization and abusiveness

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

115.41 (d) Screening for risk of victimization and abusiveness

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

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

115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes
115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

115.42 (c)	Use of screening information	<p>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)?</p> <p>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?</p>	<p>yes</p> <p>yes</p>
115.42 (d)	Use of screening information	<p>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?</p>	<p>yes</p>
115.42 (e)	Use of screening information	<p>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?</p>	<p>yes</p>
115.42 (f)	Use of screening information	<p>Are transgender and intersex inmates given the opportunity to shower separately from other inmates?</p>	<p>yes</p>

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

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

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

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

115.64 (a) Staff first responder duties

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

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

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

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

115.64 (b) Staff first responder duties

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

115.65 (a) Coordinated response

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

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

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

115.67 (a) Agency protection against retaliation

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

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

115.67 (b) Agency protection against retaliation

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

115.67 (c) Agency protection against retaliation

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of 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

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

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

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

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

115.73 (e)	Reporting to inmates	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
		Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

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

- 115.78 (d) Disciplinary sanctions for inmates**
- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? yes
- 115.78 (e) Disciplinary sanctions for inmates**
- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? yes
- 115.78 (f) Disciplinary sanctions for inmates**
- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? yes
- 115.78 (g) Disciplinary sanctions for inmates**
- 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 (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