

PREA Facility Audit Report: Final

Name of Facility: Roxbury Correctional Institution

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 10/31/2017

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: Kimberly Napier	Date of Signature: 10/31/2017

AUDITOR INFORMATION	
Auditor name:	Napier, Kim
Address:	
Email:	NapierK@michigan.gov
Telephone number:	
Start Date of On-Site Audit:	06/27/2017
End Date of On-Site Audit:	06/30/2017

FACILITY INFORMATION	
Facility name:	Roxbury Correctional Institution
Facility physical address:	18701 Roxbury Road, Hagerstown, Maryland - 21746
Facility Phone	
Facility mailing address:	same,
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:	Kim Baker	Title:	Case Manager/PREA Compliance Manager
Email Address:	kimberly.baker@maryland.gov	Telephone Number:	

Warden/Superintendent			
Name:	Richard Miller	Title:	Warden
Email Address:	richard.miller@maryland.gov	Telephone Number:	240.420.3100

Facility PREA Compliance Manager			
Name:	Kimberly Baker	Email Address:	kimberly.baker@maryland.gov

Facility Health Service Administrator			
Name:	Melody Jaques	Title:	Regional Administrator
Email Address:	mjacques@wexfordhealth.com	Telephone Number:	

Facility Characteristics			
Designed facility capacity:	1804		
Current population of facility:	1743		
Age Range	Adults: 18-83	Youthful Residents:	
Facility security level/inmate custody levels:	Medium - Minimum and Pre-release awaiting transfer		
Number of staff currently employed at the facility who may have contact with inmates:	370		

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			
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Name:	David Wolinski	Email Address:	david.wolinski@maryland.gov
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AUDIT FINDINGS

Narrative:

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

The Prison Rape Elimination Act (PREA) audit for the Roxbury Correctional Institution (RCI) in Hagerstown, Maryland was conducted on June 27th, 28th, 29th and 30th, 2017. The facility was audited by Department of Justice (DOJ) Certified PREA Auditor Kimberly Napier with the assistance of MDOC PREA Analyst Wendy Hart. The audit was conducted to assess the facility compliance with the DOJ PREA standards as part of a consortium agreement between the states of Wisconsin, Maryland, Pennsylvania and Michigan. This is the second time that RCI has been audited by a DOJ certified PREA auditor. The audit process encompassed three phases, the pre-audit, on-site audit and post audit.

On May 15, 2017 during the pre-audit phase, the auditor provided PREA Compliance Manager Kimberly Baker a audit notification flyer to post throughout RCI. The auditor requested that the facility post the notification within every housing unit and any other location available to inmates. The audit notification provided staff, inmates and the public with the auditor's contact and audit information to send confidential correspondence to the auditor prior to the on-site audit. The auditor did not receive any letters during the pre-audit phase. However, the auditor did receive four letters post audit from four inmates at RCI on July 7, July 10, August 4 and August 16, 2017.

On June 3 and June 22, 2017, the auditor requested several facility documents from the PREA Compliance Manager. The facility PREA Compliance Manager Kimberly Baker submitted a pre-audit questionnaire to the auditor via U.S. mail June 19, 2017. However, due to the delay in the mail the pre-audit materials was not received prior to the on-site audit. The auditor did receive information during the on-site audit and post-audit. On August 3, 2017, the pre-audit questionnaire (PAQ) was made available through OAS. The PAQ consisted of the agency and facility contact information, facility characteristics, organizational chart, agency and facility policy and procedures, physical plant diagrams, and staffing plan. A review of the the facility website and any online information regarding RCI was completed prior to the on-site audit.

On June 27, 2017 at approximately 8:30am during the on-site audit phase, the auditors were greeted and introductions were made by the administrative staff at RCI in Warden Richard Miller's conference room located in a secure area in the administration building. RCI staff in attendance during the meeting was David Wolinski, statewide PREA Director; Richard Miller, Warden; Kimberly Baker, PREA Compliance Manager/Case Manager; Brad Woodfall, Case Manager; Julie Brady, PREA Program Coordinator/Maryland Coalition Against Sexual Assault; and Steven Cubello, Internal Auditor from the Office of Inspector General. The purpose of the audit and the plan for the four days was discussed. The four day audit consisted of a complete tour of the facility on June 27th, 28th and 30th. Interviews with staff and inmates were conducted on June 28th, 29th and 30th along with documentation reviews, and a post-audit meeting on June 30 at 3:00pm.

During the introductory meeting, the auditors received additional facility documentation and an overview of the facility operations. The documentation consisted of an overview of RCI departments.

On June 27th, 28th and 30th, 2017, a facility tour of all areas that staff and inmates have access was conducted under the escort of the facility PREA Compliance Manager Kimberly Baker and Case Manager Brad Woodfall. The officer at the information desk located in the front lobby area, instructed auditors to sign in, present identification card, submit to a pat search, remove shoes, place all items in a baggage scanner prior to marking the hand of each auditor. Before entering the secure area of the facility, control center staff checked the identification cards and the auditors marked hands under an ultra-violet light. This process gave insight to the auditors on staff procedures for processing persons in and out of the facility.

The tour included the administration building, control center, intake, all housing units, administration segregation isolation area (ASIA), staff offices, unit control booths, dining hall, medical, receiving and ID, maintenance, barbershop, commissary, food service, library, vocational shop, Maryland Correctional Enterprises (MCE), dental, visiting room, chapel, classrooms, case management, inmate yard, recreation rooms, laundry room, shower and toilet areas.

During the tour, the auditor observed the PREA audit notification and the agency PREA informational signs (English and Spanish) for inmates posted in housing units as well as other locations to which staff, inmates and the public have access. However, several housing unit did not have the PREA auditor posting. Therefore, the auditor recommended that the facility post the auditor notice for an additional week post audit. The auditor was able to review several housing unit logbooks, supervisory rounding logs, orientation video, PREA assessment screening tools, and video monitoring systems located in the control center. The auditor was able to conduct informal interviews of staff and inmates during the tour to assess the facility practice and compliance with DOJ PREA standards. All inmates interviewed knew how to report an allegation of sexual abuse or sexual harassment internally or externally. All prisoners interviewed knew of at least one way to report. When speaking with facility staff, they stated they were trained on the agency's PREA policy, knew the protocol for reporting and how to protect an inmate from sexual abuse and sexual harassment. These interviews gave the auditors insight into assessing the facility's culture and compliance with DOJ standards.

The auditors observed the facility custody and security staff closely monitor the camera system and check points at every gate throughout the prison. All unit control booths and the control center were controlled by custody and security staff. The auditor was able to observe how security staff controlled the movement within the unit tiers and how they conducted security rounds within the housing units, hallways, dining hall, visiting room, chapel, intake, shower and toilet areas.

The auditor reviewed eleven inmate files for risk screening and inmate education that verified both are being completed. Also, the auditor was able to verify through a random sample that employees' training records and background checks were in compliance.

The facility staff and inmate interviews were conducted on June 28th, 29th and 30th, 2017. The interviews were conducted utilizing the DOJ PREA Compliance Audit instrument interview guides for facility warden, specialized staff, facility PREA Compliance Manager, random staff and inmates. All interviews were conducted in a private setting to protect the confidentiality of each interview. On DOJ Certified auditor Kristopher Steece conducted an interview with agency PREA Coordinator Dave Wolinski that confirmed that the PREA coordinator does have sufficient time to perform his PREA related duties. At the time of the on-site audit, there were 1747 inmates at RCI. The auditor randomly selected and interviewed four inmates from each housing unit based on a random selection from the unit locators provided by RCI facility staff for a total of 20 inmates. In addition, the auditor interviewed one disabled inmate and two inmate that disclosed sexual victimization during risk screening. The auditor was not able to interview the two of the four inmates that mailed letters to the auditor post audit. However, the auditor

ironically interviewed two of the inmates that were selected randomly. Using the DOJ audit instrument interview guides, the auditor was able to query inmates about their understanding of PREA, reporting protocols at the facility and services available to them outside of the facility.

The auditor selected and interviewed 16 random staff four from each shift (7am-3pm, 3pm-11pm and 11pm-7am) which included all five housing units, yard, and ASIA/dispensary. All staff was selected from a daily roster provided by RCI staff. In addition, the auditor selected and interviewed 15 specialized staff. The specialized staff consisted of: two higher level facility staff; two medical and mental health staff; one investigative staff; three first responders; one incident review team member; one retaliation monitor; one intake staff; one human resource staff; one staff that perform risk screening; and two staff that supervised segregated housing. Background checks are completed no greater than five years. Using the DOJ audit instrument interview guides, the auditor was able to query staff regarding the agency's Secretary Directive Prison Rape Elimination Act — Federal Standards Compliance Sexual Abuse and Sexual Harassment PREA policy and the facility's procedures for responding, reporting and investigating sexual abuse and sexual harassment in confinement. The auditor was able to conduct a formal interview with a volunteer and contractor. The auditor was not able to interview specialized staff that supervise youthful inmates or education and program staff who work with youthful inmates as youthful inmates are not housed at RCI.

On June 30, 2017, a post audit meeting was conducted with facility administrative staff. The administrative staff in attendance was Richard Miller, Warden; Kimberly Baker, PREA Compliance Manager/Case Manager; Todd Faith, Chief of Security and Tracy Brown, Case Manager. During the post audit meeting, auditors provided facility staff with observations and three recommendations. First, the auditor recommended that the facility place a camera in the food service laundry room/recycling area, limit prisoner access as this created a blind spot in this area and/or document staff rounding in the area. Second, the auditor recommended that the facility staff dining room bathroom be locked to prevent a blind spot since inmate workers had access to this area. Finally, the auditor recommended that the facility remove all the cardboard from housing unit four windows as this created a blind spot in the cells. The facility staff made immediate changes as a result of the recommendations. During the pre-audit, on-site audit and post audit the auditors were able communicate openly through interviews, phone calls and emails with facility staff. RCI staff were prepared and organized for the audit and made all documentation available to the auditors for review. The auditors would like to thank Warden Miller and his staff at the Roxbury Correctional Institution for their commitment to making RCI a sexually safe environment.

AUDIT FINDINGS

Facility Characteristics:

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

FACILITY CHARACTERISTICS

The Roxbury Correctional Institution (RCI) opened in 1983 and is located in Washington County in the area of Hagerstown, Maryland. The Roxbury Correctional Institution is a medium security adult male facility in a rural setting encompassing 40 acres of land within a double fenced enclosure and barb-wire shaker fence. The age range of inmates is 18-83. At the time of the audit, there were no youthful inmates being held at RCI.

RCI has five housing units (HU) (HU 1, HU 2, HU 3, HU 4, and HU 5). HU 1 through 4 has four tier wings and HU 5 has 3 tier wings. Each housing unit is unique in the type of services provided to the inmates. HU 1 has an honor wing, the Happy Hounds prison dog rescue program, special needs unit (SNU), and middle age prisoner population. HU 2 and HU 3 are general population units. HU unit 4 is an intake unit and all orientation is conducted in HU 4. HU 5 has general population overflow, all administrative segregation cells, and disciplinary pending adjustment. There is also Administrative Segregation Isolation Area (ASIA) located next to the mental health department. AT RCI the housing unit cells are either single cell or double occupancy with bathrooms in cell and one bathroom in each tier wing. The housing unit showers are located in each tier wing with a privacy curtain.

The units have day rooms, base area, unit manager office, officer desk, and a control booth in every unit. The facility has one food service area for inmates and one for staff, a visiting room, medical, chapel, gym, clothing room, barbershop, weight room, big yard, commissary, healthcare unit, dental unit, library, maintenance building, case management office, school, social work office, vocational shops and Maryland Correctional Enterprises (MCE). Each housing unit has a metal detector when you enter the unit.

The facility has a staff population 370. The correctional staff positions are major, captain, lieutenant, sergeant, and corrections officer. The correctional staff work in the control center, visiting room, dining hall, intake, housing units, gate post and transportation. During the audit, there were 1747 inmates on June 27th, 1746 on June 28th, 1743 on June 29 and June 30th. RCI has a facility capacity count of 1804.

RCI has a cognitive restructuring program that helps inmates identify risky thinking and negative behavior, Thinking deciding change (TDC), pilot program Trauma Education Support Services (TESS), segregated substance abuse reduction program, segregated aggression reduction program, Inside out dad, MCE graphics shop provides vocational training in graphic design, Maryland Motor Vehicle Association for validation stickers for license plates, building maintenance, masonry, automotive repair, office technology, Happy Hounds program that allows inmates to have certified training in socializing dogs that are being trained for adoption, food service kitchen, ground maintenance,

The facility has four video monitoring system that is controlled by the correctional staff in the administration building master control, MCE, Dispensary, and education building. The cameras monitor

and record inside and outside of the prison.

AUDIT FINDINGS

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.

Auditor Note: No standard should be found to be "Not Applicable" or "NA". A compliance determination must be made for each standard.

Number of standards exceeded:	3
Number of standards met:	38
Number of standards not met:	0
Not audited at the facility level: Audited at the agency-level, and not relevant to the facility-level audit because the facility has no independent responsibility for the operation of these standards.	4

Maryland Department of Corrections Agency Secretary's Directive DPSCS.020.0026 is the written Prison Rape Elimination Act (PREA) policy for sexual abuse and harassment.

Number of standards exceeded: 3

Number of standards met: 38

Number of standards not met: 0

Number of standards not applicable: 0

Number of standards met: 43

115.11 Zero tolerance of sexual abuse and sexual harassment PREA Coordinator.

115.12 Contracting with other entities for the confinement of inmates.

115.13 Supervision and monitoring.

115.14 Youthful Inmates- RCI does not have inmates under the age of 18.

115.15 Limits to cross- gender viewing and searches.

115.16 Inmates with disabilities and inmates who are limited English proficient.

115.17 Hiring and promotion decisions.

115.18 Upgrades to facilities and technologies.

115.21 Evidence protocol and forensic medical examinations

115.22 Policies to ensure referrals of allegations for investigation.

115.31 Employee training.

115.32 Volunteer and contractor training.

115.33 Inmate education.

115.34 Specialized training: Investigations.

115.35 Specialized training: Medical and mental health care.

115.41 Screening for risk of victimization and abusiveness

115.42 Use of screening information.
115.43 Protective custody.
115.51 Inmate reporting.
115.52 Exhaustion of administrative remedies.
115.53 Inmate access to outside confidential support services.
115.54 Third- party reporting.
115.61 Staff and agency reporting duties.
115.62 Agency protection duties.
115.63 Reporting to other confinement facilities.
115.64 Staff first responder duties.
115.65 Coordinated response.
115.66 Preservation of ability to protect inmates from contact with abusers
115.67 Agency protection against retaliation.
115.68 Post -allegation protective custody.
115.71 Criminal and administrative agency investigations.
115.72 Evidentiary standard for administrative investigations.
115.73 Reporting to inmates.
115.76 Disciplinary sanctions for staff.
115.77 Corrective action for contractors and volunteers.
115.78 Disciplinary sanctions for inmates.
115.81 Medical and mental health screenings history of sexual abuse.
115.82 Access to emergency medical and mental health services.
115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.
115.86 Sexual abuse incident reviews.
115.87 Data collection.
115.88 Data review for corrective action.
115.89 Data storage, publication, and destruction.
Number of Standards not Met: 0
Number of standards not applicable: 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: Exceeds Standard
	Auditor Discussion
	<p>Agency Secretary Directive DPSCS.020.0026 Prisoner Rape Elimination Act Federal Standards Compliance outlines that the Department does not tolerate sexual abuse or sexual harassment of an inmate. The Department requires that an employee with knowledge of an incident of inmate sexual abuse or sexual harassment shall report that knowledge according to Department procedures for reporting employee misconduct or inmate rule violations. The Department shall investigate the background of all prospective employees, promotees and contractual service providers who have direct contact with inmates to determine suitability for hire or promotion under the standards established by the Prison Rape Elimination Act (a). Agency Executive Directive OSP.050.0030 Sexual Misconduct and OSP.200.004 Inmate on Inmate Sexual Conduct-Prohibited outlines that 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 (a).</p> <p>Agency Secretary Directive DPSCS.020.0026 Prisoner Rape Elimination Act Federal Standards Compliance outlines that the managing official for each Department detention, correctional and community confinement facility, shall identify a PREA compliance manager (PCM) for that facility. The managing official may be the PCM or recommend to the Coordinator, for approval, a designee to be the facility PCM. The managing official shall ensure that an employee recommended to the Coordinator as the facility PCM has the authority to independently act on behalf of the managing official on facility PREA compliance activities (c).</p> <p>The Agency employed a Agency-Wide PREA Coordinator David Wolinski (b). The Roxbury Correctional Institution employs Case Manager Kimberly Baker as the PREA compliance Manager (PCM). During an interview, PCM Baker states her work ethic is 100 percent and she works very hard to to manage all of her duties. A review of a memorandum from the Warden verifies that the managing office has designated PREA Compliance Manager (PCM) Baker (c).</p> <p>During an interview with the PCM, she stated if there was something she had a question about she would utilize her chain of command. PCM Baker dedicates countless hours often working weekends on PREA and other case management duties. Roxbury Organizational chart outlines that the PCM can report directly to the Assistant Warden and the Chief of Security. It also details that the Warden communicates directly with the PCM. PCM completes all of the 30 day reassessments, reviews staffing plan, ensure facility meets standards, create documentation folders for investigations, maintains PREA training information for staff and anything that pertains to PREA. The PCM is responsible for keeping the facility informed regarding PREA (c).</p> <p>During interviews with other staff, all staff indicated they would contact the PCM with any PREA concerns and she would communicate PREA related information to them regularly. The PCM provided the auditor full access to the facility, files, documentation, inmates and staff. This confirmed that the PCM coordinates the facility efforts to comply with the PREA standards</p>

and verifies the facilities compliance with this provision (c).

During a tour of the facility, PCM Baker escorted auditors around the entire facility. The PCM was very knowledgeable on her duties as a PCM. Staff and Inmates knew who the PCM was and often spoke to her frequently during the auditors tour. If there was any concern, the PCM addressed immediately (c).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The Maryland Department of Public Safety and Correctional Services (DPSCS) contracts with Threshold, INC for Pre-Release Services Contract No DPSCS Q0017007. The contractual agreement outlines that Contractor shall provide a 30-bed facility to house and rehabilitate those individuals who have been convicted of crimes, but who, in the judgment of the courts and appropriate correctional personnel, can be best rehabilitated in community facilities without substantial danger to the community. The Contractor shall perform all work and provide all services specific to the Contract awarded in accordance with Exhibits A-E listed in this section and incorporated as part of this contract (a)(b).</p> <p>A review of the Maryland Department of Public Safety and Correctional Services (DPSCS) contractual agreement with Threshold states it was made on July 26, 2017 between Threshold INC and the State of Maryland, acting through the Maryland Department of Public safety and Correctional Services. The contract states that the contractor shall comply with all federal, State and local laws, regulations, and ordinances applicable to its activities and obligations under this Contract, and shall fully 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 (a). Also, the contract outlines that the Contractor shall permit the Contract Monitor or authorized representatives to conduct audits, physical inspections, and evaluations of the Center at any time during the contract period. The Department's Contract Monitor or authorized representatives may enter the Center at any time without prior notice to the Contractor (b).</p> <p>As part of a consortium with Maryland, Todd Butler DOJ Certified auditor for Michigan conducted the contract administrator interview on March 1, 2017 with Maryland Statewide PREA Coordinator David Wolinski. The interview revealed that Maryland DPSCS has assigned an agency staff member s the PREA Compliance Manager/Contract Monitor at each contracted facility to ensure continued compliance with the contract and with PREA. Mr. Wolinski has regular intermittent conversations with the contractor and with the Contract Monitors regarding the facility's continued compliance. The final report for the contracted facility's audit has been posted on the agency's website (a)(b).</p> <p>A review of the agency's website for PREA audits confirm that Threshold was audited on September 10, 2015 and is in compliance with all PREA standards.</p> <p>Based on the evidence, the facility has demonstrated compliance with the standard.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The Maryland Department of Public Safety and Correctional Services DPSCS.115.001 Staffing Analysis and Overtime Management outlines that this directive continues policy, assigns administrative responsibilities, and authorizes a procedures manual for the Department of Public Safety and Correctional Services (Department) to manage security staffing and overtime at a correctional and detention facility (a)(c). Staffing Analysis & Overtime Management Manual that outlines the agency's policy and procedure ensuring safe, secure and efficient staffing of DPSCS facilities. The Manual also outlines the Post Assignment Worksheet (PAW) for documenting daily staffing levels (b). The Facility Staffing Plan (FSP) procedure requires that the managing official shall maintain a current FSP approved by the commissioner. The managing official and or designee shall ensure that he staffing plan reflects the most efficient use of officers to accomplish the mission of the facility by annually performing a review of the Facility Staffing Plan (a)(c).</p> <p>The Roxbury Correctional institution (RCI) provided a memorandum regarding the staffing plan. The staffing plan outlined the following as factors of consideration:</p> <ol style="list-style-type: none"> 1. Best practices used by correction and detention facilities. 2. Finding related to inadequate correctional and detention facility administrative and operational practices resulting from court decision, federal investigation or from an internal or external unit with oversight responsibilities. 3. The physical plant to determine the presence of blind spots or isolated areas. 4. Characteristics of the inmate population at the facility. 5. the number and placement of supervisors. <p>The average daily number of inmates on which the staffing plan was predicated was 1745. During the audit, there were 1747 inmates on June 27th, 1746 on June 28th, 1743 on June 29 and June 30th. RCI has a facility capacity count of 1804. There are 27 facility cameras installed throughout the entire institution, perimeter, chapel, gymnasium, food service and dining halls. An additional Camera was installed after the last PREA audit to cover a blind spot in the MCE entrance walkway. All of these cameras are monitored by Master Control. Cameras for officer observation are installed in MCE on every floor, Education building, dispensary areas, and ASIA to monitor these areas. Camera placement is critical when monitoring blind spots and isolated areas. Placement of the cameras help augment staff supervision (a).</p> <p>RCI has a current staffing total of 420.5 employees that consist of uniform and non-uniform staff and 29 medical services contractual staff. RCI Administrative and security personnel consist of one Warden, one Assistant Warden, one Security Chief, three Majors, nine Captains, 26 Lieutenants, 46 Sergeants, 250 Correctional Officers that work on either the 7am-3pm, 3pm to 11pm or 11pm to 7am. The treatment team personnel consist of one case management manager, two case management supervisors, 14 case management specialist I/II, three social workers, one psychiatric nurse practitioner, three psychology associates, one mental health professional counselor, and one mental health professional counselor supervisor (a).</p>

Interview with the Warden and PREA Coordinator video monitoring is part of the staffing plan and the plan is documented and kept with the chief of security office. The PCM meets with the chief of security to discuss staffing plan, incident reviews, camera placements, and whether or not we could use more cameras (c). Staff confirm that there has been no deviation from the staffing plan that would confirm the agency's practice. However, staff indicate that they review of the post assignment worksheet daily and if there is a concern they would contact administrative for authors to change activity levels. Currently staffing levels are adequate for this population. Staff indicated that they make unannounced rounds in the housing unit and and try to round at different times of the day. Staff indicated that they log their rounding in the tier log books and control logbooks (b).

During the tour, housing unit and assignment logs were reviewed and verified that intermediate-level and higher level staff are making required rounds consistent with provision. Intermediate-level and higher level staff signed the log from all shifts at different times. Staff knew the importance of not alerting other staff when supervisors are rounding. The auditor observed that intermediate-level staff physically rounding in all areas that inmates have access including housing, food service, MCE, segregation, medical, gym, receiving and ID, and library (d).

Based on the evidence, the facility has demonstrated compliance with this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Agency policy directive DPDS 100.00003 Separation of Adult and Juvenile Detainees states that 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 in living, program, dining or other common areas. Any other sight or sound contact is minimized, brief and in conformance with applicable legal requirements. Also, the Warden shall be responsible for establishing a separate housing areas for juveniles detainees.</p> <p>During an interview with RCI facility staff, staff indicated that RCI does not house juvenile offenders. Offenders at RCI range from 18-83. The auditor reviewed the agency website and facility documentation that and confirmed that Roxbury Correctional Institution is an adult male facility.</p> <p>Based on the evidence, the facility has demonstrated compliance with this standard.</p>

115.15	Limits to cross-gender viewing and searches
	<p data-bbox="252 168 901 201">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 246 526 280">Auditor Discussion</p> <p data-bbox="252 324 1476 1041">Agency Executive Directive OPS.110.0047 Inmate Personal Searches and Internal Investigative Unit procedure A01.A.09.007.003 outline that a inmate strip search shall be conducted by a single correctional officer of the same gender as that of the inmate being searched, in a location and in a manner that ensures maximum privacy for the inmate being strip searched and in the presence of additional correctional officer (a). Gender of Officer Conducting Search a frisk search of a female inmate shall be conducted by female correctional officer, 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, a managing official or a designee may, based on exigent circumstances, authorize a male officer to conduct a frisk search on a female inmate provided that the officer does not touch the breast or genital area of the inmate. If there is reason to believe that the inmate to be searched is a transgender or intersex person, a frisk search is to be conducted by a female correctional officer. Also, except under extreme circumstances, with an investigator of the same sex as that of the individual subject to the search present to receive from the licensed medical professional a weapon, evidence, or contraband discovered during the body cavity search (a). Policy also requires that correctional employee conducting the strip search shall log or report the search in accordance with established procedures (c).</p> <p data-bbox="252 1097 1460 1254">During an interview with staff, staff indicated that there has not been any transgender or intersex inmates at RCI during the last 12 months. However, if there was an inmate that identified as a female, then a female staff would perform the pat-down in the presence of the male staff (a).</p> <p data-bbox="252 1310 1476 1377">RCI does not house female inmates. Therefore, the facility is exempt from this provision of the standard (b)(c).</p> <p data-bbox="252 1433 1476 1680">Agency Executive Directive OSPS.050.0030 Sexual Misconduct outlines the the definition that “Cross gender viewing” means an employee observes the breasts, buttocks, or genitalia of an inmate of the opposite sex while the inmate is showering, performing bodily functions, changing clothing, or any similar activity. Cross gender viewing, if performed without warning by non-medical staff at times other than incidental to a routine cell check, supervisory rounds to prevent sexual abuse and harassment, or exigent circumstances (d).</p> <p data-bbox="252 1736 1476 1937">During the tour, staff of the opposite gender announced their presence by a doorbell sound in the unit. Staff from the unit control booth would announce the alarm anytime a staff of the opposite gender entered the housing unit. The housing unit had showers on each tier that had a privacy curtain that covered the bottom portion of the shower which allowed inmates to shower without being viewed by the non-medical staff of the opposite gender(d).</p> <p data-bbox="252 1993 1428 2150">Agency Executive Directive OPS.110.0047 Inmate Personal Searches outline that a strip search of a transgender or intersex inmate may not be conducted for the sole purpose of determining the inmate’s genital status. If an inmate’s genital status is unknown, it is to be determined through conversation with the inmate, a review of available medical records or</p>

part of a broader medical examination conducted in private by a licensed medical professional. When circumstances allow, staff should consult with a transgender or intersex inmate before conducting a search to determine the inmate's preference in the gender of the officer conducting the search (e).

During interviews with staff, verified that staff do not perform strip searches of a transgender or intersex inmate for the sole purpose of determining the inmates genital status. Staff indicated that there has not been any transgender or intersex inmates at RCI during the last 12 months (e).

Agency Executive Directive OPS.110.0047 Inmate Personal Searches outlines the procedures on conducting a crowd gender pat down search of transgender and intersex inmates in a professional and respectful manner (f).

During interviews with staff, RCI stated that they did not have any transgender or intersex inmates that were housed at RCI during the audit period. Therefore, the auditor is not able to determine the facility compliance with this provision (f). Interviews with 16 randomly selected staff indicated that they have in service training yearly that is in the training classroom for PREA and LGBTI (f).

A review of training records and powerpoint training modules verified that staff are provided training on cross gender pat-down searches which is provided by the Maryland Police and Correctional Training Commission Correctional Entrance Level Training program (f).

Based on the evidence, the facility has demonstrated compliance with this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Maryland Department of Public Safety and Correctional Services DCD.200.0001 Inmate Rights outlines that nondiscrimination, equal access for all inmates to programs, services and activities, without regard to race, religion, national origin, sex disability or political beliefs, unless membership in any of these classes necessitates the exercise of the constitutional duty to afford an inmate reasonable protection from harm, Warden shall ensure that violation of this provision are promptly reported to the commissioner (a). DPDS.180.0005 Detainee Orientation established responsibility for the orientation of detainees with reasonable accommodation for persons with language, literacy or hearing limitations (a)(b). Agency Executive Directive OEO.020.0032 Limited English Proficiency (LEP) Policy outlines that the department shall take reasonable steps to ensure that LEP individuals receive meaningful access to programs and services as appropriate (a).</p> <p>Agency Executive Directive OSPS.050.0030 Sexual Misconduct outlines that 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 (c). Agency Executive Directive OSPS.200.0004 Inmate Sexual Conduct outlines that 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 (c).</p> <p>During interviews with inmates with disabilities or limited English proficient, stated that they received the inmate handbook when the day they arrived at RCI. If the needed assistance the staff would be able to provide them what they needed. The handbook is in English and Spanish and is issued to inmates during intake. Inmates are also issued the Prevention of Sexual Abuse in Prison guide which is also available in English and Spanish (a)(b).</p> <p>During the tour the auditor notification was placed in the housing units and other areas that inmates had access. The Hotline numbers were posted in English and Spanish in the library, housing units, medical, visiting room, dining hall, gym, receiving and ID, MCE and other areas that inmates and staff have access (a)(b).</p> <p>In review of documentation, the facility utilizes the United States Census 2004 I Speak cards that provides 38 different languages to determine the appropriate language of the inmate. Interpreter services are available for inmates with limited English proficiency (LED). RCI provided a contractual agreement and purchase order with AsAstra Inc which was reviewed and confirms that in person translation services with AsAstra Inc would be contacted to provide services. Also, RCI provided a contractual agreement and purchase order with Language Line Services (800) 308-4807 which was reviewed and confirms telephone interpretation services would be provided. This company has a website Interpreter Intelligence</p>

which the auditor reviewed at <http://ad-astrainc.com/starmd>. The website requires that the agency login with a password. In order to use the language line, inmates must contact their supervisor and the supervisor has the MCTC account code to make the call. This verifies that RCI provides multiple ways in which LED inmates have access to interpreters so that they can effectively, accurately and impartially both receptively and expressively use specialized vocabulary. During the tour the auditor observed the PREA education video being played in Master Control. The PREA education video is played daily on each shift and is logged in the PREA education video log each time it is played (b).

The facility reported that there was no instance in the last 12 months where an inmate interpreter provided assistance in a case where extended delay in obtaining another interpreter could compromise an inmates safety that would confirm the agencies practice (c). Interviews with staff indicated that inmate interpreters or translators are not used for investigations and was not aware of an instance when an inmate interpreter was used. The facility has a language line for interpretation. If an interpreter is needed, they would call the language line (c).

Based on the evidence, the facility has demonstrated compliance with this standard.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Agency Secretary Directive DPSCS.020.0026 PREA Compliance outlines the Human Resource 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 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); 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 was civilly or administratively adjudicated to have engaged in the activity described in §.04B(3) of this directive (a).</p> <p>Agency Secretary Directive DPSCS.020.0026 PREA Compliance outlines the Human Resource Services Division (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 (b).</p> <p>Agency Secretary Directive DPSCS.020.0026 PREA Compliance outlines the Human Resource Services Division (HRSD) shall consider before hiring a new employee to perform duties involving contact with an inmate, the Human Resources Services Division shall conduct a criminal background records check, 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 (c). Before enlisting a contractor to perform services that involve contact with an inmate, the HRSD shall conduct a criminal background records check of the contractor's employees who may have contact with an inmate (d). 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 (e). The HRSD shall inquire of each applicant and current employees who may have contact with an inmate directly about previous misconduct described in §.04B(3) of this directive in a written application or interview for employment or promotions and an interview or written self-evaluation conducted as apart of a review of a current employee (f).</p> <p>Interviews with Human Resource (HR) staff stated that background checks for new hires including PREA questions are completed through centralized hiring. Headquarters does any type of of background checks for promotions. They go through background, and when the applicant is interviewed they read the policy and answers the PREA questions in their interview. Recruitment supplies job description, EEO, PREA, salary forms in the packet. Centralized hiring would know of any previous misconduct through the background check. If an employee was expecting a promotion and something was discovered later there would be discipline or termination. If a former employee applies for work at another institution the facility would only supply information on substantiated allegations of sexual abuse pr sexual harassment with a release form, otherwise they would just verify employment and dates. HR staff verified that a prospective employee can apply under state jobs online, promotions if</p>

qualified will receive a letter that they are placed on the list. If not qualified, they would receive a letter as to the reason why they were not placed on the list. Wexford health also requires background checks for medical contractors (b)(c)(d)(e)(f)(g).

Maryland Department of Public and Correctional Services Personal Interview Form was reviewed. Potential applicants complete the basic information and records sections of the application including education, military, family history, general background information and PREA Zero tolerance policy pre-employment questions. There are four questions that ask an applicant about being engaged in sexual abuse in a prison, jail, lock up community confinement facility, juvenile facility or other institution. Being convicted of engaging or attempting to engage in sexual activity in the community, being vividly or administratively adjudicated for sexual activity in the community, and being accused of sexual harassment. The application also includes prior institutional employers. Absent a release, HR will not disclose incidents of substantiated sexual abuse. (f)(h)

Based on the evidence, the facility has demonstrated compliance with this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>RCI agency Executive Directive policy OPS.115.0001 states a review of the staffing plan is conducted at least annual or on an as needed basis which includes determining adequate staffing levels and the use of video monitoring equipment to determine the the presence of blind spots or isolated areas. The agency contracted with PSA-Dewberry and Penza-Bailey Architects for a upgrade to facilities and technologies at the New BCDC Youth Detention Center with an anticipated completion date of June 1, 2017. (a)(b).</p> <p>The design of the Upgrades to the New BCDC Youth Detention Center according to the contract was designed in accordance with the PREA, Prisons and Jail Standards, United States Department of Justice Final Rule, National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) (a). Specifically, the facility incorporates best practices:</p> <ul style="list-style-type: none"> • sight and sound separation • design which minimizes blind spots, and maximizes direct supervision all housing units incorporate direct supervision • access to recreation access to education classrooms are designed with glazing to the corridor to allow for full visibility into classroom correctional officers continually patrol education corridors during school hours • separation of male and female housing all cells are single occupancy – no double celling • glazed doors and walls where visibility and control is critical • shower stalls have partial height partitions to permit visual supervision without violating privacy • access to proper safe and behavior management cells • strategically located supervision control and nursing stations • provision of normalized environment through effective and extensive daylighting and proper material and color choices. <p>The facility incorporates full building video surveillance with cameras fully covering all youth occupied areas to eliminate blind spots and maximize direct supervision. In addition, discreet duress alarms are provided within all education classrooms spaces. Panic alarm systems are provided within all offices and counseling spaces potentially occupied by youth. Master control incorporates full 24/7 monitoring of every camera through the facility. Any space, such as janitor closets, and other non- occupied support spaces, that do not have video surveillance, incorporates 1/2 door glazed visibility into these spaces (b).</p> <p>During the tour at RCI, facility staff indicated that RCI has video cameras that monitor inside and outside of the facility. Currently, the facility has four camera systems monitoring all the areas inside the facility. The Master Control system has 27 cameras that monitors the institutional perimeter, inside perimeter, gymnasium, food service, dining halls, chapel and the MCE entrance walkway camera. The ASIA officer monitors the cameras in the Dispensary and hallways in the ASIA areas. The MCE Officer control center monitors all the cameras in the MCE building on each floor in the MCE shop. The Education building custody officer monitors the cameras in the education building, hallways and classrooms(a)(b).</p>

During interview with staff at RCI, camera enhancements are constantly being monitored for improvements and upgrades. Staffing plans and incident reviews also give facility administration an opportunity to look into possible blind spots or areas of isolation within the facility. Chief of security submitted a memorandum outlining a three phase plan on camera proposal upgrade for B building, chapel building, commissary and housing unit four. The Staff indicated during their last PREA audit that an upgrade was made to the entrance walkway of the MCE building to provide coverage to the areas blind spot (a)(b).

Based on the evidence, the facility has demonstrated compliance with this standard.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The Executive Directive Number: IIU.110.0011 Investigating Sex Related Offenses outlines that the investigator if appropriate shall coordinate with facility medical and custody staff to arrange for the victim to be examined by a licensed health care professional to evaluate and treat physical or emotional illness or injury suffered as a result of the incident and obtain physical evidence from the victim using a “rape kit” available at the medical facility. When the possibility for recovery of physical evidence from the victim exists or otherwise is medically appropriate, coordinate with appropriate Department facility staff to arrange for the victim to undergo a forensic medical examination that is performed by a Sexual Assault Forensics Examiner (SAFE), Sexual Assault Nurse Examiner (SANE) or if documented attempts to obtain the services of a SAFE or SANE are unsuccessful, a licensed health care professional who has been trained to perform medical forensic examinations of sexual abuse victims. Also, if possible, preserve the scene of the incident and items that may be used as evidence, collect and preserve evidence to effectively support an administrative and, if appropriate, criminal proceedings (a)(c).</p> <p>The National protocol for Sexual Assault Medical forensic examinations is consistent with the Violence Against Women Act (VAWA) whereas the inmate does not incur any cost for a SAFE or SANE exam (b). The facility provided the National Protocol for Sexual Assault Medical Forensic Examinations for the auditor review.</p> <p>Agency Executive Directive OSPS.050.0030 Sexual Misconduct outlines that if medically appropriate or necessary to preserve evidence, offer the victim access to a medical forensics examination at no cost to the victim (b)(c).</p> <p>During interview with staff, they indicated that in an event that an inmate needed a SANE examination they would go to Meritus Medical Center which is a hospital in Hagerstown (c). A review of the Meritus Medical Center website reveals that they have language translation services free of charge for patients (b)(c).</p> <p>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 with 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 established under §.05G(3)(b)(ii) of this directive (e).</p> <p>A review of 10 facility investigations show that the facility does conduct PREA investigations consistent with this provision. However, all investigations are referred to the Internal Investigative Unit (IID) within the agency. During the last 12 months, the facility had 10 PREA allegations that were investigated. The facility had no substantiated cases of sexual abuse or sexual harassment. The facility has an investigation tracker that documents all of sexual abuse and sexual harassment for inmate on inmate and staff on inmate allegations (a).</p>

During interviews with 16 random staff, staff understood the agency's protocol for obtaining usable physical evidence if an inmate alleges sexual abuse. All staff interviewed knew to contact supervisor, separate the alleged victim from the alleged suspect, secure the crime scene, preserve evidence, advise alleged victim not to brush teeth, take a shower, wash clothes, or use the bathroom. Staff described the steps they would take to preserve physical evidence and how to label and bag evidence. Staff carried quick reference pocket guides on there person for easy reference. All staff were aware that investigations are conducted by Internal Investigative Unit (IID) (a).

RCI has Marland Coalition Against Sexual Assault (MCASA) to provide victim advocacy services. MCASA provides sexual assault forensic examinations, advocacy services, and an agency for reporting RPEA allegations of sexual abuse and sexual harassment. The Hotline contact information for MCASA is (410) 585-3177. This information is posted throughout RCI housing unit, library, Psychology Department, medical and receiving and ID/Intake. Inmates are given MCASA information upon arrival at RCI within 24 hours. The auditor called the MCASA hotline number and verified that the agency does provide services for inmates at RCI. The auditor also reviewed the MCASA website at MCASA.org and verified that services for advocate services are available through this agency (d)(e).

During interviews with 24 inmates, inmates knew about the MCASA hotline number. All stated the information is available in the housing units. All inmates stated that the PREA video is shown multiple times throughout the day. Also, the facility employs a social worker that is also a victim advocate (d).

Based on the evidence, the facility is complaint with this standard.

115.22	Policies to ensure referrals of allegations for investigations
	<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 1437 573">Agency policy Executive Directive Number IIU.110.0011 Investigating Sex Related Offenses states that 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 (a).</p> <p data-bbox="252 629 1477 913">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. 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 (a).</p> <p data-bbox="252 969 1469 1128">An IID investigator, or an investigator designated by the IID, shall conduct a prompt, thorough and objective investigation of every complaint of alleged inmate on inmate sexual conduct according to applicable statutory, regulatory, case law, contract, Department or agency procedures, or other reasonably accepted standards related to (b):</p> <ul data-bbox="252 1140 1118 1391" style="list-style-type: none"> (a) Collecting and preserving evidence; (b) Interviewing victims and witnesses; (c) Conducting and using polygraph examinations; (d) Identifying suspects; (e) Preserving an individual’s personal dignity and legal rights; and (f) Maintaining confidentiality of the investigation. <p data-bbox="252 1447 1469 1644">During staff interviews, the Internal Investigative Division (IID) is responsible for conducting all facility sexual abuse and sexual harassment investigations including criminal investigations. Upon receipt of an allegation the staff immediately notifies IID. IID can refer an investigation back to the facility for a trained investigator to complete (a). The facility documents all investigations into a PREA case tracking log (b).</p> <p data-bbox="252 1700 1453 1771">A review of 10 facility investigations reveal that IID is referred all facility investigations. Of the 10 investigations reviewed, none were referred for criminal investigations.</p> <p data-bbox="252 1827 1158 1861">Based on the evidence, the facility is in compliance with this standard.</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 1484 786">Agency Executive Directive OSPS.050.0030 Sexual Misconduct outlines that the head of a unit, or a designee, responsible for the custody and security of an inmate, in addition to responsibilities under §.05B of this directive, shall ensure that each employee attends approved training related to preventing, detecting, and responding to acts of sexual misconduct, written policy and procedures issued by the head of the unit related to the custody and security of an inmate comply with applicable federal PREA standards, department and agency policy prohibiting sexual misconduct, procedures for filing a complaint, and inmate rights related to sexual misconduct are effectively communicated to an inmate, as part of inmate orientation, by inclusion in the facility's inmate orientation paperwork, if applicable, the facility's inmate handbook and contact information for persons listed under §.05E(4) of this directive is current and effectively available to an inmate (a).</p> <p data-bbox="252 842 1469 1128">Agency Executive Directive OSPS.200.0004 Inmate Sexual Misconduct outlines 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 prohibiting inmate on inmate sexual conduct. Also, the head of a unit, or a designee, responsible for the custody and security of an inmate, in addition to responsibilities under §.05B of this directive, shall ensure that an employee attends approved training related to preventing, detecting, and responding to acts of inmate on inmate sexual conduct (a).</p> <p data-bbox="252 1184 1469 1386">A review of the Code of Maryland Regulations (COMAR) Correctional Training Commission mandates in-service training and firearms training and qualification for the rank below a first line supervisor to 18 hours of commission-approved training each calendar year. The training curriculum details sexual harassment and misconduct, female offenders and special management issues (a)(b).</p> <p data-bbox="252 1442 1469 1729">Interview with staff, confirmed that staff are required to attend training annually. Staff receive five days of classroom training with PREA training on day two. PREA training consist of video, powerpoint lesson plan with lesbian, gay, bisexual, transgender and intersex (LGBTI) and transgender pat-down. The auditor reviewed facility training curriculum including two powerpoint presentations for staff training that confirmed the facility compliance with this provision. Auditor also reviewed staff PREA handbook acknowledgement signature sheets for all three shifts (c).</p> <p data-bbox="252 1785 1481 1986">Agency Facility Directive DPDS-030-0001 Pre-Service and in-Service Training outlines that documentation of field training is maintained in the individual employees training file and shall include field training Officer (FTO) module performance checklist, uniform inspections and supervisory assessments on a weekly basis. Also, documented in the skills manager database (SMD) per protocol (d).</p> <p data-bbox="252 2042 1104 2076">Based on the evidence, the facility is complaint with this standard.</p>

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Agency Executive Directive OPSP.050.0030 Sexual Misconduct outlines that 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 which includes contractor, interns, volunteers and an employee of the Maryland Department of Education, Maryland Department of Labor, Licensing and Regulation, and Baltimore City Public Schools (a). 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 head of the unit is familiar with Department policy prohibiting sexual misconduct and this directive is available to each supervisor, manager, shift commander, and contractor who has contact with an inmate under the authority of the head of the unit (a).</p> <p>In review of the volunteer handbook, before a volunteer begins an assignment, a volunteer shall complete training determined by the volunteer coordinator to be necessary for the volunteer to perform duties and responsibilities of the assignment (a). The volunteer shall acknowledge participation and completion of assignment specific training on a form or in a format approved by the Director (c).</p> <p>The auditor reviewed volunteer training, PREA agreement, sexual assault prevention and reporting staff brochure, volunteer roster listing from all areas in RCI and volunteer background check database. The volunteer agreement specifically outlines Prison Rape Elimination Act (PREA), sexual harassment, sexual abuse and all documents they have confirmed to have received during orientation. In review of the roster listing, RCI has 145 volunteers that come into the facility and provide services. All which confirmed the facility compliance with this provision (a)(b)(c).</p> <p>During an interview with a volunteer and contractual staff, they confirmed that they received PREA training prior to providing services in the facility. Both staff stated that they knew how to report an allegation of sexual abuse and harassment, observed the signs for PREA in the facility, and had not had an inmate report an allegation to them (a)(b).</p> <p>Based on the evidence, the facility has demonstrated compliance with the standard.</p>

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Agency Executive Directive PSPS.200.0004 Inmate Sexual Conduct outlines that head of a unit, or a designee, responsible for the custody and security of an inmate, in addition to responsibilities under §.05B of this directive, shall ensure that department 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 if applicable, the facility's inmate handbook (a).</p> <p>Agency DPSCS Inmate Rights DOC.200.0001-1 provides that 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. If the orientation materials or handbooks are not given to inmates, the institution shall make the materials available to the inmates for reference in the library or a designated area (d).</p> <p>Agency DPDS.180.0005 Detainee Orientation states that orientation is completed within seven calendar days of intake (b).</p> <p>During interviews with inmates, stated that they received the inmate handbook when the day they arrived at RCI. If the needed assistance the staff would be able to provide them what they needed. The handbook is in English and Spanish and is issued to inmates during intake. Inmates are also issued the Prevention of Sexual Abuse in Prison guide which is also available in English and Spanish. The inmates stated that within their first week they were orientated on the agency zero tolerance policy for PREA in housing unit four. The inmates indicated that they would sign an acknowledgment that they received the orientation (a)(b)(d)(e).</p> <p>In review of documentation and interview with staff, the facility utilizes the United States Census 2004 I Speak cards that provides 38 different languages to determine the appropriate language of the inmate. Interpreter services are available for inmates with limited English proficiency (LED). RCI provided a contractual agreement and purchase order with AsAstra Inc which was reviewed and confirms that in person translation services with AsAstra Inc would be contacted to provide services. Also, RCI provided a contractual agreement and purchase order with Language Line Services (800) 308-4807 which was reviewed and confirms telephone interpretation services would be provided. This company has a website Interpreter Intelligence which the auditor reviewed at http://ad-astrainc.com/starmd. The website requires that the agency login with a password. to use the language line inmates must contact their supervisor and the supervisor has the MCTC account code to make the call. This verifies that RCI provides multiple ways in which LED inmates have access to interpreters so that they can effectively, accurately and impartially both receptively and expressively use specialized vocabulary. The auditor randomly selected 16 prisoner files and reviewed their orientation records. All of the inmates were orientated within seven days of intake (a-f).</p>

During the tour the auditor observed the PREA education video being played in Master Control. The PREA education video is played daily on each shift and is logged in the PREA education video log each time it is played. The facility has a language line for interpretation. If an interpreter is needed, they would call the language line. The facility reported there was 947 inmates that had orientation in the last 12 months. The auditor notification was placed in the housing units and other areas that inmates had access. The Hotline numbers were posted in English and Spanish in the library, housing units, medical, visiting room, dining hall, gym, receiving and ID, MCE and other areas that inmates and staff have access(a)(b)(c)(d)(e)(f)

Based on the evidence, the facility has demonstrated compliance with the standard.

115.34 Specialized training: Investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive IIU.110.0011 Investigating Sex Related Offenses establishes policy and procedures for Department of Public Safety and Correctional Services (Department) investigators conducting an investigation of an allegation of misconduct that involves a sex related offense (a).

Agency Executive Directive OSPS.050.0030 Sexual Conduct- Prohibited that outlines that 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 that, at a minimum, specifically addresses interviewing sexual abuse victims, using Miranda and Garrity warnings, sexual abuse evidence collection and criteria and evidence necessary to substantiate administrative action and, if appropriate, referral for criminal prosecution (a)(b).

During an interview with investigative staff, staff indicated that they received the required PREA investigation training through Internal Investigative Unit (IID). Staff stated the training consisted of techniques for interviewing sexual abuse victim, proper use of Miranda and Garrity warnings, Sexual Abuse evidence collection in confinement settings and criteria and evidence required to substantiate a case for administrative or prosecution referral. All investigations go through IID unit. IID unit may assign investigation back to the facility. Facility investigative staff would interview inmate and notify IID (a)(b).

RCI provided training documentation during the onsite visit that verified the Internal Investigative Unit (IID) investigators completed the seven hour PREA investigation training (c).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.35 Specialized training: Medical and mental health care

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive DPSCS.020.0026 Prisoner Rape Elimination Act (PREA) Federal Standards Compliance outline that the PREA Coordinator shall ensure that department PREA-related activities complex with federal PREA standards in medical and mental healthcare (a).

Medical Contractor Policy Wexford Health outlines that prior to working with offenders, all Wexford Health Sources staff with direct and or incidental contact with offenders must receive documented PREA training during orientation, and biannually thereafter. Training module will include review of this policy the Prisoner Rape Elimination Act (2003), prevention, investigation and prosecution of sexual misconduct, the departments zero tolerance stance, recognition of sexual misconduct, predatory offenders, potential victims, staff involvement, facility procedures on sharing confidential information, reporting procedures, offenders right to be free from sexual misconduct, offenders and employees right to be free from retaliation for reporting abuse, dynamics of sexual abuse in confinement and common reaction go sexual abuse victims (a).

A review of training records indicated that medical staff do complete PREA orientation and training pursuant to this standard. The facility indicated there are six employees that work at RCI that have received the required training (a)(c)(d).

Interview with medical and mental health staff indicated that the facility does not conduct SANE exams. If an inmate needs a SANE exam, they would go to Meritus Medical Center in Hagerstown. Staff indicated that they take 40 hour service training. Staff also indicated that they complete 4 hours of training specific to their license as well. Staff described that they are sent the computer based training information from the Wexford office. We would complete the training and print out our certificate. All healthcare is contracted through Wexford. Staff stated that the training they received covered how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence, how to respond to professionally to a victim of sexual abuse or sexual harassment and how to report an allegation of sexual abuse or sexual harassment. Staff indicated they would report an allegation of sexual abuse or sexual harassment to their supervisor, the PREA coordinator, custody staff and Wexford (a) (b).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.41 Screening for risk of victimization and abusiveness

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness establishes policy and assigns responsibilities for screening individuals housed in a correctional facility under the authority of the Department of Public Safety and Correctional Services (Department) to assess the risk of the individual being sexually abused or being sexually abusive towards other inmates (a). 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 (b).

The Department shall use a screening instrument as part of the intake and facility transfer process and at other times deemed appropriate to assess each inmate's risk for being sexually abused or being sexually abusive towards other inmates (c). Sexual victimization that, at a minimum, will consider the following criteria to assess inmates for risk of sexual victimization:

- (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 (d).

Being sexually abusive that, at a minimum, considers previous acts of sexual abuse, prior convictions for violence or sexual abuse and history of institutional violence or sexual abuse (e). 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 (f).

In review of documentation, The facility documented that 947 inmates entered the facility in the last 12 months and was assessed within 72 hours of arrival at intake. Review of risk assessment screening verify that referrals to mental health are offered. A random sample of 15 risk assessments for inmates show staff are screening inmates within 72 hours of arrival and again upon transfer to another facility. RCI uses the same screening instrument for all inmates. The risk screening tools uses the following criteria when assess inmates for risk of sexual victimization age, height, weight, mental health, developmental or physical ability sexual orientation, LGBTI status, convictions of violent offenses, conviction of sexual offense, confinement, conduct for physical assault, victim of unwarranted sexual contact, sexual contact with someone without consent, sexual assault conducted while confined, and fears of safety in the facility (a)(b)(c)(d)(e). The screening form also contains the information for a 30 day reassessment (f). A review of the 15 randomly selected screening assessments revealed that inmates were being reassessed within 30 days (f).

Interviews with staff that perform risk assessments indicate that all screening for risk of sexual abuse victimization and risk of sexual abusiveness is completed in receiving and ID at intake. Risk screening is completed within 24 hours of arrival to meet ACA standards. Staff confirmed that all factors regarding age, physical build, perception of safety, LGBTI status, prior victimization in community or prison, mental illness, convictions of violent or sexual offenses, perpetrator of sexual abuse and misconducts for physical assault are considered. Interview with staff that perform reassessments stated they always complete reassessments within 30 days of intake typically after two to three weeks of arrival and at anytime they are in receipt of additional information. Staff also indicated that inmates are not disciplined for refusing to respond. If the inmate is not willing to respond, staff find the information needed by reviewing the base files and case plans. Base files are confidential and only certain staff have access to those files. Base files are all stored in the case management office (a)(c)(d)(e)(g)(h)(i).

Based on the evidence, the facility is in compliance with this standard.

115.42 Use of screening information

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness outlines that screening information shall 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, presents management or security problems. Placement and programming assignments for each transgender or intersex inmate shall be re-assessed at least twice each year to review threats to safety experienced by the inmate and 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. Also, 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 (a-g).

A review of randomly a computerized tracking system show how inmates are assessed, housed and tracked so not to have incompatible PREA risk assessment score when placed in the same unit. RCI Traffic staff use PREA alert codes to assign housing to each inmate. Inmates that are identified as vulnerable are not housed with inmates that are identified as predator. This is also confirmed with programming and assignments in the facility. A review of 15 PREA risk assessments confirmed the facility practice on use of the risk scores to determine placement within the facility. The risk assessments provide a list of screening questions that determine a inmates risk of abusiveness and a risk of victimization. Having this screening tool helps staff identify the appropriate placement for each inmate. The risk screening tools are secured in the case management office file to keep inmate information confidential (a)(b)(c).

Interview with staff that perform risk screening and and reassessments, if an inmate scores as a victim or abuser they are stored in our traffic database so they are not housed together (a) (b). If they report as transgender they have to be reviewed every six months for programming, housing and work assignments. Staff reported that there has not been an instance where they had a transgender prisoner at the facility to confirm the facility practice with provision (c)(d)(e) (f)(g).

Interview with inmates confirm that they are asked a series of questions when they first arrive at receiving and ID/intake within 24 hours of arrival. Some inmates recall being asked the same questions at previous facilities.

Based on the evidence, the facility is in compliance with this standard.

115.43 Protective Custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS.200.005 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 (a). Policy DOC.100.0002 Case Management Manual outlines that protective custody housing is appropriate only when required for the protection of the inmate. Every effort shall be made by case management staff and the managing official to find suitable alternatives to protective custody housing. Alternatives may include, but are not limited to transfer of the inmate to a different housing unit within the facility, a lateral transfer of the inmate to another facility of the same security level or transfer of the inmate's documented enemy or enemies to another facility (a).

A review of segregation and general population housing logs did not reveal any entries where a an inmate was placed in involuntary segregation. A review of facility PREA investigation and investigation tracking show that there was no inmate placed in involuntary segregation for risk of sexual victimization during the last 12 months.

Interviews with staff, confirmed that the facility has not placed an inmate in involuntary segregation during the last 12 months to confirm the facilities compliance with provision (a)(b)(c)(d)(e). However, staff indicated that each situation would be assessed to determine if there are alternatives as they try to be to keep them in the least restrictive while ensuring safety. Also, staff indicated that inmates would have access healthcare, mental health and social workers. Inmates would also have access to the phone and other privileges to the extent possible. Case management would complete a review every 30 days to determine whether there is a continuing need for separation from the general population.

Based on the evidence, the facility is in compliance with this standard.

115.51 Inmate reporting

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Agency Executive Directive OSPS.50.0030 Sexual Misconduct and OSPS.200.0004 Inmate Sexual Misconduct outlines a complaint of alleged inmate on inmate sexual conduct may be submitted in the following formats in writing (includes electronic documents, verbally, a complainant may remain anonymous.

To effectively reduce actual or perceived barriers to filing a complaint, an individual may file a complaint of inmate on inmate sexual conduct with any one or all of the following without regard to chain of command or assignment an employee receiving a complaint of or who otherwise has knowledge of alleged inmate on inmate sexual conduct shall immediately report the complaint to a supervisor, manager, shift commander, or head of the unit followed by submission of the appropriate written format used to document an inmate rule violation (a). Maryland Coalition Against Sexual Assault (MCASA) the external hotline phone number (410) 585-3177 (b). A "third party" on behalf of the victim or other individual who has knowledge of the alleged sexual misconduct (c). Staff can also privately report sexual abuse and sexual harassment of inmates directly to Intelligence and Investigative Division (IID), Inmate grievance office, Office of the Attorney General or other private or public office able to receive and immediately forward the complaint of alleged sexual misconduct to the department (d)

During the tour, sexual abuse and sexual harassment posting in each housing unit and other areas in the facility provide inmates access the PREA reporting hotline phone numbers for for making calls to Maryland Coalition Against Sexual Assault (MCASA) the external hotline phone number (410) 585-3177. MCASA number was also located in Receiving and ID, psychology department, library and medical. The hotline number does not require inmates to utilize their pin number which provides a way inmates can communicate in a confidential manner. This information is also available in the inmate handbook that inmates get at receiving and ID when they first come to RCI and again during inmate orientation.

During interviews with staff and inmates, it was verified that staff and inmates knew the various ways in which to report and allegation of sexual abuse or sexual harassment. Interviews with staff revealed that inmates receive PREA hotline reporting and outside advocacy information when they arrive at RCI in receiving and ID. Staff at Receiving and ID gives every inmate the PREA inmate handbook. Staff also reported that PREA education is continuously shown twice on every shift.

During the random inmate interviews, inmates expressed knowing how to report a sexual abuse or sexual harassment allegation with someone other than the facility staff. Inmates stated that they could call the hotline number, family and the Maryland Coalition Against Sexual Assault (MCASA). MCASA is an external PREA hotline reporting agency that inmates can report incidents of sexual abuse, advocacy services, and SAFE examinations support. This rape crisis center has a 24hour hotline with counselors trained to listen and offer information. The auditor was able to contact MCASA and verify this information (a)(b). MCASA brochure are available in the library, Receiving and I.D., Information desk and on the website.

The agency entered into a contractual agreement with Maryland Coalition Against Sexual Assault (MCASA) to acquire the services of a rape crisis center statewide sexual assault

coalition or similar community-based organization in order to provide victim advocacy services to its inmates. In review of the purchase order, the contractual agreement provides trained sexual assault victim advocates as available to respond and provide advocate services to DPSCS inmates that have experienced sexual assault. The agency also has an agreement with Life Crisis Center that provides telephone screening and referral services for the Prisoner Rape Elimination Act Hotline (c).

Based on the evidence, the facility is in compliance with this standard.

115.52 Exhaustion of administrative remedies

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OPS.185.002 Administrative Remedy Procedure (ARP) outlines that 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.

Also, an inmate may not seek to resolve a complaint through the ARP for issues that include 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, which shall be addressed according to Department procedures for reporting, investigating, resolving, and documenting PREA related incidents.

Therefore, RCI is exempt from this standard.

115.53 Inmate access to outside confidential support services

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Agency Executive Directive OSPS.050.0030 Sexual Misconduct, OSPS.200.0004 Inmate Sexual Misconduct outline that 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 established under this directive (a). Also, RCI Facility Directive RCI.ID.020.0026.1 PREA Implementation at RCI outlines the procedures of the zero tolerance that staff will follow as it relates to sexual abuse and sexual harassment.

During the tour, sexual abuse and sexual harassment posting in each housing unit and other areas in the facility provide inmates access the PREA reporting hotline phone numbers for for making calls to Maryland Coalition Against Sexual Assault (MCASA) the external hotline phone number (410) 585-3177. MCASA number was also located in Receiving and ID, psychology department, library and medical. The hotline number does not require inmates to utilize their pin number which provides a way inmates can communicate in a confidential manner. This information is also available in the inmate handbook that inmates get at receiving and ID when they first come to RCI and again during inmate orientation (a)(b).

Interviews with staff revealed that inmates receive PREA hotline reporting and outside advocacy information when they arrive at RCI in receiving and ID. Staff at Receiving and ID gives every inmate the PREA inmate handbook. Staff also reported that PREA education is continuously shown twice on every shift.

During the random inmate interviews, inmates expressed knowing how to report a sexual abuse or sexual harassment allegation with someone other than the facility staff. Inmates stated that they could call the hotline number, family and the Maryland Coalition Against Sexual Assault (MCASA). MCASA is an external PREA hotline reporting agency that inmates can report incidents of sexual abuse, advocacy services, and SAFE examinations support. This rape crisis center has a 24hour hotline with counselors trained to listen and offer information. The auditor was able to contact MCASA and verify this information (a)(b). MCASA brochure are available in the library, Receiving and I.D., Information desk and on the website.

The agency entered into a contractual agreement with Maryland Coalition Against Sexual Assault (MCASA) to acquire the services of a rape crisis center statewide sexual assault coalition or similar community-based organization in order to provide victim advocacy services to its inmates. In review of the purchase order, the contractual agreement provides trained sexual assault victim advocates as available to respond and provide advocate services to DPSCS inmates that have experienced sexual assault. The agency also has an agreement with Life Crisis Center that provides telephone screening and referral services for the Prisoner Rape Elimination Act Hotline (c).

Based on the evidence, the facility is in compliance with this standard.

115.54 Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPA.050.0030 Sexual Misconduct, OSPA.200.0004 Inmate Sexual Misconduct, and Roxbury Facility Directive PREA Implementation at RCI RCI.ID.020.0026.1 outlines that a complaint of an alleged sexual misconduct by be filed through a third party on behalf of the victim or other individual who has knowledge of the alleged sexual misconduct. A complaint of alleged inmate on inmate sexual conduct may be submitted in writing or verbally (a). Maryland Department of Public Safety and Correctional Services Prisoner Rape Elimination Act of 2003 (PREA) Public Law 108-79 list the statewide coordinator contact information and the Investigative Unit contact information for the public.

During the tour, there was information posted in areas throughout the facility in English and Spanish in view of the public for reporting sexual abuse and sexual harassment (visiting room, front lobby) (a).

During the random inmate interviews, inmates expressed knowing how to report a sexual abuse or sexual harassment allegation with someone other than the facility staff. Inmates stated that they could call the hotline number, family and the Maryland Coalition Against Sexual Assault (MCASA). MCASA is an external PREA hotline reporting agency that inmates can report incidents of sexual abuse, advocacy services, and SAFE examinations support (a).

Based on the evidence, the facility is in compliance with this standard.

115.61 Staff and agency reporting duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS.050.0030 Sexual Misconduct, OSPS.200.004 Inmate Sexual Misconduct outlines an employee receiving a complaint of or who otherwise has knowledge of alleged inmate on inmate sexual conduct shall immediately report the complaint to a supervisor, manager, shift commander, or head of the unit followed by submission of the appropriate written format used to document an inmate rule violation. This includes being employed by the Department in a full-time, part-time, temporary, or contractual position regardless of job title or classification (a). 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 (a). OSPS.200.0004 outlines that information concerning a complaint of alleged inmate on inmate sexual conduct is confidential and may only be available to individuals who have an established role in the reporting, processing, investigation, and resolution of the alleged inmate on inmate sexual conduct and immediate and continued care of the victim (b). Wexford Health procedure in the event of sexual assault will ensure that victims of sexual assault receive prompt and appropriate medical intervention. Maryland Family Law code annotated 5.704 outlines the duty to report by law. Also the facility requires the notification to a Maryland Child Protective Services for those under the age of 18 or considered a vulnerable adult (d). A "third party" on behalf of the victim or other individual who has knowledge of the alleged sexual misconduct. A complainant may remain anonymous (e).

During interviews, staff explained the process on how they would report an allegation of sexual abuse or sexual harassment immediately to their supervisor. The facility would notify Intelligence and Investigative Division (IID), they would complete all required reports. Staff knew the agency policy on reporting and carried quick reference guide pocket cards on their person. All staff interviewed was knowledgeable about how to report an incident of sexual abuse or sexual harassment. Mental and medical health staff were also aware of their duty to report sexual abuse and sexual harassment complaints (a)(b)(c). During the audit period, RCI did not house any inmate under the age of 18 (d).

A review of the Roxbury Correctional Institution Inmate Handbook from 2015, 2016, and 2017 provided to inmates outlines information on reporting sexual abuse and sexual harassment complaints to staff, contractors, volunteers. It also provides the PREA hotline number which is an anonymous way for inmates to report allegations of inmate on inmate sexual abuse, staff, contractors or volunteers on inmate sexual abuse or sexual misconduct and harassment and related retaliation (a)(b).

Based on the evidence, the facility is in compliance with this standard.

115.62 Agency protection duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS.050.0030 Sexual Misconduct, OSPS.200.0004 Inmate Sexual Misconduct, OSPS.200.005 Assessment for Risk of Sexual Victimization and Abusiveness and DOC.100.0002 Case Management Manual outlines that 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 available medical or mental health services or counseling, changes to inmate housing assignments and staff work assignments and continued monitoring as deemed appropriate (a). Also, Screening information shall 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 (a). In review of the Case Management Manual, Special Confinement Housing, utilizes special confinement housing when an inmate requires close supervision, segregation from the general population, or both. It may be used to ensure the safety and security of the facility, staff, individual inmate, the general inmate population, or some combination of these (a).

In the past 12 months, RCI has not had an inmate that was subject to a substantial risk of imminent sexual abuse to confirm the facility compliance with this provision (a).

During an interview with staff, staff indicated they notify the supervisor, ensure their safety by removing the inmate from the area, identify the abuser, move to a different cell, housing unit or institution. Possibly segregate until transferred with single cell accommodation. Always try to keep it the least restrictive using administrative segregation as last resort (a).

Based on the evidence, the facility has demonstrated compliance with this standard.

115.63 Reporting to other confinement facilities

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OPS.050.0001 Sexual Misconduct and OPS.200.0005 Inmate Sexual Misconduct outlines If a complaint of alleged inmate on inmate sexual conduct is received by a supervisor, manager, shift commander, or head of a unit at a facility other than the facility where the alleged inmate on inmate sexual conduct occurred, the managing official responsible for the facility receiving the complaint immediately, but not later than 72 hours of being notified of the incident shall notify another Department facility, the managing official of the facility where the incident occurred, if the incident occurred at a facility that is not under the authority of the Department, the facility head or agency head responsible for the facility where the incident occurred and the IID, regardless of jurisdiction for the facility where the incident occurred record the notifications made in accordance with of this directive (a)(b)(c)(d).

In the past 12 months, RCI had no inmate allegations that the facility received while the inmate was confined at another facility that would confirm the facility compliance with this provision (a)(b)(c).

During an interview, the facility confirmed that the PREA office or Warden of facility would be notified and if it was reported at the facility they would open an investigation immediately and treated like a screen scene process like any other allegation of sexual abuse (d).

Based on the evidence, the facility is in compliance with this standard.

115.64 Staff first responder duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OPS.050.001 Sexual Misconduct and OPS.200.0005 Inmate Sexual Conduct outlines that the first correctional officer responding to an incident of sexual misconduct shall ensure the safety of a victim of sexual misconduct by immediately stopping an incident in progress, if necessary arranging for separation of the victim from the abuser, if applicable, immediately, if qualified, providing medical attention or arranging for appropriate medical attention.

If the circumstances are such that there is evidence to preserve, preserve the scene of the incident, ensure the victim is advised not to do anything that would contaminate or destroy physical evidence such as, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and ensure the alleged abuser does not do anything that would contaminate or destroy physical evidence such as, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating (a)(b). Also, Department of Public Safety and Correctional Services Medical evaluations Manual for Sexual Assault on an inmate and Wexford health P-314 outlines the response of medical nursing staff. Medical nursing staff shall notify Custody of any sexual assault report without sharing medical details and custody will notify additional authorities.

Facility Investigation reports were reviewed and verified that security and non security staff responded according to policy in reporting allegations to supervisor and separating alleged victim from alleged suspect (a)(b). Investigating reports also confirmed that staff separated the alleged victim and alleged abuser including collecting evidence.

During interviews, security staff and non security staff first responders, described the action they would take in an allegation of sexual abuse. Facility staff stated they would separate the alleged victim and abuser, notify supervisor immediately, take the alleged victim and abuser to medical for evaluation. They also described preserving and protecting the crime scene, requesting that the victim not to eat, drink, shower, brush their teeth or use the bathroom. All staff interviewed stated they would contact the PREA coordinator, provide a written report and secure evidence (a)(b).

Based on the evidence, the facility is in compliance with this standard.

115.65 Coordinated response

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Policy Directive OSPS.050.0030 Sexual Misconduct, OSPS.200.0004 Inmate Sexual Misconduct and the Sexual Assault Allegation Decision tree outlines the complaint process and provides agency level guidance for facility level plan. A complaint of alleged inmate on inmate sexual conduct received anonymously shall be accepted and processed the same as a complaint received from an identified source. An employee receiving a complaint of alleged inmate on inmate sexual conduct shall immediately notify a supervisor, manager, shift commander, or the head of the unit of the complaint. A supervisor, manager, shift commander, or unit head receiving a complaint under §.05E or .05F(2) of this directive shall immediately If inmate on inmate sexual conduct is actively taking place, dispatch staff to stop the alleged incident, safeguard the victim from further harm, if applicable arrange for emergency medical services, detain the alleged perpetrator and preserve evidence and the scene of the alleged incident. If the inmate on inmate 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 preserve evidence at the scene detain the alleged perpetrator and prevent destruction of physical evidence, 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. Report the complaint of alleged inmate on inmate sexual conduct to the Department's Internal Investigative Division (IID) and administratively document and process the complaint of alleged inmate on inmate sexual conduct inmate rule violations through the Inmate Disciplinary Process (a).

In an Interview with the Warden, the facility has a written plan, quick reference guide policy for the plan Agency Executive Policy Directive OSPS.050.0030 Sexual Misconduct, OSPS.200.0004 Inmate Sexual Misconduct, Sexual Assault Allegation Decision tree and training for all staff. During interviews with staff, first responders, medical, mental health, investigators, shift commanders knew how to respond to an incident of sexual abuse. The facility staff also carried quick reference pocket guides on their person.

Based on the evidence, the facility is in compliance with this standard.

115.66 Preservation of ability to protect inmates from contact with abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

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

The Agency provided Maryland State Personnel and Pensions Code Annotated 3-302 that outlines the right of the state to hire, direct, supervise, assign employees, promote, demote, discipline, discharge, retain and lay off employees.

As a part of the consortium agreement with Maryland, the Agency Head Martha Danner, Special Assistant to the Deputy Secretary John Michael was interviewed by Todd Butler (PREA Coordinator) on February 27, 2017. Collective Bargaining agreement and the State Personnel and Pensions law does not limit the agency's ability to remove alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation.

Based on the evidence, the facility has demonstrated compliance with the standard.

115.67 Agency protection against retaliation

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive Policy OSPS.200.0004 Inmate Sexual Misconduct and OSPS.050.0030 Sexual Misconduct outlines that 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 application of available medical or mental health services or counseling, changes to inmate housing assignments and staff work assignments and continued monitoring as deemed appropriate (a)(b)(c)(d)(e).

During the last 12 months in review of facility investigations, RCI had no reported incidents of retaliation that occurred in the past 12 months (a)(c)(d).

RCI has designated staff members to monitor retaliation (a). During interviews, staff that conduct monitoring would monitor an alleged victim for 90 days and sometimes longer depending on a status review with the victim to ensure there are no conduct reports, program and housing reassignments.

Based on the evidence, the facility is in compliance with this standard.

115.68 Post-allegation protective custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Department of Public Safety and Correctional Services Case Management Manual DOC .100.0002 outlines that an inmate may be placed on administrative segregation in response to a potential threat to the safety, security, and good order of the facility, when there is reason to believe the placement of an inmate on administrative segregation will reduce that threat (a). Also, subsequent reviews for an inmate assigned to administrative segregation shall be reviewed by the case management team at least once every 30 days. An inmate may refuse to appear before the case management team, and when doing so shall sign a waiver to indicate such action. One staff member shall witness the signing of the waiver. If the inmate refuses to appear and refuses to sign the waiver, the refusal to sign shall be witnessed by two staff members (a). Protective custody housing is appropriate only when required for the protection of the inmate. Every effort shall be made by case management staff and the managing official to find suitable alternatives to protective custody housing. Alternatives may include, but are not limited to transfer of the inmate to a different housing unit within the facility, a lateral transfer of the inmate to another facility of the same security level, transfer of the inmate's documented enemy or enemies to another facility, transfer of the inmate to another state under the provisions of the Interstate Corrections Compact (ICC), transfer to MCAC (in exceptional circumstances only) or assignment to home detention (if eligible) (a).

During the last 12 months RCI did not have an inmate who alleged to have suffered sexual abuse who were held in involuntary segregated housing awaiting completion of assessment that would confirm the agency's practice with this provision. A review of investigations revealed there was no allegation of sexual abuse during the last 12 months where the alleged victim was held in involuntary segregation (a).

Based on the evidence, the facility is in compliance with this standard.

115.71 Criminal and administrative agency investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Policy OSPS .200.0005 Inmate Sexual Conduct, OSPS .050.0030 Sexual Misconduct and OPS .050.0001 Sexual Misconduct outlines an IID investigator, or an investigator designated by the IID, shall conduct a prompt, thorough and objective investigation of every complaint of alleged inmate on inmate sexual conduct according to applicable statutory, regulatory, case law, contract, department or agency procedures, or other reasonably accepted standards related to collecting and preserving evidence, Interviewing victims, witnesses, and suspected perpetrators, conducting and using polygraph examinations and identifying suspects Also, complaints received anonymously will be handled in the same manner as any other complaint (a)(c). Executive Directive IIU.110.0011 Investigating Sex Related Offenses outlines that 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 (b). Agency policy also outlines that the agency shall consult with the prosecutor when appropriate (d). Also, the credibility of a victim, witness, or suspect shall be determined on an individual basis, regardless of the individual's status, for example employee or inmate (e). A victim of alleged sexual misconduct may not be compelled to submit to a polygraph or other truth-telling examination as a condition for proceeding with an investigation of alleged sexual misconduct (e). Determine if employee action or lack of action contributed to the occurrence and documents all aspects of the investigation in a comprehensive investigative report that thoroughly describes, physical, testimonial and documentary evidence (f) (g). A memorandum from the DPSCS outlines that there is an electronic retention of PREA investigations with limited access to the Director of the Internal Investigative Unit and one designee to ensure confidentiality. The investigations can be retained indefinitely (h). OPS .050.0001 Sexual Misconduct states that the departure of an employee alleged to have committed sexual misconduct or the victim of sexual misconduct from the Department is not a basis for terminating an investigation of alleged sexual misconduct (J).

Interview with investigative staff confirmed that staff knew the investigative process of reporting to supervisor, PREA coordinator any allegation of sexual abuse or sexual harassment, talk with medical and mental health staff local law enforcement notification and processing evidence. Staff stated they would report immediately, treat the area as a crime and have the inmate seen by medical staff. Staff also reported that they would talk to the perpetrator if known, separate the inmates, notify a shift commander, take all necessary steps to ensure the alleged victims safety. Staff knew the protocol on gathering information, securing the scene and notifying IID (c). Staff indicated that if an incident appear to be criminal they would notify IID and assist IID with scheduling interviews with victim, suspect and relevant witnesses. The Department of Public Safety and Correctional Services Intelligence and Investigative Division (DPSCS-IID) conducts all criminal investigations. Staff indicated that all investigations are documented and the stand that they require is the preponderance of the evidence to substantiate an allegation of sexual abuse or sexual harassment (f).

A review of agency investigations confirmed that alleged victims, suspects, and witnesses are interviewed and their statements are documented in the report by the investigator consistent

with provision(e). It is also confirmed that the agency makes referrals to IID for investigations. The reports are thorough and very detailed. They agency keeps a copy of the investigation onsite and the auditor was able to review all investigations during the audit period (i). In review of the investigative reports, no investigation supported criminal prosecution for the auditor to determine compliance with provision (d)(h). Also, there was no instance that an alleged abuser was departed from employment where that provided basis for terminating an investigation (j).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.72 Evidentiary standard for administrative investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Policy Directive IIU.110.0011 Investigating Sex Related Offenses outlines that 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 substantiated meaning an allegation that was investigated and determined to have occurred, 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 unfounded meaning an allegation was investigated and determined to not have occurred.

In review of 10 facility sexual abuse and sexual harassment investigations confirm that the agency uses no standard higher than the preponderance of the evidence in determining whether allegation of sexual abuse or sexual harassment are substantiated.

Interview with staff indicated that all investigations require no standard higher than the preponderance of the evidence to substantiate an allegation of sexual abuse or sexual harassment (a).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.73 Reporting to inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive Policy IIU.110.0011 outlines 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 substantiated meaning an allegation that was investigated and determined to have occurred, 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 unfounded meaning an allegation was investigated and determined not have occurred (a).

A review of facility investigations confirm that the inmate is notified of the investigatory finding consistent with provision (a).

Interview with Investigative staff, staff notifies the inmate and makes the notation in the investigative packet. If an inmate transfers to another facility we would still notify them of the investigative finding.

Agency Executive Directive Policy OSPS.050.0030 Sexual Misconduct outlines that 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 the employee is no longer assigned to the inmate's housing unit, the employee is no longer assigned at the inmate's facility, if aware, the employee is criminally charged for an offense related to the sexual abuse that occurred within the facility and if aware, the employee is convicted on a charge related to the sexual abuse that occurred within the facility (c).

A review of facility investigations confirm that there has been no instance of a substantiated allegation with staff to determine the facilities compliance consistent with provision (c).

Interview with staff confirmed that there has not been any instance of a employee convicted on a charge related to sexual abuse within the facility (c).

Agency Executive Policy Directive OSPS.200.0004 Inmate Sexual Misconduct outlines that except when an allegation of inmate on inmate sexual conduct is determined to be unfounded, the head of the unit responsible for the victim inmate shall, for as long as the victim inmate is under the authority of the Department, ensure that the victim inmate is notified of the following situations concerning the inmate who sexually abused or is alleged to have sexually abused the victim inmate if aware, the accused inmate is in any way charged with a crime related to the sexual abuse that occurred within the facility and if aware, the accused inmate is convicted on a charge related to the sexual abuse that occurred within the facility (d).

There has been no instance where the alleged abuser has been indicted on a charge related to sexual abuse within the facility consistent with provision (d).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.76 Disciplinary sanctions for staff

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS c.050.0030 Sexual Misconduct outlines that an employee is subject to disciplinary action, up to and including termination of employment with the Department. Also, the Agency states the department does not tolerate sexual misconduct by an employee, by either omission or commission or consider alleged or actual consent as a defense to an allegation of sexual misconduct (a)(b)(c). Agency Standard of conduct Internal Administrative Disciplinary Process outlines that sexual abuse is a category three infraction with termination as the sanction(b). Policy 12.11.01 Department of Public Safety and Correctional Services Office of the Secretary Internal Investigative Unit outlines that an alleged violation of criminal law committed by an employee while on and off duty if that violation impacts negatively on the department (d). Agency Position Description outlines that officers are required to meet training standards established by the Maryland Police and Correctional Training Commission for police to maintain certification, as well as advanced training in investigative techniques to enhance career development (d).

A review of 10 facility investigations verified that during the last 12 months verified that there were no cases where staff from RCI violated the agency sexual abuse or sexual harassment policies (b)(c)(d).

Interview with staff, verified that during the last 12 months RCI has not terminated or disciplined any employee for violating the sexual abuse and sexual harassment policies.

Based on the evidence, the facility has demonstrated compliance with the standard.

115.77 Corrective action for contractors and volunteers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Directive OSPS. 050.0030 Sexual Misconduct outlines that 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 this includes a contractor and intern. if a contractor is determined to have committed sexual misconduct is 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, subject to sanctions according to provisions of the contract or agreement, is subject to criminal prosecution; and if applicable, notification of a relevant licensing authority. (a)

During the last 12 months 10 facility investigations were reviewed that verified there had not been any instance of sexual abuse or sexual harassment by a contractor or volunteer (a). During the last 12 months, RCI has not had a volunteer or contractor that violated the agency's policy on sexual abuse and sexual harassment to take appropriate measures and consider whether to prohibit further contact with inmates that would confirm the agency's practice (b).

During an interview with staff, RCI staff expressed that if there was a case of any violation the facility would ban the contractor or volunteer from the facility and criminal action as appropriate. Staff confirmed that the agency had not had an instance where a contractor or volunteer violated the agency's sexual abuse or sexual harassment policy (b). The agency refers all investigations to local law enforcement and there was no instance where a contractor or volunteer had to be reported to law enforcement (a).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.78 Disciplinary sanctions for inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Executive Policy Directive OSPS .200.0004 Inmate Sexual Misconduct outlines an inmate determined to have committed sexual conduct is subject to: (a) A penalty established under Inmate Disciplinary Process; and If applicable, criminal prosecution (a). The agency Inmate Discipline 12.02.27 outlines that the adjustment history sentencing matrix shall specify the disciplinary segregation or credit revocation penalties that may be imposed as sanctions on a defendant inmate found guilty of an inmate rule violation. The hearing officer shall determine an appropriate sanction cell by using the defendant inmate's category of rule violation and adjustment history specified by the adjustment history sentencing matrix (b) Also special needs consideration in disciplinary cases for an inmates behavior that indicates that the inmate may not be competent to participate. The inmate would be referred by the hearing officer to the mental health staff to access the inmates mental health status (c). Agency Executive Directive OSPS .050.0030A 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 (f).

The auditor reviewed 10 Investigations during the audit period that revealed that all of the administrative investigation findings for inmate on inmate sexual abuse allegations were unsubstantiated. RCI did not have any administrative finding that resulted in a criminal finding of guilt to confirm the agency's practice with this provision (a). However, every investigation was reported to Department of Public Safety and Correctional Services Intelligence and Investigative Division (DPSCS-IID).

Interviews with staff confirm that disciplinary sanctions for rule violations following an an administrative or criminal charges finding that an inmate engaged in inmate on inmate sexual abuse. The agency has a matrix and hearing are done by independent hearings officer from the department. Mental disability or mental illness can modify sanction or increase security level. Interview with staff verified that RCI does offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. Staff indicated a referral evaluation to psychology behavioral health would be made. Also, staff indicated that there is no requirement of participation for an inmate to access programming and other benefits (d).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Directive OSPS.200.0005 Assessment for Risk of Sexual Victimization and Abusiveness establishes policy and assigns responsibilities for screening individuals housed in a correctional facility under the authority of the Department of Public Safety and Correctional Services (Department) to assess the risk of the individual being sexually abused or being sexually abusive towards other inmates. It also outlines that whenever screening indicates that an inmate has experienced prior sexual victimization or previous perpetrated sexual abuse, whether it occurred in a facility or in the community, the inmate is offered a follow-up with medical or mental health practitioner within 14 days of the initial PREA screening. Further outlines 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. Agency Directive OSPS .200.0004 Inmate on Inmate Sexual Conduct Prohibited and OSPS.050.0030 Sexual Misconduct outlines that 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.

RCI uses a PREA Intake screening instrument to assess risk of victimization and risk of abusiveness. If the inmate reveals in questions 7, 12, 17, or 18 that he or she has been a victim or perpetrator of a sexual assault, the inmate must be offered a follow-up visit with mental health staff. Staff check the appropriate Referral boxes and provide the inmate with a PREA follow up form. Assist the inmate with the form, if necessary, and send the letter to the psychology department through the institutional mail.

The auditor reviewed 27 adult male screening reviews that was completed within 72 hours of arrival. If prior sexual victimization or previous perpetrated sexual abuse was reported a follow-up with medical and mental was offered.

During interview with staff it was confirmed that inmates are offered a follow-up screening with medical or mental health staff. Medical and mental health staff indicated that get informed consent as soon as an inmate comes in for a PREA evaluation. This is offered before they disclose any information. Medical staff also verified that RCI does not have youthful offenders (e).

Based on the evidence, the facility has demonstrated compliance with the standard.

115.82 Access to emergency medical and mental health services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Directive OSPA.050.0030 Sexual Misconduct (a) outlines that a supervisor, manager or shift commander shall ensure the safety of a victim of sexual misconduct, through a coordinated response to a complaint of sexual misconduct that includes referral for medical and mental health care follow-up and

Non-medical or mental health related counseling and support services. Agency Sexual Assault Procedure Policy P-314 (b / c) states Wexford health will ensure that victims of sexual assault receive prompt and appropriate medical intervention. Victims of sexual assault will be referred to a community facility for examination and collection of evidence or examined in the facility by a qualified health staff member. Evidence is gathered based on requirements of the sit's local jurisdiction and prophylactic treatment and testing is offered to the patient, as well as follow-up care for sexually transmitted or other communicable diseases. Agency Directive OSPA .200.0004 Inmate Sexual Misconduct (d) If evidentiarily or medically appropriate, offer the victim access to a medical forensics examination at no cost to the victim. Agency Policy also states all specimen collection for forensic examinations will be done after the patient is transferred to an approved off site medical facility for assessment by an independent provider or nurse who conducts forensic examinations and following a report by an inmate concerning sexual assault, the inmate will be brought to medical for an examination to address any immediate medical needs.

During a tour of the facility, auditor observed medical and mental health staff meeting with inmates and providing care. A review of 26 PREA risk screening and facility investigations, it was verified that RCI does provide medical and mental health treatment to alleged victims of sexual abuse.

During interview with staff in medical and mental health, inmates are evaluated to see if there are any noted injuries and the then a determination is made as to whether an inmate is treated onsite or sent out to Meritus medical center in Hagerstown MD. Staff indicated that inmates are offered timely information and access to emergency treatment for sexually transmitted infection and STD testing. Security and non security staff that reported as first responders knew the appropriate steps to take for an inmate that alleged sexual abuse including notifying medical and mental health practitioners.

Based on the evidence, the facility has demonstrated compliance with the standard.

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

Auditor Overall Determination: Meets Standard

Auditor Discussion

Agency Medical Evaluation Manual Chapter 13 Sexual Assault on an Inmate policy outlines that inmates reporting to have been sexually assaulted while in DPSCS custody shall be managed using guidelines consistent with the Prison Rape Elimination Act (PREA). An initial medical evaluation and subsequent intervention focused solely upon injury or trauma sustained during the assault shall be conducted. Following a report by an inmate concerning sexual assault, the inmate will be brought to medical for an examination to address any immediate medical needs. All inmates shall be seen for medical follow-up within the first 24 hours following the initial offsite medical visit regarding the allegations of sexual assault, all follow-up testing related to Sexually Transmitted Infections (STI), HBV, RPR shall be reviewed with the inmate and any additional testing or treatment required within 5 business days, all of the PREA related post assault follow-up clinical activities for medical, and mental health care must be completed whether or not an off-site visit was indicated including testing and prophylactic treatment for STI's.

During a tour of the facility, auditor observed medical and mental health staff meeting with inmates and providing care. A review of 26 PREA risk screening and 10 facility PREA investigations, it was verified that RCI does provide medical and mental health treatment to alleged victims of sexual abuse. Inmates were also offered victim advocate services.

During an interview, RCI staff indicated that they document exactly what the inmates tell them complete physical assessment to see if they have injuries. Inmates do receive follow up services. If they go off site they are automatically scheduled for a 7, 14, and 30 day follow up with medical provider. Staff also indicate that all inmates at RCI receive medical and mental health services consistent with community level of care. During an interview with an inmate, the inmate verified that he was seen by medical and mental health staff.

Provisions d and e does not apply to RCI as RCI is an all male facility.

Based on the evidence, the facility has demonstrated compliance with the standard.

115.86 Sexual abuse incident reviews

Auditor Overall Determination: Meets Standard

Auditor Discussion

RCI policy Executive Directive COS.020.0027 requires that the facility incident review team shall consist of upper-level facility management officials designated by the facility managing official after consultation with the facility PREA Compliance Manager.

In review of 10 the PREA investigations during the last 12 months, RCI had two sexual abuse incident reviews. The facility investigation referred to Department of Public Safety and Correctional Services (DPSCS IID). RCI referred alleged victim to medical and mental health. RCI staff conducted sexual incident reviews and noted that additional cameras are needed to augment monitoring technology. The incident review consisted of eight upper level management staff.

During onsite interview, team members acknowledged how the incident reviews helped them assess different areas of the facility to make recommendations for additional cameras. Staff indicated they are always accessing the facility for improvements and document this on the incident review form. Also, they look at the physical plant layout, whether or not it was in a cell, was overtime an issue, post issue, establish whether or not the incident happened in the facility and review that part of the facility. Staff stated they have a recording system and assess whether monitoring technology should be deployed or augmented to supplement staff supervision.

Based on the evidence, the facility has demonstrated compliance with the standard.

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

The auditor was permitted access to all the areas in the facility, review of documentation and interviews with random inmates and staff.

Inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel. Although the auditor was able to verify that the auditor posting was posted in areas in the facility, the auditor did observe that several housing unit did not have the auditor notice posted. Therefore, the auditor recommended that the facility repost the notice and keep the notice posted post audit. The auditor received four letters post audit on July 7, July 10, August 4 and August 16, 2017.

Based on the evidence, the facility is in compliance with this standard.

115.403 Audit contents and findings

Auditor Overall Determination: Audited at Agency Level

Auditor Discussion

Appendix: Provision Findings

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

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

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

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

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

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

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

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

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

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

115.13 (a) Supervision and monitoring

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

monitoring, to protect inmates against sexual abuse?

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

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

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

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

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

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

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

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

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

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

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

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

115.13 (b) Supervision and monitoring

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

115.13 (c) Supervision and monitoring

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

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

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

115.13 (d) Supervision and monitoring

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

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

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

115.14 (a) Youthful inmates

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

115.14 (b) Youthful inmates

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

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

115.14 (c) Youthful inmates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115.17 (a) Hiring and promotion decisions

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

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

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

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

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

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

115.17 (b) Hiring and promotion decisions

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

115.17 (c) Hiring and promotion decisions

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

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

115.17 (d) Hiring and promotion decisions

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

115.17 (e) Hiring and promotion decisions

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

115.17 (f) Hiring and promotion decisions

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

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

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

115.17 (g) Hiring and promotion decisions

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

115.17 (h) Hiring and promotion decisions

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

115.18 (a) Upgrades to facilities and technologies

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

115.18 (b) Upgrades to facilities and technologies

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

115.21 (a) Evidence protocol and forensic medical examinations

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

yes

115.21 (b) Evidence protocol and forensic medical examinations

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

na

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

115.42 (g) Use of screening information

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

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

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

115.43 (a) Protective Custody

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

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

115.43 (b) Protective Custody

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

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

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

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

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

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

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

115.43 (c) Protective Custody

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

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

115.43 (d) Protective Custody

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

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

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).) na
- 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