

# PREA Facility Audit Report: Final

**Name of Facility:** Southern Maryland Pre Release unit

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 12/14/2016

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"/>
<b>Auditor Full Name as Signed:</b> William Boehnemann	<b>Date of Signature:</b> 12/14/2016

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

FACILITY INFORMATION	
<b>Facility name:</b>	Southern Maryland Pre Release unit
<b>Facility physical address:</b>	14320 Oaks Road, Charlotte Hall, Maryland - 20622
<b>Facility mailing address:</b>	
<b>The facility is:</b>	<input type="radio"/> County <input type="radio"/> Federal <input type="radio"/> Municipal <input checked="" type="radio"/> State <input type="radio"/> Military <input type="radio"/> Private for profit <input type="radio"/> Private not for profit
<b>Facility Type:</b>	<input checked="" type="radio"/> Prison <input type="radio"/> Jail

Primary Contact			
<b>Name:</b>	Eugenia Stepney	<b>Title:</b>	Sergeant
<b>Email Address:</b>	Eugenia.Stepney@maryland.gov	<b>Telephone Number:</b>	3012744701

Warden/Superintendent			
<b>Name:</b>	Ricky Foxwell	<b>Title:</b>	Warden
<b>Email Address:</b>	Ricky.Foxwell@maryland.gov	<b>Telephone Number:</b>	410-540-6200

Facility PREA Compliance Manager			
<b>Name:</b>	Eugenia Stepney	<b>Title:</b>	Sergeant
<b>Email Address:</b>	Eugenia.Stepney@maryland.gov	<b>Telephone Number:</b>	301-274-4701

Facility Health Service Administrator			
<b>Name:</b>	Damon Fayall	<b>Title:</b>	Health Services Administrator
<b>Email Address:</b>	DFayall@wexfordhealth.com	<b>Telephone Number:</b>	443-571-3574

Facility Characteristics			
<b>Designed facility capacity:</b>	180		
<b>Current population of facility:</b>	167		
<b>Age Range</b>	Adults: 18-60+	Youthful Residents:	
<b>Facility security level/inmate custody levels:</b>	Pre-Release Security		
<b>Number of staff currently employed at the facility who may have contact with inmates:</b>			

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

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

**Agency-Wide PREA Coordinator Information**

<b>Name:</b>	David Wolinski	<b>Title:</b>	Special Assistant
<b>Email Address:</b>	David.Wolinski@maryland.gov	<b>Telephone Number:</b>	410.339.5033

**AUDIT FINDINGS**

**Narrative:**

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

A Prison Rape Elimination Act Audit of Southern Maryland Pre-Release was conducted on November 15, 2016. The purpose of the audit was to determine compliance with the Prison Rape Elimination Act standards which became effective August 20, 2012. Certified PREA Auditor Jeff Kovar assisted with the agency-level interviews, and interviews with Investigative staff.

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

The auditor would also like to recognize PREA Coordinator David Wolinski, Facility PREA Compliance Manager Sergeant Stepney, and PRE-Release PREA Compliance Manager Green for their hard work and dedication to ensure the facility is compliant with all PREA standards.

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

The auditor instructed the facility to post this notification in all housing units and throughout the facility at least six weeks prior to the onsite audit.

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

An entrance meeting was held the morning of the onsite audit with the following persons: Warden Foxwell, Lieutenant Bures, Sergeant Stepney, and Mr. Green. After the entrance meeting, the auditor was given a tour of all areas of the facility, including: Dormitories D-1, D-2, and D-3; the Admin Building, visitation, staff offices, the chapel, Case Management, the Gym, Medical, the Library, and holding cells. Other areas toured included the strip room, control and property, the barber shop, phone room and shower room. A total of 28 staff interviews were conducted, with at least one staff member interviewed from each interview category applicable to the facility. Staff interviews were conducted with staff from all three shifts.

A total of 10 inmate interviews were conducted with at least one inmate interviewed from each interview category applicable to the facility.

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

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

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

The count on the day of the audit was 167.

Throughout the pre-audit and onsite audit, open and positive communication was established between the auditor and facility staff. During this time, the auditor discussed his concerns with facility PREA Compliance Manager Sergeant Stepney and PRE-Release PREA Compliance Manager Mr. Green.

When the audit was completed, the auditor conducted an exit briefing on November 15, 2016. The auditor gave an overview of the audit and thanked the staff for all their hard work and commitment to the Prison Rape Elimination Act.

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

**Facility Characteristics:**

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

The Southern Maryland Pre-Release Unit is a minimum-pre-release facility that was established in 1955 as a satellite facility to the Maryland House of Correction and consisted of barrack-type buildings. In 1959, the facility became part of the correctional camp system. In 1962, the present one-story brick structure housing unit was built. In 1980, the administration and program building was open, which is also a one-story brick structure, next to the housing unit. Both buildings are situated on large, well-maintained grounds in a rural setting in Charles County, near Hughesville.

The housing unit consists of three dormitories, each with thirty double bunks, and the inmates are assigned a metal locker. Adjacent to the dormitories are two lavatories with porcelain toilets, urinals, and washbasins. Each lavatory contains two washers and two dryers. There is a recreation room with pool tables, color televisions and various board games. A barbershop is accessible from the recreation room, and a commissary distribution room is located in the main hall. The operations area consists of the control room, security room, two offices, a staff lavatory/storage room, and a holding cell. Telephones are located in the mudroom, and two telephones are in each dormitory. Outside the control room is a lobby and a restroom. Other areas of the building include a kitchen, dining room, clothing room, central storage area, shower room, weight room, boiler room, and maintenance garage/shop. On the perimeter, there is an equipment garage, two storage buildings for use by maintenance, and a boat storage shed.

The administration and program building contains a spacious lobby, a large visiting room, an audit room, several administrative offices, additional storage areas, one multi-purpose room, three treatment staff offices, a gymnasium, library, medical unit, chapel, two isolation cells, and two holding cells, which are not in use due to a lack of ability to consistently observe inmates.

The facility has the use of thirteen vans, a pickup truck, a car, and two buses. The grounds include a basketball court, baseball diamond, volleyball area, horseshoe pits, picnic tables in the inmate yard under carport-type roofs, a well-marked perimeter, and a firearms range.

SMPRU has an adequate fire safety system with extinguishers, posted evacuation routes, exit lights, and several means of egress.

**Summary of Audit Findings:**

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

<b>Number of standards exceeded:</b>	1
<b>Number of standards met:</b>	37
<b>Number of standards not met:</b>	0
<b>Number of Standards Not Applicable:</b> (The total number of standards that were audited at the agency level)	7

## Summary of Audit Findings:

Number of standards exceeded: 1 (115.11)

Number of standards met: 37 (115. 13, 115.14, 115.15, 115.16, 115.18, 115.21, 115.22, 115.31, 115.32, 115.33, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, and 115.401)

Number of standards not met: 0

There were 7 standards that were audited during the Agency audit. (115.12, 115.17, 115.66, 115.87, 115.88, 115.89, and 115.403)

## Standards

### Auditor Overall Determination Definitions

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

### Auditor Discussion Instructions

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

115.11	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<p data-bbox="248 168 928 203"><b>Auditor Overall Determination:</b> Exceeds Standard</p> <p data-bbox="248 248 523 284"><b>Auditor Discussion</b></p> <p data-bbox="248 329 1350 405">OSPS 050.0030 (Sexual Misconduct)states the Department does not tolerate sexual misconduct by an employee, by either omission or commission.</p> <p data-bbox="248 456 1461 533">OSPS 200.0004 (Inmate Sexual Conduct) states the Department does not tolerate inmate on inmate sexual conduct.</p> <p data-bbox="248 584 1398 660">DPSCS 020.0026 (Prison Rape Elimination Act) states the Department does not tolerate sexual abuse or sexual harassment of an inmate.</p> <p data-bbox="248 712 1469 958">MCPRS.200.004.1 (Inmate on Inmate Sexual Misconduct-Prohibited. This policy outlines how it implements the agency's approach to preventing, detecting and responding to sexual abuse and sexual harassment. Included as attachments are a PREA Compliance Manager Checklist form , a Sexual Abuse Incident Review form, and a PREA Response and Containment Checklist form. These standardized forms are utilized as tools to assist in incidents of sexual abuse and/or harassment.</p> <p data-bbox="248 1010 1477 1218">MCPRS.200.0005.1 (Assessment for Risk of Sexual Victimization and Abusiveness- PREA)outlines the standardized risk assessment tool utilized to help in identifying inmates that may be at risk of sexual victimization or at risk of sexual predatory behavior. This policy dictates times frames for completing risk assessments , who will complete them, and the process upon identifying an inmate as at risk.</p> <p data-bbox="248 1270 1469 1433">Information regarding the zero tolerance is provided in pamphlets to inmates. This pamphlet contains definitions, how to report, safety information, PREA Hotline number, and other information regarding PREA. Inmate are provided this and are required to sign a receipt upon receiving this.</p> <p data-bbox="248 1485 1458 1603">DPSCS.020.0026 (Prison Rape Elimination Act) and OSPS.050.0030 (Sexual Misconduct Prohibited) these policies includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment in accordance with this standard.</p> <p data-bbox="248 1655 1453 1731">OSPS.050.0030 (Sexual Misconduct) section 05-I includes sanctions for those found to have participated in prohibited behaviors.</p> <p data-bbox="248 1783 1422 1904">OSPS.200.004 (Inmate Sexual conduct) includes directives for the head of a unit (or designee), supervisors, managers, shift commanders, and other employees outlining their responsibilities during incidents or allegations of sexual abuse or harassment.</p> <p data-bbox="248 1955 1453 2119">DPSCS.020.0026 (Prison Rape Elimination Act) designates responsibilities of the Secretary, PREA Coordinator, PREA Compliance Manager, PREA Committee, Human Resources Services Division, and others regarding agency strategies and responses to reduce and prevent sexual abuse and harassment of inmates in their custody.</p>

Facility has designated a Sergeant as the PREA Compliance Manager for this facility. In addition, there is a PREA Compliance Manager that oversees all of the Agency Pre-release facilities. This individual assists with training and helping facility Compliance Managers with any needs that may arise. The PCM stated during the auditor's interview that she does have sufficient time and authority to coordinate the facility's efforts to comply with the PREA Standards. She reports to the Assistant Warden. There are also several DOJ Certified PREA Auditors throughout the agency that assist facilities in preparing for audits, maintaining compliance, and improving areas through site visits, facility walk throughs, and mock audits of the facilities within the Agency.

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

115.13	<b>Supervision and monitoring</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>OPS.115.0001 establishes a staffing plan and identifies collapsible posts/when they may be collapsed in order to comply with the current staffing plan. Staffing plans were provided that were approved and dated September 20, 2016.</p> <p>The average number of inmates during the past 12 month period has been 177 and the staffing plan is predicated on an average daily population of 180.</p> <p>When assessing adequate staffing levels and the need for video monitoring, the facility staffing plan does consider the following:</p> <ol style="list-style-type: none"> <li>a. Generally accepted detention and correctional practices;</li> <li>b. Any judicial findings of inadequacy;</li> <li>c. Any findings of inadequacy from federal investigative agencies;</li> <li>d. Any findings of inadequacy from internal or external oversight bodies;</li> <li>e. All components of the facility’s physical plant (including “blind spots” or areas where staff or inmates may be isolated);</li> <li>f. The composition of the inmate population;</li> <li>g. The number and placement of supervisory staff;</li> <li>h. Institution programs occurring on a particular shift;</li> <li>i. Any applicable state or local laws, regulations, or standards;</li> <li>j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and any other relevant factors.</li> <li>k. Any other relevant factors.</li> </ol> <p>The facility is required to document any deviations from the staffing plan. The most common instances this would be documented would be for staff call outs and institutional emergencies.</p> <p>The most recent review of the Staffing Plan was completed on September 20, 2016, 2016. There were some suggested changes made in order to adjust to areas of concern identified in the previous year.</p> <p>OSPS.050.0030, Section 5-D states:</p> <p>D. A supervisor, manager, or shift commander shall:</p> <ol style="list-style-type: none"> <li>(1) Take reasonable actions to eliminate circumstances that may result in or contribute to an incident of sexual misconduct that include conducting and documenting security rounds to identify and deter staff sexual abuse and harassment that are performed: <ol style="list-style-type: none"> <li>(a) Randomly on all shifts;</li> <li>(b) Except when necessary to prevent prohibited cross gender viewing of an inmate or as part of a legitimate facility operation, unannounced in order to prohibit staff from alerting other staff that the rounds are being conducted; and</li> <li>(c) At a frequency established by the managing official;</li> </ol> </li> </ol> <p>Unannounced supervisory rounds are documented in the Post Logbooks. Copies of the Post Logbooks were provided during the pre-audit and the auditor also viewed this while on site</p>

during the facility audit tour. These rounds covered all shifts, and are documented in red ink to indicate a supervisor made these rounds. During the site visit, the auditor made the suggestion to modify the verbiage when supervisors document their rounds. Current practice was to make an entry worded "Security Round". The auditor suggested adding the word "PREA" or "Unannounced" to the entry before Security Round. The Facility Administration took immediate action to implement the suggested change in wording and provided a copy of a directive from the Warden to all Supervisory staff with the change.

Interviews with Warden and PREA Compliance Managers indicated when assessing adequate staffing levels, the facility considers: Generally accepted detention and correctional practices; Any judicial findings of inadequacy; Any findings of inadequacy from federal investigative agencies; Any findings of inadequacy from internal or external oversight bodies; All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated); The composition of the inmate population; The number and placement of supervisory staff; Institution programs occurring on a particular shift; Any applicable state or local laws, regulations, or standards; The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and any other relevant factors.

During the interview with the Warden, he indicated there have been no deviations from the staffing plan. The measures they have in place allow for collapsing posts and/or use of overtime to always ensure minimum adequate staffing. The Auditor's interview with the PREA Coordinator indicated he is consulted for each facility Staffing Plan and his input is considered for any advice or changes he may see as necessary.

<b>115.14</b>	<b>Youthful inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	This facility does not house youthful inmates, therefore this standard does not apply.

115.15	<b>Limits to cross-gender viewing and searches</b>
	<p data-bbox="252 170 896 203"><b>Auditor Overall Determination:</b> Meets Standard</p> <p data-bbox="252 248 523 282"><b>Auditor Discussion</b></p> <p data-bbox="252 327 1481 488">OPS110.0047 section 5E-3 states a frisk search of a female inmate shall be conducted by a female correctional officer. A frisk search of a male inmate may be conducted by either a male or female correctional officer provided that the female officer does not touch the genital area of the inmate being searched.</p> <p data-bbox="252 539 1481 831">OPS110.0047 section 5F-3and4 states a strip search of a transgender or intersex inmate may not be conducted for the sole purpose of determining the inmate's genital status. If an inmate's genital status is unknown, it is to be determined through conversation with the inmate, a review of available medical records, or as part of a broader medical examination conducted in private by a licensed medical professional. when circumstances allow, staff should consult with a transgender or intersex inmate before conducting a search to determine the inmate's preference in the gender of the officer conducting the search.</p> <p data-bbox="252 842 1481 958">An 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 manner that ensures maximum privacy for the inmate being strip searched, and in the presence of an additional correctional officer.</p> <p data-bbox="252 1010 1481 1126">In addition, Procedure A01.A.09.007/IIU.110.0008 is established specifically to give guidelines to the DPSCS Internal Investigative Unit (IIU) investigator to conduct a strip or body cavity search of an individual.</p> <p data-bbox="252 1178 1409 1346">OPS 110.0047 mandates the correctional officer conducting the cross-gender search be responsible to document the search in accordance with requirements established under .05C(1)(b) and C(3) of that directive, and to log and report the search in accordance with established procedures.</p> <p data-bbox="252 1397 1485 1733">OSPS.050.0030 Sexual Misconduct, OPS 110.0047 Inmate Personal Searches, and IIU,110.0008 Strip and Body Cavity Searches include the required procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (including via video camera). Additional supporting documentation was provided during the pre-audit in the form of the Facility's Inmate Search Lesson Plan, Inmate Searches Power Point presentation, and Inmate Processing Power Point presentation.</p> <p data-bbox="252 1785 1461 2031">During the site visit tour, it was noted that the shower areas had clear curtains for the entrances. The auditor discussed this with the PREA Compliance Manager and requested three partition curtains for these entry ways to reduce the possibility of cross-gender viewing. The PREA Compliance Manager stated this had been identified a couple of weeks prior and they had placed a request for these types of curtains to be purchased and installed. The auditor was provided a copy of this purchase request. No further action is required.</p> <p data-bbox="252 2083 1461 2157">All staff have received training on conducting cross-gender pat-down searched and searches of transgender and intersex inmates in a professional and respectful manner, consistent with</p>

security needs. Supporting documentation was provided in the form of training records. Interviews with random staff indicated that in the past year, during annual in-service, they have included a more detailed block of instruction relations to cross-gender searches and transgender searches.

Interviews with random staff and random inmates indicated that inmates are always given the opportunity to be clothed/covered prior to staff of the opposite gender entering their housing areas. This prevents and cross-gender viewing of any inmate in a state of undress.

115.16	<b>Inmates with disabilities and inmates who are limited English proficient</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The auditor reviewed several policies related to providing disabled, and limited English speaking, inmates equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. These policies are listed below:</p> <ul style="list-style-type: none"> <li>* DPDS.180.005 Detainee Orientation</li> <li>* DPDS.200.0002 Accommodations for Persons with Disabilities</li> <li>* Interpreter Services Procedure</li> <li>* OEO.020.0032 LEP Policy</li> <li>* OSPS.050.0030 Sexual Misconduct</li> <li>* OSPS.200.0004 Inmate Sexual Conduct</li> <li>* Official PREA Brochure Spanish</li> </ul> <p>OSPS.200.0004 states: Except under limited circumstances where a delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegation, inmate interpreters, inmate readers, or other types of inmate assistance are not used to communicate information required under this directive to other inmates.</p> <p>The agency or facility documents the limited circumstances in individual cases where inmate interpreters, readers, or other types of inmate assistants are used; however, there were no such instances which occurred within the past 12 months.</p> <p>Staff interviews indicate the agency/facility uses language interpreter services for limited English speaking inmates and has access to TTY for hearing impaired inmates.</p> <p>During staff interviews, staff were aware of the agency policy prohibiting staff from using an inmate interpreter to assist with interpreting for an inmate who was sexually abused.</p> <p>During the onsite audit, there were no inmates who were identified to be limited English proficient and/or have other disabilities or impairments; however, the auditor verified the facility has access to a language hotline to communicate with limited English speaking inmates.</p> <p>DCD.200.0001 Inmate Rights provides a nondiscrimination clause and also states each Warden shall ensure that newly received inmates are provided information about inmate rights, general institutional schedules, procedures and institutional plans. This orientation may be provided through group sessions or by giving the inmate an orientation package. Special assistance shall be provided to inmates with language or reading problems. Language services are provided through an agreement with LEP Interpreter Services to Ad Astra.</p> <p>OSPS.050.0030 Sexual Misconduct-Prohibited states inmate interpreters, inmate readers, or other types of inmate assistance are not used to communicate information required under this directive to other inmates, except under limited circumstances where a delay in obtaining an</p>

effective non-inmate interpreter would compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegation.

OSPS.200.0004 Inmate-on-Inmate Sexual Conduct-Prohibited also states except under limited circumstances where a delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegation, inmate interpreters, inmate readers, or other types of inmate assistance are not used to communicate information required under this directive to other inmates.

Language services are provided through an agreement with LEP Interpreter Services to Ad Astra. This information is made available to staff with information necessary to provide interpreter services as needed.

DPSCS has established a Limited English Proficiency Plan that contains resources and other information to further aid in providing inmates with limited English proficiency an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

During the pre-audit, the facility's Official PREA Brochure was provided in Spanish as supporting documentation. There were no inmates with Limited English Proficiency during the site visit, therefore no interviews with this inmate category were completed.

During the previous 12 months, there have been no instances of inmate interpreters, readers, or other types of inmate assistants being used by the facility. Interviews with random staff indicated they were aware of policy that prohibits the use of inmate interpreters, readers, or other assistants during incidents of sexual abuse or harassment. None were aware of any such incident for the past several years.

Interviews with the Agency Head indicated measures are in place to provide limited English speaking inmates, and hearing/visual impaired inmates information regarding sexual abuse and harassment. During the site-visit, there were no limited English inmates in custody. The auditor did verify Information being available for utilizing the translation services available. During the tour, there were posters and information in Spanish visible in housing units and common areas for inmates to view. Interviews with random staff indicated all are aware that they cannot use other inmates to translate in instances of sexual abuse or sexual harassment.

115.17	<b>Hiring and promotion decisions</b>
	<p data-bbox="252 168 1005 201"><b>Auditor Overall Determination:</b> Audited at Agency Level</p> <p data-bbox="252 246 526 280"><b>Auditor Discussion</b></p> <p data-bbox="252 324 1476 481">This Agency use the “RAP Back Program”. COMAR 12.15.01.19 mandates an annual criminal history be conducted on all employees every year (exceeding the five-year requirement in this Standard). Additionally, the Agency fingerprints employees upon hire and any arrest is automatically reported through this system.</p> <p data-bbox="252 537 1476 616">There has only been one new employee hired in the past 12 months for this facility in where a background check was conducted.</p> <p data-bbox="252 660 1396 739">The auditor verified this information and also reviewed information provided through the Agency-audit (see below)</p> <p data-bbox="252 795 1444 996">AMD.050.0041 Background Checks states: The Department shall conduct a criminal history records check on all new employees in accordance with federal and State statue and regulation to detect criminal convictions that may be related specifically to job performance. "Employee" means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position regardless of job title or classification.</p> <p data-bbox="252 1052 1444 1164">COMAR 12.10.01.05 Correctional Training Commission states: This regulation does not prevent an agency head from setting higher criminal history standards than specified in this regulation.</p> <p data-bbox="252 1220 1460 1377">DPCS 020.0026 PREA Compliance states: The Human Resources Services Division (HRSD) shall adopt hiring policy consistent with federal PREA standards prohibiting the hiring or promotion of anyone who may have contact with inmates, and prohibiting the enlisting of the services of any contractor, who may have contact with inmates, who:</p> <p data-bbox="252 1400 1476 1635">a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. b) Was convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or c) Was civilly or administratively adjudicated to have engaged in the activity described in section .04B(3) of this directive.</p> <p data-bbox="252 1691 1476 1803">COMAR 12.15.01.19 State Rap Back Program states: If an employer or regulatory authority is authorized by State statue to receive a revised printed statement, the Central Repository, shall:</p> <p data-bbox="252 1825 1476 2150">1) Enroll the employer or regulatory authority in the State Rap Back Program; 2) Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority; 3) Issue a revised printed statement for each previously processed individual when new information is added to the individual's CHRI indicating:  a) An arrest b) The issuance of an arrest warrant c) The filing of a charging document d) A disposition of conviction e) A verdict of not criminally responsible; or f) A disposition of probation before judgement; and  4) Send the revised printed statement to the employer, the regulatory authority, and the</p>

covered individual who is the subject of the printed statement.

COMAR 17.04.03.10 Employment Background Checks states: The appointing authority shall determine the necessity of investigating the background of an eligible individual for purposes of verification of suitability for employment. When appropriate and job related, areas of investigation may include but are not limited to employment history, academic credentials, military records, criminal conviction records, and personal references.

DPSCS.020.0026 Employment Background Checks states: The HRSD shall consider incidents of sexual harassment when determining to hire or promote an employee or contract with a service provider if the individual may have contact with an inmate.

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

DPSCS 020.0026 PREA Compliance states: Before hiring a new employee to perform duties involving contact with an inmate, the Human Resources Division shall:

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

COMAR 12.15.01.19 State Rap Back Program states: If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository shall:

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

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

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

DPSCS 020.0026 PREA Compliance states: The HRSD shall conduct criminal records background checks every five years on employees or a contractor's services provider who may have contact with an inmate.

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

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

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

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

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

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

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

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

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

<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency/facility has NOT acquired a new facility or made a substantial expansion or modification to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>The agency/facility has 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. This addition was for seven video cameras. All of these are roof-mounted exterior cameras and have a retention period of 14 days.</p> <p>Interviews with Agency Head, Warden indicated that if there were to be any new expansions, modifications, or added video technology-considerations would be made relating to the safety of inmates from sexual abuse and or harassment.</p>

115.21	<b>Evidence protocol and forensic medical examinations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>OSPS.050.0030 Sexual Misconduct, IIU.110.0011 Investigating Sex Related Offenses, and IIU.220.0002 Evidence Collection are Policies that have been established designating the Agency Intelligence and Investigative Division (IID) as the responsible party for most sexual abuse and/or harassment investigations. These policies outline the responsibilities of the Investigators and procedures for conducting the investigations as well. The investigators do follow a uniform evidence protocol that is adapted from or otherwise based on the most recent edition of the U.S. DOJ's Office on Violence Against Women publication "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or similarly comprehensible and authoritative protocols developed after 2011.</p> <p>115.21(c)1-10 OSPS.050.0030 states If the alleged sexual misconduct involves sexual abuse, the assigned investigator shall (if medically appropriate or necessary to preserve evidence) offer the victim access to a medical forensics examination at no cost to the victim that is performed by a Sexual Assault Forensics Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE). These exams are conducted at Mercy Hospital in Baltimore. There have been no Forensic exams, SAFE or SANE exams, or exams performed by a qualified medical practitioner conducted on inmates from the facility in the past 12 months. Any SAFE/SANE exams would be conducted by a SAFE examiner from Mercy Hospital. During the interview with SANE staff from Mercy Hospital, the auditor was advised there are currently approximately 30 SANE examiners available to conduct these exams at Mercy Hospital. There would always be a SANE available and they also have an on-call rotation so there is always the availability 24/7 for additional SANE examiners in the event there were the need for more than one.</p> <p>OSPS.050.0030 states, if requested by the victim and the services are reasonably available, have one of the following accompany, for the purpose of support, the victim through the forensic examination and investigation interviews: a qualified victim advocate, a Department employee who is otherwise not involved in the incident and has received education and training concerning sexual assault and forensic examination issues and has been appropriately screened and determined to be competent to serve in this role, or a non-Department community-based organization representative who meets the criteria for a Department employee.</p> <p>The facility is in the process of working out an MOU with Maryland Coalition Against Sexual Assault (MCASA) and has available victim advocates through an informal agreement at this time. During the audit process, the auditor contacted a representative with MCASA and spoke to her regarding victim advocate services they would have available. The representative stated that she would work as a liaison and assist in finding local victim advocates through local rape crisis centers near the facility. The representative stated MCASA would provide this service regardless of any formal MOU being established.</p> <p>The facility provided a MEMO drafted in March 2016 from the PREA Compliance Manager to the facility Warden. This MEMO names a trained facility victim advocate to serve in this role</p>

until the MOU with MCASA can be finalized, or in the absence of an available victim advocate from MCASA.

The PREA Compliance Manager interview indicated victim advocates would be provided upon request and there is an agreement in place at this time for victim advocate services through MCASA (Maryland Coalition Against Rape). They ensure that this meets the qualifications described in this standard by their attempt to establish a formal MOU. Interviews with random staff indicated they are aware of protocol for obtaining usable physical evidence. Staff indicated (in short) that if they were the first staff member to be made aware of a sexual abuse incident, they would first separate the victim(s) and other identified inmates. They would then secure the scene, contact supervisors, instruct any involved inmates not to do anything that may damage or destroy evidence (such as washing, changing clothes, eating, drinking, brushing teeth, etc). Inmate interviews indicated that most had very limited knowledge regarding the victim advocates, their role, or any services they provided. When asked, the inmates stated they have not had the need for these services and that is why they did not know much about them, but knew there were numbers and addresses available if needed. There were no inmates available to interview that had reported a sexual abuse.

115.22	<b>Policies to ensure referrals of allegations for investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>IIU.110.0011 Investigating Sex Related Offenses- states The Department shall promptly, thoroughly, and objectively investigate each allegation of employee or inmate misconduct involving a sex related offense according to a uniform protocol based on recognized investigative practices that maximize evidence collection to support effective administrative dispositions and, if appropriate, criminal prosecution of the identified perpetrator.</p> <p>OSPS.050.0030 Section 05-G-1 states that an IID investigator, or an investigator designated by IID, shall conduct a prompt, thorough and objective investigation of every alleged sexual misconduct according to applicable statutory, regulatory, case law, contract, Departmental procedures, or other reasonably accepted standards related to collecting and preserving evidence, interviewing victims and witnesses, conducting and using polygraph examinations, identifying suspects, preserving an individual’s personal dignity and legal rights, and maintaining confidentiality of the investigation.</p> <p>OSPS.200.0004 Section 05-G-1 states that an IID investigator, or an investigator designated by IID, shall conduct a prompt, thorough and objective investigation of alleged inmate on inmate sexual conduct according to applicable statutory, regulatory, case law, contract, Departmental procedures, or other reasonably accepted standards related to collecting and preserving evidence, interviewing victims and witnesses, conducting and using polygraph examinations, identifying suspects, preserving an individual’s personal dignity and legal rights, and maintaining confidentiality of the investigation.</p> <p>The link to agency's website (<a href="http://dpscs.maryland.gov/prea/index.shtml">http://dpscs.maryland.gov/prea/index.shtml</a>) was followed. The Agency website does have the information regarding investigation policy and also contact information for filing a complaint to the Investigative Division.</p> <p>During the past 12 months, there have been no allegations of sexual abuse and sexual harassment that were received.</p> <p>The Agency Head interview indicated that all allegations of sexual abuse and sexual harassment will be investigated. All allegations are referred to IID. If harassment, the allegation may be referred back to the facility for investigation, but all Sexual Abuse allegations are investigated by IID.</p> <p>Interviews with investigative staff indicated that an investigation will occur for every allegation of sexual abuse or sexual harassment. All investigators have received specialized training, specifically for conducting PREA investigations.</p>

<b>115.31</b>	<b>Employee training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Sexual Misconduct-Prohibited; Section 5-C states the head of a unit, or a designee, responsible for the custody and security of an inmate shall ensure that each employee attends approved training related to preventing, detecting, and responding to acts of sexual misconduct.</p> <p>OSPS.200.0004 Section 5-b states the head of a unit or a designee, is responsible for ensuring that each supervisor, manager, shift commander, and contractor who has contact with an inmate under the authority of the unit head is familiar with Department policy preventing inmate on inmate sexual conduct.</p> <p>COMAR 12.10.01.16 mandates annual in-service training for all employees consisting of 18 total hours at minimum.</p> <p>The auditor was provided lesson plans and class curriculum for PREA training. Training records and signature sheets reviewed during the site visit showed employees are receiving the required PREA training.</p> <p>Interviews with random staff indicated they have been trained on the PREA required information. All staff were well informed and knowledgeable of their responsibilities and how to detect, report, and respond to incidents of sexual abuse and harassment. Informal interviews during the site visit audit revealed the same as formal interviews.</p> <p>Only male inmates are housed here, and training is tailored to the gender of the inmates at the facility. They receive formal training, roll call announcements, and copies of updated policies/procedures that require signature acknowledgements. There are 41 staff currently employed by the facility, who may have contact with inmates, who were trained or retrained on the PREA requirements (representing 100%).</p>

115.32	<b>Volunteer and contractor training</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>Policy OSPS.050.0030 mandates training for all volunteers and contractors, there is also a signature sheet for indicating receipt of the MCPRS Sexual Assault and Awareness Brochure which includes information pertaining to PREA and available resources. This is also made available to the public.</p> <p>There are currently 46 volunteers/contractors who may have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. Most of these are medical/mental health contracted staff and volunteers.</p> <p>During the site visit, there were no contractors or volunteers available while the auditor was present. No interviews were conducted with contractors or volunteers for this facility. Prior interviews with Medical/MHMR contracted staff from Wexford Health (same contracted provider for this facility) indicated that all had received training through the agency regarding PREA that included their responsibilities in reporting, detecting, and responding to allegations of sexual abuse and sexual harassment.</p>

<b>115.33</b>	<b>Inmate education</b>
<b>Auditor Overall Determination: Meets Standard</b>	
<b>Auditor Discussion</b>	
<p>OSPS.200.0004, Section 5-C and OSPS.050.0030, Section 5-C both state; the head of a unit or a designee responsible for the custody and security of an inmate shall ensure that departmental and unit policy prohibiting inmate on inmate sexual conduct, procedures for filing a complaint, and inmate rights related to inmate on inmate sexual conduct are effectively communicated to each inmate as part of inmate orientation, by inclusion in the facility's inmate orientation paperwork, and the facility's inmate handbook.</p> <p>DOC.200.0001 requires that each Warden ensure that newly received inmates are provided information about inmate rights, general institutional schedules, procedures and institutional plans. This orientation may be provided through group sessions or by giving the inmate an orientation package, and special assistances shall be provided to inmates with language or reading problems.</p> <p>Facility Policy MCPRS.200.004.1 Section 5-4 requires the Warden to ensure that all inmates receive comprehensive PREA education within 30 days of transfer into the facility. All inmates must sign that they have participated in such training and documentation will be maintained in the base-file of each inmate.</p> <p>Inmate orientation, handbook, and PREA brochure were reviewed during the pre-audit and again while on site. This information is presented to inmates during the intake process. During the site visit, the auditor reviewed several inmate files and noted signature sheets within the files indicating receipt of PREA information during the intake process. In the past 12 months, 352 inmates were admitted and given PREA information at intake. 352 inmates entered the facility and remained past 30 days. 100% of these inmates received the required initial PREA education and the comprehensive inmate education as required in this standard.</p> <p>Interviews with inmates indicated they did recall receiving information during intake (those that have entered the facility within the past 12 months). Other inmates that have been here longer than 12 months, had been educated as well.</p> <p>Intake staff interviews indicated PREA brochures are provided to inmates during the intake process (usually within hours of arrival) and comprehensive inmate education is provided in the form of a video and is provided within about one weeks. Intake staff ensure that current inmates, as well as those transferred from other facilities, have been educated on the agency's zero-tolerance policy on sexual abuse or sexual harassment by providing the initial information and asking if they understand and if they have questions. Inmates will be talked to in private upon request. Inmates sign acknowledgment forms documenting this training. All new arrivals receive the initial brochure and every year; this information is gone over with inmates during their annual review.</p> <p>This information is provided in English and Spanish. The facility also has access to a translation service that could be utilized for other languages. Hearing impaired inmates are shown video and/or the information is read to them so they are able to understand. Material is</p>	

presented audibly to those inmates who are visually impaired.

115.34	<b>Specialized training: Investigations</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>The agency currently has 30 investigators that have received specialized training for conducting sexual assault investigations in a confinement setting. These investigators are assigned to the Agency's Investigation and Intelligence Division (IID). During the pre-audit, the auditor was provided lesson plans, quiz, and other training related material for specialized training for the investigative staff. Training certificated were provided as supporting documentation of training, and these were reviewed during the site visit of IID.</p> <p>OSPS.050.0030, Section 5-G-2 requires that to the extent possible, but in every case where the allegation of alleged sexual misconduct involves sexual abuse, the investigator assigned to investigate the allegation shall have received specialized training related to conducting sexual abuse investigations in a confinement setting.</p> <p>OSPS.200.0004, Section 5-G-2 requires that to the extent possible, but in every case where the allegation of alleged inmate on inmate sexual conduct involves sexual abuse, the investigator assigned to investigate the allegation shall have received specialized training related to conducting sexual abuse investigations in a confinement setting.</p> <p>IUU.110.0011 is a policy specific to investigators for investigation sex related offenses (in confinement). This policy outlines all requirements, duties, and responsibilities of the investigator during a sexual assault investigation.</p> <p>Interviews with investigative staff indicated all had received training on conducting sexual assault investigations in a confinement setting. All investigators interviewed were knowledgeable of the requirements relating to the PREA standards as applicable to investigative staff conducting sexual assault investigations. The investigative staff stated they did receive training in the police academy. They also received an additional 7 hours of training specific to conducting PREA investigations. The training included use of Miranda and Garrity warnings, techniques for interviewing sexual abuse victims, evidence collection, and what is required to substantiate a case of sexual abuse.</p>

115.35	<b>Specialized training: Medical and mental health care</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>DPSCS.020.0026 (PREA) mandates the PREA Coordinator to ensure PREA related trainings comply with federal PREA standards including training for medical and mental health care.</p> <p>Wexford Health (contracted medical provider) Policy mandates staff training that includes (specifically) “Review of this policy, the Prison Rape Elimination Act (2003), and any other applicable state or federal laws”.</p> <p>There is currently 1 medical/mental health staff who works regularly at this facility who has received the training required by agency policy. This represents 100% of all medical and mental health care providers who work regularly at this facility. There are other Medical/MHMR staff that work with this facility and others within the pre-release system (shared responsibilities between several facilities) and all have received PREA training.</p> <p>Medical staff training logs were provided during the pre-audit and indicated all medical contracted staff have received PREA training. Interviews of Medical and Mental Health staff indicated they have received specialized training regarding PREA and this included a Power Point presentation that covered topics such as how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</p>

115.41	<b>Screening for risk of victimization and abusiveness</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>OSPS.200.0005 (Assessment for Risk of Sexual Victimization and Abusiveness) is a specific policy outlining responsibilities and instruction on conducting initial risk screening and 30-day reassessments. The policy outlines what the screening instrument will consider and how the scoring will help identify inmates at risk of victimization or abusiveness.</p> <p>Facility policy MCPRS.200.0005.1 is also a policy specific to risk assessments, requirements to conduct the initial and 30-day reassessment, and information regarding the screening instrument and how it is used to identify inmates at risk of victimization and abusiveness. It also mandates separation of these identified inmates.</p> <p>A copy of the screening instrument was provided during the pre-audit and was determined to be objective and it did consider all factors as required in the standard.</p> <p>During conversation with the PREA Compliance Manager, the auditor learned that the existing process is as follows: during intake, the initial risk assessment is completed. Inmates that score as a potential victim or abuser are referred to Mental Health for a follow up and are housed accordingly.</p> <p>During the site visit document review, 10 inmate initial risk assessments and 30-day reassessments were reviewed. All initial assessments were conducted within 72 hours of arrival, and all 30-day reassessments were conducted within the required 30-day time period. The auditor was able to see that the facility has been tracking these identified groups for over the past 12 months and once identified, they are housed separately. In the past 12 months 352 inmates were received at intake and were assessed within 72 hours for risk of sexual abuse and/or victimization. There were 352 inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake. This facility is a pre-release facility. Any inmate identified as an abuser/potential abuser would be transferred. Inmate identified as victim/potential victim would remain at the facility. In the past 12 months, there has been no instance of an inmate being identified as a potential abuser/abuser. There have been three inmates identified as victim/potential victims and none of these were in custody during the sit visit.</p> <p>Interviews with inmates indicated the majority recalled being asked a list of questions that included questions such as if they had ever been in jail or prison before, had they ever been sexually abused, did they identify with being gay, bi-sexual, or transgender and if they felt safe or thought they were at risk of sexual victimization while in custody.</p> <p>Interviews with staff responsible for risk screenings indicated they conduct initial screenings within hours of the inmate's arrival (always within 72 hours, usually only a few hours) and then Case Managers conduct the 30-day rescreening within usually 20-30 days after arrival. Staff interviews (PREA Coordinator, PREA Compliance Manager, staff responsible for risk</p>

screenings) all indicated at no time would any inmate be punished for refusing to answer any question on the screening instrument.

Interviews with the PREA Coordinator and PREA Compliance Manager indicated that only those staff with a need to know would have access to the screening instruments. This normally includes Case managers, PREA Compliance Managers, Wardens or other upper-level administration, and mental health staff.

## 115.42 Use of screening information

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.200.0005, Section 5-C mandates screening information be considered when making decisions related to housing, bed, work, education, and program assignments with the goal of separating inmates who are determined to be at high risk of being sexually victimized from inmates who are determined to be at high risk of being sexually abusive; When making individualized determinations as how to ensure the safety of each inmate; When deciding to assign a transgender or intersex inmate to a facility for male or female inmates and in other housing and programming assignments and, on a case by case basis, determining if the placement or assignment: Ensures the inmate's health and safety; and presents management or security problems. Screening information shall also be considered for placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review threats to safety experienced by the inmate. A transgender or intersex inmate's own views with respect to personal safety shall be seriously considered. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. Lesbian, gay, bisexual, transgender, or intersex inmates may not be placed in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting inmates. Placement of an inmate in special confinement housing shall be in accord with provisions for special confinement housing established in the Case Management Manual.

Classification Directive UD202 is a specific directive to PREA compliance and the use of screening instruments and management of inmates based on the results of screenings.

Interviews with Warden, PREA Compliance Manager, and Staff responsible for conducting screenings indicate that inmate who screen as victims/potential victims are housed separately from inmates who screen as predators/potential predators. This separation is maintained by housing identified abusers in dormitory 1 and victims in dormitory 3. A spreadsheet is also maintained to track these identified inmates and ensure separation is met regarding housing assignments and program/job placement, and this information is also maintained on the "board" in the front office.

There is no designated housing unit or other area specifically for LGBTI inmates. All would be treated as any other inmate and offered the same opportunities as any inmate. any transgender or intersex inmate housed here would be offered the opportunity to shower separately if they chose to do so.

## **115.43 Protective Custody**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.200.0005, section 5C-6 states placement of an inmate in special confinement housing shall be in accord with provisions for special confinement housing established in the Case Management Manual. Case management Manual (DOC.100.0002) mandates instances in which inmates may be placed in segregated housing and that an inmate assigned to administrative segregation shall be reviewed by the case management team at least once every 30 days.

Policies in place mandate compliance with all aspects of the PREA standards and these policies are Agency-wide policies/procedures.

There are no segregated housing units or cells at this facility.

## 115.51 Inmate reporting

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030, section 5-E provides information regarding filing a complaint:

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

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

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

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

(3) A complainant may remain anonymous.

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

(a) Within the Department:

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

(b) Outside the Department:

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

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

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

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

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

Facility policy MCPRS.200.004.1, section D also covers all aspects of filing sexual assault and harassment complaints. This policy satisfies all requirements set forth in this standard.

A toll-free hotline number is provided for inmates file a complaint and this can be an anonymous report. This service is through Life Crisis Center and has been in effect since December of 2013.

Interviews with staff indicate they were well aware of several methods available for inmates to report instances of sexual abuse and harassment. They were also aware they have available to them the PREA hotline number for confidential reporting of inmate sexual abuse and harassment. Inmate interviews indicated inmates are knowledgeable of different avenues to report sexual abuse and harassment. Most were able to relay to the auditor in interviews that they could report directly to any staff member (in person), they could write a request or more informal note to a staff member, they could call the PREA hotline, and they could contact friends or family on the outside to report for them. Informal interviews during the site visit tour also indicated a general awareness of several methods to report sexual abuse and harassment by both inmates and staff. Staff also indicated any verbal report would be documented immediately after any safety concerns of an inmate were addressed. During the site visit, the PREA hotline number was called by the auditor and was verified as a viable means to confidentially report sexual abuse and harassment. Staff indicated that any verbal report made to them by an inmate would be reported immediately to a supervisor and then documented as soon as possible.

## **115.52 Exhaustion of administrative remedies**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OPS.185.0002 states the Department does not permit the use of an informal resolution process or ARP to resolve complaints of rape, sexual assault, sexual harassment, sexual abuse sexual misconduct, inmate on inmate sexual conduct, or other areas afforded protections by standards established under the authority of the Prison Rape Elimination Act (PREA) and related Department procedures, therefore this standard does not apply to this facility.

Interviews with facility staff confirmed the above as being applicable to this facility.

## 115.53 Inmate access to outside confidential support services

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030 states:

If requested by the victim and the services are reasonably available, have one of the following accompany, for the purpose of support, the victim through the forensic examination and investigation interviews:

- (i) A qualified victim advocate;
- (ii) A Department employee who is otherwise not involved in the incident and has received education and training concerning sexual assault and forensic examination issues and has been appropriately screened and determined to be competent to serve in this role; or
- (iii) A non-Department community-based organization representative who meets the criteria for a Department employee established under §.05G(3)(b)(ii) of this directive.

OSPS.200.0004 states the same for instances of inmate-on-inmate sexual conduct.

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

The Inmate Handbook provides mailing addresses to the following organizations:

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

Contact Information to Foreign Consulates/Embassies is also listed in the Detainee Handbook. Inmates may report confidentially by calling the hotline or by writing one of the agencies in the Detainee Handbook.

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

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

The majority of inmates interviewed did not know specific information regarding the availability of victim advocates or other victim services. The common response to questions about victim services was that the inmate has not had the need for any services such as that, therefore they did not know any details regarding the services provided. During the pre-audit and site visit, the auditor observed posters in housing units, and inmate educational material that is provided to inmates and that the victim services contact information was available to any

inmate through these means and other posters throughout the facility. The inmates interviewed felt that if they did have questions about services, they would be able to get answers from staff along with any addresses or phone numbers they may need.

#### **115.54 Third-party reporting**

**Auditor Overall Determination:** Meets Standard

##### **Auditor Discussion**

A toll free PREA hotline is available for public reporting/third party reporting. This information is also made available through brochures for public (in lobby areas and visitation areas of the facility as well as on the facility/agency website. The brochure also provides more detailed information regarding PREA and other ways to report.

## 115.61 Staff and agency reporting duties

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

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

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

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

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

(3) A complainant may remain anonymous.

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

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

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

### F. Processing a Complaint.

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

Facility policy MCPRS.200.0004.1 also addresses these same above processes and reiterates duties to detect, report, and respond.

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

Random staff interviews indicated all are aware of their duty to report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Interviews with medical/mental health staff indicated an awareness that they are required to report any

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

## **115.62 Agency protection duties**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Agency policy OSPS.050.0030 and OSPS.200.0004 requires staff to safeguard any inmate that is learned to be at risk of possible sexual abuse or harassment.

Interviews with the agency Head, Warden, and Random Staff all indicated an acute awareness of responsibility to protect and safeguard any inmate that is subject to a substantial risk of imminent sexual abuse, and the facility staff takes immediate action to protect the inmate. This may be accomplished through housing assignment changes of either the possible victim or possible predator. This could also be accomplished by facility transfer and reassignment of staff if there is a staff member involved.

## **115.63 Reporting to other confinement facilities**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030 requires that An IID representative notified under §.05E(6) of this directive shall immediately:

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

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

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

No reports that an inmate was sexually abused while confined at another facility have occurred for this facility in the past 12 months. There were no allegations of sexual abuse the facility received from other facilities. Interviews with Agency Head and Warden indicate that Agency Policy requires that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The Warden was able to indicate that this would occur within 72 hours without exception. Any such allegations received by this facility from another facility would be investigated just as any other investigation. Assistance would be provided as needed to any outside agency investigators during an investigation.

## **115.64 Staff first responder duties**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Facility policy MCPRS addresses and outlines staff responsibilities for filing a complaint; processing a complaint; investigating, documenting, and resolving a complaint; and sanctions.

OSPS.050.0030 also addresses processing a complaint, and investigating, documenting, and resolving a complaint. This includes response and evidence collection, interviewing victims and witnesses, polygraph examinations, preserving an individual's personal dignity and legal rights, and maintaining confidentiality during an investigation. Miranda and Garrity warnings and criteria for evidence necessary to substantiate administrative action and support criminal prosecution is also addressed in these policies.

There were no sexual abuse allegations received during the past 12 months

Through interviews with random staff, the auditor determined that there is a general awareness of staff first responder duties. All staff interviewed were able to articulate they would first separate any identified inmates (victims and/or suspects), secure these inmates separate from each other and in a safe place. Inmates would be instructed not to do anything that may damage or destroy evidence (such as changing clothes, washing, brushing teeth, showering, using the restroom, eating, or drinking). All staff have a PREA card they keep in their pocket as a reference if needed to assist in the coordinated response and their own response to any allegation of a sexual assault.

## **115.65 Coordinated response**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Facility policy MCPRS.200.0004.1 is a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

During an interview with the Warden, he indicated the facility does have a plan to coordinate efforts among first responders, medical and mental health providers, investigators, and facility leadership. This includes (but is not limited to) line staff reporting to supervisor, making the inmates safe and securing the scene. Supervisors report up the chain of command all the way up to the Facility Administrator. When the supervisor is notified, medical/mental health is also notified at this time and any outside services are provided if necessary. Mental health provides follow-up care as needed. At Mercy hospital, rape crisis center is available for the inmate prior to any forensic examination. Victim advocates are available during this process and for any follow up assistance as requested or required.

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

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

### **Auditor Discussion**

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

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

Interview with the Facility Warden during the site visit also indicated the above as being true and applicable to this facility

## **115.67 Agency protection against retaliation**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Facility Policy MCPRS.200.0004.1, section 5-B-5 states the PREA Compliance Manager shall monitor those involved in an incident for signs of retaliation for at least 90 days.

OSPS.050.0030 Sexual Misconduct states: An individual (staff or inmate) reporting, participating in the investigation or resolution of, or who is a victim of alleged sexual misconduct is monitored for a minimum of 90 days from the date the incident was reported to detect actual, or feared, retaliation and if retaliation is identified or feared take action to stop the actual or feared retaliation that may include: a) Application of available medical or mental health services or counseling; b) Changes to inmate housing assignments and staff work assignments; and c) Continued monitoring as deemed appropriate.

During an interview with the PREA Compliance Manager, She did state she has been designated as the individual responsible for monitoring for retaliation. She indicated that she would monitor for a period of 90 days minimum. There would be no maximum timeframe to monitor for retaliation. As part of this monitoring, she would speak in person to the inmate(s) periodically and ensure they are feeling safe. She would also monitor for changes in behavior patterns, housing assignment changes or requests, medical requests, and any other documentation that could provide insight into any type of inappropriate retaliation being present.

Agency Head and Warden interviews conducted during the audit also confirmed the process at the facility for monitoring for retaliation. The Warden also advised there are designated forms to document retaliation monitoring that are kept during this process. Disciplinary sanctions would be imposed upon inmates and/or staff found to be retaliating. This could be up to and including termination for staff. They maintain zero tolerance for retaliation.

## **115.68 Post-allegation protective custody**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

There is no segregated housing in this facility, therefore this standard does not apply. There is policy at the agency level that does dictate requirements for segregated housing and these requirements do fall within the guidelines set forth in this standard.

## 115.71 Criminal and administrative agency investigations

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

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

This policy states:

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

Interview of investigators indicated that allegations normally would be responded to right away, and that third-party investigations would be handled just as any other investigation of an alleged incident of sexual misconduct. Investigators do receive training specific to conducting sexual abuse investigations in confinement and this specialized training was a seven-hour training block. The training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative or prosecution referral. During interviews, investigators further stated the first steps of their investigation would normally be to talk to the victim. They would respond immediately, unless it is after hours and it is an allegation that can wait until the next day (sexual touching, etc.). However, if penetration was involved they would always respond immediately. They would interview the victim, collect all the evidence, interview witnesses and potential witnesses, submit the evidence to the state police crime lab. If it is a criminal matter, they would refer for criminal charges. Evidence collections would include gathering victim clothing, Getting DNA swabs from any suspects, collecting witness statements, photographs, etc. Investigators would discuss possible charges with a prosecutor in the event evidence is discovered that may support criminal charges. If determined that staff violated policy, an administrative investigation would be opened on that staff member. They would review policy and the facts to determine whether the staff violated policy. Administrative and criminal investigations are documented the same. Documentation of who, what, when, where, how, are all listed in the reports. All evidence is included in the report, including results from DNA tests, victim, suspect, witness statements, and any other evidence. Cases would be referred for prosecution when the investigator determines there is enough evidence to warrant a prosecution. Any investigation would continue regardless of if a staff member alleged to have committed sexual abuse or sexual harassment terminates employment prior to a completed investigation into his/her conduct.

There have been no substantiated allegations of conduct that appear to be criminal that were referred for prosecution since August 20, 2012.

During the site visit, the auditor visited the IID and reviewed several investigations from several different facilities. There were no investigations available to review for this facility, however this being an Agency-wide investigative division, the auditor was able to determine adequate processes and measures are being made by investigators to comply with all aspects of the PREA standards relating to investigations.

## **115.72 Evidentiary standard for administrative investigations**

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

COMAR 12.02.27.14 states: The hearing officer shall decide the outcome of a case based on a preponderance of evidence.

COMAR 12.11.04.09 states: The presiding officer shall use a preponderance of evidence as the standard of proof, unless the standard of clear and convincing evidence is required by regulation or statute.

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

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

Investigative staff interviews indicated a preponderance of evidence is the evidentiary standard they use when investigating allegations of sexual abuse and/or harassment.

## 115.73 Reporting to inmates

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

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

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

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

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

OSPS.050.0030 requires (under section 5-H): H. Victim Notification.

(1) When notified by an investigator under §.05G(4)(c) of this directive, if the allegation was sexual abuse, the head of the unit responsible for the victim inmate shall ensure that the victim inmate is notified of the investigator's determination that the allegation was substantiated, unsubstantiated, or unfounded.

(2) Except when an allegation of sexual abuse is determined to be unfounded, the head of the unit responsible for the victim inmate shall, for as long as the inmate is under the authority of the Department, ensure that the inmate is notified of the following situations concerning the employee who victimized or is alleged to have victimized the inmate:

- (a) The employee is no longer assigned to the inmate's housing unit;
- (b) The employee is no longer assigned at the inmate's facility;
- (c) If aware, the employee is criminally charged for an offense related to the sexual abuse that occurred within the facility; and
- (d) If aware, the employee is convicted on a charge related to the sexual abuse that occurred within the facility.

(3) A record of a notification made under §§.05H(1) and (2) of this directive shall be maintained in the victim inmate's base file and include the following information:

- (a) Case number;
- (b) Content of the notification;
- (c) Date of the notification;
- (d) Location where the notification was made;
- (e) Printed name and signature of the employee making the notification; and
- (f) The inmate's signature acknowledging notification or, if the inmate refuses to sign for the notification, "Refused to Sign" and the employee's signature.

\*The same requirements listed above can be found in OSPS.200.0004 in regards to inmate-on-inmate sexual conduct.

There have been no criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months.

The auditor was advised there have not been any investigations completed by an outside agency within the past 12 months.

There have not been any substantiated or unsubstantiated complaints (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in an agency facility in the past 12 months.

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

## 115.76 Disciplinary sanctions for staff

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

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

OSPS.050.0030 Section 5-I states: (1) An employee is subject to disciplinary action, up to and including termination of employment with the Department if it is determined that the employee:

- (a) Except under exigent circumstances, did not perform responsibilities established under this directive; or
- (b) Neglected or violated other duties or responsibilities that contributed to an incident of sexual misconduct.

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

- (a) A penalty under the Standards of Conduct, up to and including termination of employment with the Department;
- (b) Criminal prosecution; and
- (c) If applicable, notification of a relevant licensing authority

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

## 115.77 Corrective action for contractors and volunteers

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030, identifies volunteers and contractors in the definition of an employee. This Policy further states in section 5-1:

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

- (a) A penalty under the Standards of Conduct, up to and including termination of employment with the Department;
- (b) Criminal prosecution; and
- (c) If applicable, notification of a relevant licensing authority.

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

- (a) Considered to be in violation of terms or conditions of a contract or other agreement establishing the relationship between the contractor and the Department or agency;
- (b) Subject to sanctions according to provisions of the contract or agreement;
- (c) Is subject to criminal prosecution; and
- (d) If applicable, notification of a relevant licensing authority.

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

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

## 115.78 Disciplinary sanctions for inmates

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

OSPS.050.0030, Section 5-I states: A complaint of alleged sexual misconduct made in good faith based upon a reasonable belief that the alleged sexual misconduct occurred may not be considered a false report or lying, even if the required investigation does not establish sufficient evidence to substantiate the allegation of sexual misconduct.

Chapter 27 of COMAR 12.02.27 states:

#### B. Mental Health Condition.

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

(2) The mental health staff shall:

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

OSPS.200.0004, Section 5-A states:

#### A. An inmate may not:

- (1) Commit, participate in, support, or otherwise condone sexual conduct;
- (2) Dissuade, advise, or discourage or attempt to dissuade, advise, or discourage an individual from filing a complaint of sexual conduct; or
- (3) Retaliate, threaten to retaliate, or attempt to retaliate against an individual who files a complaint of or participates in the investigation or resolution of an allegation of sexual conduct.

There have been no Administrative findings of inmate-on-inmate sexual abuse occurring at this facility in the past 12 months.

The Warden indicated in his interview, that inmates would be subject to in-house disciplinary sanctions for engaging in inmate-on-inmate sexual abuse. Following a criminal finding of guilt for inmate-on-inmate sexual abuse, inmates subject to disciplinary sanctions. Criminal charges would be filed if determined to be appropriate during the course of the investigation. The disciplinary sanctions imposed would be similar to those imposed on other inmates having committed similar offenses. Mental disability or mental illness would be taken into consideration when determining disciplinary sanctions.

Interviews with MHMR indicated the therapy, counseling, or other intervention provided to address and correct the underlying reasons or motivations for sexual abuse would be as follows: All of the inmates here have an assigned mental health provider. That person would have an initial meeting regarding the sexual abuse or incident. They would base a counseling program on the initial meeting that could include individual sessions or group therapy depending on the needs of the individual. They would be provided coping skills counseling as well. Continued counseling would be determined based on the needs of the individual inmate.

When these services are provided, an inmate's participation as a condition of access to programming or other benefits would be determined depending on the individual. If they are in a trauma state and it would be a safety concern, they would take that into consideration.

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

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Facility Policy MCPRS requires the following: Conduct initial screenings within 72 hours of intake and forward this information to Case Management within one business day. Case Management is required to place appropriate alert codes in these inmates' files (PREA ND: for no designation, PREA VP: for victim potential, PREA AP: for aggressor potential, or PREA MX: for mixed). Case Management is then required to forward all PREA screening instruments which indicate a potential PREA Victim/Abuser to mental health staff for further evaluation.

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

In the past 12 months, 100% of inmates that screened having prior victimization were referred for mental health follow ups. There were no inmates that had disclosed prior abusive behavior that were received at intake.

Interviews with medical and mental health staff indicate that for both, they obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

At the time of the facility site visit, there were no inmates in custody that had disclosed prior victimization, therefore there were no interviews of this type conducted.

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

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

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

There were no facility first responders to interview for this facility, nor were there any inmates at this facility that had reported a sexual abuse.

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

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

Medical Evaluation Manual, section I states Policy: Detainees/inmates reporting to have been sexually assaulted while in DPSCS custody shall be managed using guidelines consistent with the Prison Rape Elimination Act (PREA).

This Manual instructs all medical staff of their obligations, processes, and measure to put into place in the event of a sexual abuse allegation or incident. All aspects of this standard are covered within the manual.

Section II-F-7: all follow testing relating to Sexually Transmitted Infections (STI), pregnancy, HBV, RPR shall be reviewed with the inmate within 5 business days, including any additional testing or required treatment.

Section O states: All treatment services shall be provided to both parties (victim, and the alleged abuser) without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

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

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

Interviews with medical and mental health staff confirm medical and mental health staff provide follow-up services to inmate victims of sexual abuse. Once an allegation is reported, the inmate would be provided with stabilization treatment for injuries if medical staff were present; if not, the inmate would be taken immediately to the local hospital) and would be sent out to the hospital for a forensic examination. Upon return to the facility, the facility medical staff would review the Emergency Room notes and provide follow-up care as prescribed by the hospital physician. The inmate would be evaluated by facility medical staff again at 7, 14, and 30 days. Medical and mental health staff both confirmed that services they provide are consistent with community level care.

The facility does not house female offenders; therefore, the standards pertaining to female inmates are not applicable.

At the time of the audit, there were not any inmates housed who reported sexual abuse.

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

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

appropriate by mental health practitioners. Interviews with mental health staff confirmed this practice.

## 115.86 Sexual abuse incident reviews

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

COS.020.0027 sections 5D-F states:

D. Except for sex related offenses that are investigated and determined to be unfounded, a facility incident review team shall, within 30 days after an investigation of a sex related offense is concluded shall review the incident.

E. The facility incident review team shall:

- (1) Consist of upper-level facility management officials designated by the facility managing official after consultation with the facility PREA Compliance Manager.
  - (2) Have input from or access to line supervisors, investigators, and medical or mental health practitioners concerning the incident being reviewed.
  - (3) Consider if the incident or allegation indicates a need to change policy or procedure to better prevent, detect or respond to sexual abuse.
  - (4) Consider if the incident or allegation was motivated by:
    - (a) Race;
    - (b) Ethnicity;
    - (c) Gender identity;
    - (d) Lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status;
    - (e) Gang affiliation; or
    - (f) Other group dynamics at the correctional facility.
  - (5) Examine the location where the incident allegedly occurred to:
    - (a) Determine if there are physical plant issues that may have contributed to the incident; and
    - (b) Assess staffing levels in the area and the need for monitoring technology to augment or supplement staffing these areas.
  - (6) Prepare a report of findings for the managing official and PREA compliance manager, which includes, but is not limited to:
    - (a) Identifying problem areas;
    - (b) Necessary corrective action; and
    - (c) Recommendations for improvement.
- F. The managing official shall:
- (1) Work with the facility's PREA Compliance Manager to:
    - (a) Implement the facility incident review team's recommendations for improvement from the review team; or
    - (b) If a recommendation is not implemented, document the reason for not adopting the recommendation.
  - (2) Ensure that reporting requirements under this directive are performed

The Warden interview indicated the facility does have an incident review team that consists of upper-level administration, first line supervisors, medical and mental health staff, investigative staff, and the PREA Compliance Manager. During the incident review, they discuss possible changes or variables that may have caused the incident. All recommendations are taken into consideration and looked at to better the environment and improve safety for the inmates and staff.

The PREA compliance Manager stated during the interview that the facility prepares a report

of its findings from the reviews, including any determinations per Standard 115.86 (d) -1 though (d) -5 and any recommendations for improvement. The PREA Compliance Manager prepares the report and it is forwarded to the Facility Administrator for review and approval. From the prior incident reviews conducted, there have been no trends noticed. At the conclusion of an incident review, any recommended changes would be looked into, followed up on, and/or considered.

The interview conducted with a member of the Incident Review Team indicated the review team does consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility. The team also examines the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, and assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff. They also assess the adequacy of staffing levels in that area during different shifts.

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

#### **115.87 Data collection**

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

**Auditor Discussion**

#### **115.88 Data review for corrective action**

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

**Auditor Discussion**

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

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

**Auditor Discussion**

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

**Auditor Overall Determination:** Meets Standard

### **Auditor Discussion**

The Auditor was provided the opportunity and full access to tour all areas of the facility during the site visit. Any and all documentation requested and needed to determine compliance with any standard was provided without hesitation to the auditor. The facility fully cooperated with requests for inmate and staff interviews. Inmate interviews were chosen by the auditor and no problems arose due to selection or facility inconveniences. These interviews were conducted in private in an office setting. Inmates were asked about the PREA Audit notices and how long they had been posted (several weeks was common response). This PREA Audit notice was provided to the facility more than six weeks prior to the date of the site visit and the facility indicated the notices were posted the day after receipt allowing for more than six weeks of notice for inmates. The notices were visibly posted in all inmate housing units and in common areas including public lobby and visitation areas.

## **115.403 Audit contents and findings**

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

### **Auditor Discussion**

## Appendix: Provision Findings

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

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

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

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

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

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

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

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

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

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

### 115.13 (a) Supervision and monitoring

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

monitoring, to protect inmates against sexual abuse?

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

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

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

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

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

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

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

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

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

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

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

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

**115.13 (b) Supervision and monitoring**

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

**115.13 (c) Supervision and monitoring**

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

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

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

**115.13 (d) Supervision and monitoring**

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

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

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

**115.14 (a) Youthful inmates**

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

**115.14 (b) Youthful inmates**

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

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

**115.14 (c) Youthful inmates**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 115.17 (g) Hiring and promotion decisions**
- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? yes
- 115.17 (h) Hiring and promotion decisions**
- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) yes
- 115.18 (a) Upgrades to facilities and technologies**
- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) na
- 115.18 (b) Upgrades to facilities and technologies**
- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) yes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**115.33 (d) Inmate education**

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

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

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

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

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

**115.33 (e) Inmate education**

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

**115.33 (f) Inmate education**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**115.43 (a) Protective Custody**

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

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

**115.43 (b) Protective Custody**

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

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

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

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

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

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

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

**115.43 (c) Protective Custody**

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

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

**115.43 (d) Protective Custody**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 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

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

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

- 115.71 (i) Criminal and administrative agency investigations**
- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? yes
- 115.71 (j) Criminal and administrative agency investigations**
- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? yes
- 115.71 (l) Criminal and administrative agency investigations**
- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) 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

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

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

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

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

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

yes

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

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

yes

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

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

yes

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

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

yes

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

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

yes

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

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

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

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

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

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

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

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

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

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

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



**115.83 (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