

PREA Facility Audit Report: Final

Name of Facility: Mount Olive Correctional Complex and Jail

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 01/02/2020

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Mable P. Wheeler	Date of Signature: 01/02/2020

AUDITOR INFORMATION	
Auditor name:	Wheeler, Mable
Address:	
Email:	wheeler5p@hotmail.com
Telephone number:	
Start Date of On-Site Audit:	11/13/2019
End Date of On-Site Audit:	11/15/2019

FACILITY INFORMATION

Facility name:	Mount Olive Correctional Complex and Jail
Facility physical address:	1 Mountainside Way, Charleston, West Virginia - Charleston
Facility Phone	
Facility mailing address:	

Primary Contact

Name:	Amanda McGrew
Email Address:	amanda.d.mcgreg@wv.gov
Telephone Number:	304-558-2036

Warden/Jail Administrator/Sheriff/Director

Name:	Donald Ames
Email Address:	Donald.F.Ames@wv.gov
Telephone Number:	304-442-7213

Facility PREA Compliance Manager

Name:	
Email Address:	
Telephone Number:	
Name:	Jason Collins
Email Address:	jason.a.collins@wv.gov
Telephone Number:	M: (304) 442-7213

Facility Health Service Administrator On-site	
Name:	Pam Givens
Email Address:	Pgivens@wexfordhealth.com
Telephone Number:	304-442-7212

Facility Characteristics	
Designed facility capacity:	1061
Current population of facility:	1061
Average daily population for the past 12 months:	1061
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	
Age range of population:	18-99
Facility security levels/inmate custody levels:	Min-Max
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	258
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	81
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	203

AGENCY INFORMATION

Name of agency:	West Virginia Division of Corrections and Rehabilitation
Governing authority or parent agency (if applicable):	WV Department of Military Affairs and Public Safety
Physical Address:	1409 Greenbrier Street, Charleston, West Virginia - 25311
Mailing Address:	
Telephone number:	304-558-6032

Agency Chief Executive Officer Information:

Name:	Betsy Jividen
Email Address:	Betsy.Jividen@wv.gov
Telephone Number:	304-558-6032

Agency-Wide PREA Coordinator Information

Name:	Tim Harper	Email Address:	Timothy.V.Harper@wv.gov
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AUDIT FINDINGS

Narrative:

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

Introduction

The Prison Rape Elimination Act (PREA) onsite audit of the MT. Olive Correctional Complex and Slayton Work Camp was conducted November 13 – 15, 2019. The parent agency for MOCC and SWC is the West Virginia Division of Corrections & Rehabilitation. WVDCR is located at 1409 Greenbrier Street, Charleston, WV 25311. The audit was conducted by Mable P. Wheeler from Macon, Georgia, who is a U. S. Department of Justice Certified PREA auditor for juvenile and adult facilities. The auditor conducted the audit as a single auditor with no additional support staff. The facility contacted the Diversified Correctional Services regarding the audit and a contract was agreed upon and signed. There are no known existing conflicts of interest or barriers to completing the audit. The facility has never been audited.

Audit Methodology

Pre-Onsite Audit Phase

Prior to being onsite, the PREA Coordinator and the auditor had discussions concerning access to the facility and staff, the audit process, logistics for the onsite phase of the audit, and goals and expectations. The PREA Coordinator was very receptive to the audit process and was well informed of the role of the auditor and the expectations during each stage of the PREA audit.

Notice of Audit Posting and Timeline

The audit notices, in English and Spanish, were posted September 6, 2019. The audit notices were posted on brightly colored paper using large font and easy-to-read language. The audit notices were placed throughout the facility, in places visible to all residents and staff, including visiting areas, housing units, and recreational spaces. Pictures of the posted audit notices were emailed to the auditor on September 20, 2019 for verification. Further verification of their placement was made through observations during the onsite review. The audit notices included a statement regarding confidentiality of resident and staff correspondence with the auditor. No correspondence was received during any phase of the audit.

Requests of Facility Lists

Mt. Olive Correctional Complex & Slayton Work Camp provided the following information for interview selections and document sampling:

- Complete Inmate Roster - An up-to-date roster was provided upon arrival to the facility.
- Youthful inmates/detainees - N/A (MOCC and SWC does not accept youthful inmates/detainees.)
- Inmates with disabilities
- Inmates who are Limited English Proficient (LEP) - None were identified.
- LGBTI Inmates
- Inmates in segregated housing - NA
- Inmates in Isolation

- Inmates who reported sexual abuse
- Inmates who reported sexual victimization during risk screening - Five (5) were identified and interviewed.
- Complete staff roster - The staff roster was provided upon arrival to the facility.
- Specialized Staff - Specialized staff were identified on the roster.
- All contractors who have contact with the residents - The facility identified contractors who have contact with the residents. Medical staff are contracted through Wexford Healthcare Professionals.
- All volunteers who have contact with the residents - The facility provided a list of volunteers.
- All grievances/allegations made in the 12 months preceding the audit
- All allegations of sexual abuse and sexual harassment reported for investigation in the 12 months preceding the audit - The facility reported four (33) allegations of sexual abuse and sexual harassment reported for investigation in the 12 months preceding the audit.
- Detailed list of number of sexual abuse and sexual harassment allegations in the 12 months preceding the audit - The facility provided a detailed list of allegations of sexual abuse and sexual harassment in the 12 months preceding the audit.

External Contacts

- The following external contacts were made:
- Just Detention International - Just Detention International reviewed their database for records and information and reported no adverse information for the preceding 12 months.
- SAFE/SANE Programs - CAME confirmed a SANE would be made available.

Agency Website Review

The auditor reviewed the West Virginia Corrections & Rehabilitation Website. Policies and procedures are available online. Annual PREA Reports and Facility PREA Audit Reports are published. Detailed information for the facility is available online. Visitors to the site can view Inmate Handbooks, Facility Brochures, Visitation Information, and Directions and Contact Information.

Entrance briefing

An entrance briefing was held with the Agency Director of PREA Compliance, Agency PREA Coordinator, Superintendent, Associate Specialist of Security, Chief Counselor, Investigator, Director of Classification. Introductions were made, the agenda for the three days was discussed, and the auditor began the site review accompanied by the Agency Director of PREA Compliance, Agency PREA Coordinator, Associate Specialist of Security and Investigator.

Population at the facility on the first day of the audit was one thousand fifty-three (1053); this facility has a capacity for one thousand sixty-one (1061) inmates.

Site Review:

The auditor had access to, and observed, all areas of the facility. The auditor was provided a diagram of the physical plant during the pre-onsite phase of the audit and was thus familiar with the layout of the facility. The facility consists of twenty-five (25) building with ten (10) housing units. All living units have three (3) single showers with doors and toilets an afford privacy to inmates in each unit, three phones and tablets for inmate use. The auditor informally interviewed inmates during the site review to better understand their knowledge of reporting mechanisms and ascertain if they felt safe from sexual abuse and sexual harassment.

Processes and areas observed

Inmates were admitted during the onsite phase of the audit. The auditor observed intake and risk screening to better understand the process. All inmate records were neatly organized and secured. Phones for reporting sexual abuse, sexual harassment or for contacting external crisis intervention services are available in each housing unit. The staff conducting the site review described the showering process, pointed out the location of the cameras and PREA posters with telephone numbers for reporting sexual abuse and sexual harassment. The PREA posters are prominently placed in the housing areas and common areas.

Specific area observations

Cameras were located throughout the facility. The auditor observed the toilet and shower areas are out of view of the cameras and allow for inmate privacy. Wherever inmates were present, the auditor observed staff actively supervising the inmates. The auditor observed female staff announce their presence when entering a housing unit of the opposite gender. The intake area has cameras and mirrors.

Interviews

Interviews were held in privacy. Eleven (11) Specialized staff were selected based on their respective duties in the facility. Fifteen (15) staff, randomly selected from every shift, were interviewed using the random staff interview protocol. The auditor interviewed twenty (20) randomly selected inmates. Twenty (20) inmates who were targeted who were identified as disclosing prior sexual victimization during risk screening, prior sexual abuse, gay, physically or cognitively challenged. All inmates interviewed reported feeling safe. No inmates were identified as being limited English proficient. No inmates were in isolation. There were forty (40) informal inmates interviews.

Interviews Specialized Staff: 11

Agency Director of PREA Compliance 1

Agency PREA Coordinator 1

Superintendent 1

Associate Specialist of Security 1

Investigator 1

Director of Classification 1

Medical Staff 1

Mental Health Staff (Contract) 1

HR Staff 1

Agency Contract Administrator 1

Intermediate or Higher-level Facility Staff (unannounced rounds) 1

Contractor 1

Staff who Perform Screening for Risk of Victimization and Abusiveness 1

Staff who Supervise Isolation 1

Staff on the Incident Review Team 1

Intake Staff 1

Random Sample of Staff from all Shifts 20

Random Sample of inmates from all Housing Units who Reported a Sexual Abuse, Disabled and Limited English Proficient Residents N/A

Transgendered, Intersex, Gay, Lesbian, and Bisexual Inmates

Inmates in Isolation N/A

Inmates who Disclosed Prior Sexual Victimization During Risk Screening 4

Total Number of Staff Interviews 26 Total Number of Inmates Interviews 80 Total Number of Interviews 106.

Onsite Documentation Review Description of process and numbers

The auditor received examples of documentation from inmates and staff files as part of the Pre-Onsite Audit Phase, Onsite Audit Phase, and Post Onsite Audit Phase. The auditor reviewed the following:

- Ten (10) employee records (including all background checks and questions regarding previous misconduct)
- Five (5) Complete Orientation Packets for Contractors/Volunteers/Interns
- Twenty (20) Certificates of Specialized Training for Medical and Behavioral Health Staff - "Behavioral Health Care for Sexual Assault Victims in a Confinement Setting", "Medical Health Care for Sexual Assault Victims in a Confinement Setting", and "PREA: Your Role Responding to Sexual Abuse" - NIC Certificates
- One hundred and fifty (50) Staff Training Acknowledgements of PREA and Transgender and Intersex Search Training
- There was one (1) grievance of allegations of sexual abuse or sexual harassment.
- Thirty-three (33) incident Reports/Investigation Files

Investigative Files

The auditor reviewed twenty-one (21) out of thirty-three (33) internal files for sexual abuse and sexual harassment for the preceding 12 months.

Sexual Victimization Disposition

1. Inmate -on-inmates Sexual Abuse
2. Inmate -on-inmates Sexual Harassment
3. Staff -on-inmates Sexual Abuse
4. Staff-on -inmates Sexual Harassment

Twenty-one investigations

Substantiated 1

Unfounded 11

Unsubstantiated 10

Exit briefing

An exit briefing was held with Tim Harper Director of PREA Compliance, Brenda Ward Director of Classification and Teresa Gregory Associate Superintendent of Operations. The auditor discussed the onsite audit and concerns. In addition to documentation collected onsite, the auditor did have some additional requests for documentation and some questions to clarify the facility's responses to the PAQ. The PREA Compliance Manager provided documentation requested in a timely manner.

AUDIT FINDINGS

Facility Characteristics:

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

Facility Description

The Mount Olive Correctional Complex (MOCC), West Virginia's lone maximum security facility, is located approximately 37 miles south east of Charleston. Construction of MOCC was completed in December 1994. The facility is comprised of 28 buildings, eight of which are located outside of the secured perimeter. The facility is situated on a 120 acre site, with approximately 80 acres comprising the secure perimeter.

MOCC operates as a small town, having its own post office and zip code, power plant, electrical sub-station, fuel depot, and water supply.

The facility is situated at the top of Mount Olive and the inner compound buildings are built on uneven, sloped terrain. The administration and support buildings are at the entrance to the secure perimeter with the general population housing units arranged in a semi-circle. This configuration forms a large central compound that serves as the facility's recreation area/yard. The housing units and support buildings are connected through a series of sidewalks that crisscross the compound.

MOCC has six, two story general population housing units, five of which are triangular shaped, two-pod design that resembles a "bowtie". The single pod unit contains the facility's Residential Substance Abuse Treatment/Therapeutic Community program. There are also two restricted activity units utilized for Intake, Administrative Segregation, Punitive Segregation, and Detention status offenders. Within the segregation unit, MOCC maintain a program mechanism that provides for the management of the administrative segregation offender population.

This management of segregation utilizes an incentive based, quality of life program that offers increased/decreased level of privileges based upon demonstrated offender behavior and program compliance. The facility's healthcare department also operates maintains a 27 bed infirmary and thirty-one (31) bed mental health unit.

Facility Demographics

Rated Capacity: 1061

Actual Population: 1057

Average Daily Population for the last 12 months: Average Length of Stay: 10 years to life.

Security/Custody Level: Main Unit: Maximum / Maximum and Medium Satellite Unit: Minimum / Minimum

Age Range of Offenders: Ages 18 to 99 Gender: Male

Number and Type of Housing Units:

Number of single-occupancy housing units - 426

Number of multiple-occupancy housing units - 341

Number of open bay dorms - 3

Number of segregation/isolation units - 144

Housing Unit Cell Type Bed Count

Stuart Single Cell 5

Stuart Double Cell 91

Paugh Single Cell 48

Paugh Double Cell 48

Birch Single Cell 48

Elm Single Cell 48

Elm Double Cell 48

Oak Single Cell 48

Oak Double Cell 48

Pine Single Cell 48

Pine Double Cell 48

Medical Single Cell 11

Medical Double Cell 16

Mental Health Single Cell 9

Mental Health Double Cell 11

Qullimas I Single Cell 65

Qullimas I Double Cell 31

Qullimas II Single Cell 96

Staffing:

Number of Authorized Positions: 348

Security Division (uniformed): 215

Security Division (non-uniformed): 7

Programs Division: 58

Operation Division: 42

Administration Division: 25

Number of Vacant Positions:

Security Division (uniformed): 58

Security Division (non-uniformed): 0

Programs Division: 10

Operation Division: 09

Administration Division: 05

Mount Olive Correctional Complex (MOCC) is a maximum security facility that also has a 48 bed Minimum Unit/Slayton Work Camp located outside the secure perimeter, but on facility grounds. ...

Due to the custody level of the facility there is a roving patrol that operates on a seven day per week/24 hours per day basis. The facility has seven security towers

The facility has two vehicle gates; one is located adjacent to the warehouse with the other located in the transportation area. These vehicle gates have secured sallyports are used for delivery of goods and for the transportation of offenders to and from the facility. The vehicle entry gate is manned by the correctional staff from the RAU. All vehicles entering the sallyport are searched and the driver's identification is checked and cleared before allowing entrance.

MOCC also has three pedestrian gates; the main entrance is located at the front of the facility and the other two are located at the vehicle entry gates. All staff and visitors must enter the facility through the main entrance and undergo a multiple step screening process before being allowed access to the facility. These security measures include the use of a visitor log, randomly selected staff and visitors are pat searched and must pass through a metal detector and all bags are searched (x-rayed) for prohibited items and contraband. Designated staff and drivers who enter the facility through the pedestrian gates adjacent to the vehicle gates are subject to screening with hand-held metal detectors.

. Central Control maintains a log of daily activities, monitors radio traffic and issues radios and security equipment. Central Control also monitors all security and fire alarms and coordinates the staff response in the event of an emergency.

The facility operates on two, twelve hour security shifts; 7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m. Auditors observed the night shift briefing during the first night of the audit and then visited the security staff on their assigned posts.

The facility does not have a canine unit; it uses the WVDCR's canine team as needed. Facility searches are conducted on a random, but regular basis. Random cell searches are conducted weekly throughout the facility.

The Minimum Unit/Slayton Work Camp is located just outside the fenced perimeter and is comprised of one building, a metal structure that serves as the sole housing unit for the camp. In addition to housing, this unit serves as the dining, passive recreation and laundry areas for the minimum unit offender population.

Food Service:

Meal preparation is performed through a centralized food service.

Recreation:

MOCC has adequate recreation resources for offenders to enjoy both passive and active recreation activities at both the main facility and Minimum Unit/Slayton Slayton Work Camp.

Religious Services:

MOCC provides religious services and programming for offenders under the direction of a full-time chaplain.

Medical Care:

Health Care service is provided by Contractor/ Wexford Health Sources. The medical unit is open 24 hours/day; seven days/week and 365 days/year. Mount Olive Correction Complex offers Nurses and

provides sick call; lab; x-ray; dental care; medication administration; optometry; dialysis; mental health services, chronic care clinic; pharmacy; medical records, a 27-bed infirmary with three single-bed isolation rooms. Two of the isolation rooms 11 cells are single bed; the rest of the cells have double beds. Medical records are provided in paper form at this time. Inmates are sent out as needed for any care that cannot be provided on site. Detoxification, if needed, would be done in the Infirmary per established protocol.

Work Details:

The West Virginia DCR does not require all offenders to have a work assignment. As a point of fact, MOCC currently offers approximately 600 to 650 work assignments for the approximately 1025 general population offenders assigned to the main facility. The facility currently offers the following traditional offender work assignments: food service, custodians, laundry, maintenance, yard and gym workers, State Shop (offender property and clothing), clerks, education teaching assistants/tutors, and healthcare unit orderlies and patient companions.

West Virginia Correctional Industries also operates at MOCC and offer offenders the opportunity to learn meaningful work skills in the following areas: Engraving Shop, Sign Shop, Welding/Metal Shop, and Soap/Laundry/Janitorial Supply. Road signs for the West Virginia Division of Highways, campsite products for the West Virginia State Parks and Forests and license plates for the West Virginia Division of Motor Vehicles are also manufactured by Correctional Industries at MOCC.

The Minimum Unit/Slayton Work Camp offers unique work assignments for the offenders housed there. These offenders are provided to the West Virginia Division of Highways for various labor projects. MOCC also provides these minimum custody inmates for labor/community service projects for the various agencies and charitable organizations throughout the local area.

Education Services:

There are a variety of academic and vocational programs offered to assist in the development of the offender population. There is four full-time staff devoted to academic education. A major focus of these academic resources is to identify and address the educational needs of offenders who do not currently possess a high school diploma or who have not successfully completed testing requirements for the General Education Development Test (GED). To this end, much of the academic emphasis is on Adult Basic Education, Pre-GED and GED classes. There are four well equipped classrooms and a modern computer lab with 15 computer terminals for student use. Currently, there are approximately 81 offenders actively involved in academic education classes.

Additionally, the facility offers college classes in which offenders can earn credits toward an Associates degree in general studies or general sciences. This program operates through and utilizes instructors from Bridge Valley Community and Technical College. MOCC also offers a four year college program through Mount Olive Bible College. This program began in September, 2014, and is modeled after the Moral Rehabilitation program that originated at Angola Prison in Louisiana. Offenders earn a divinity degree and receive instruction coordinated by Appalachian Bible College. There were seven offenders actively involved in general college level courses and an additional 30 offenders involved in Bible College studies at the time of the audit. The first class of Bible College students is scheduled to graduate in September, 2018.

Vocational/OTJ:

MOCC also provides limited vocational education instruction to train offenders for available jobs in the

community marketplace. Offenders are currently able to participate in a culinary arts program. The Education Department will also begin offering vocational education in facility maintenance and agriculture as soon as the staffing of the instructor positions is completed. There are three vocational classrooms and three instructor positions available, but currently only one classroom (culinary arts) is in use and only one instructor is on staff. Presently there are - 36 offenders enrolled in the culinary arts program.

Social Services:

MOCC offers offenders a diverse set of programs that promote behavioral change through the use of evidence based practices. These offerings include cognitive therapy, sex offender therapy and substance abuse programs, as well as re-entry and life skills development. Specific transition skills programs currently operating include: Parenting Inside and Out, 99 Days and a Get Up, Open Gate, Quality of Life, After Care. Individual mental health counseling is also available, along with crime specific treatment to address the following: spouse battering, crime victim awareness and the cognitive skills program, Thinking for a Change.

MOCC also has a modified therapeutic community program, known as Quality of Life, which provides offenders intensive, long-term substance treatment that lasts approximately 18 months. This program is designed to assist offenders with a significant history of substance-abuse to address their addictions. In addition to this intensive substance abuse program, the facility also offers AA/NA meetings, Cognitive Behavioral Interventions for Substance Abuse (CBI/SA), and Aladrue, a program is designed for those offenders who wish to gain more strength, knowledge and an understanding of the Twelve Steps of Alcoholics and Narcotics Anonymous.

Visitation:

Visitation is held in a visitation room located on the first level of the Administration Building, near the main entrance to the facility's secure perimeter. For general population offenders, contact visitation is offered on both Saturdays and Sundays between the hours of 9:00 a.m. and 6:00 p.m. The contact visit room accommodates 25 offenders and their respective visitors. Each offender is limited to three adult visitors, or two adult visitors with children per visit period. The area is well arranged with adequate tables and chairs and includes a child play area and vending machines. For those offenders with contact visitation restrictions, non-contact (window) visits are held in an area adjacent to the contact visitation room.

AUDIT FINDINGS

Summary of Audit Findings:

The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance. Auditor Note: No standard should be found to be "Not Applicable" or "NA". A compliance determination must be made for each standard.

Number of standards exceeded:	0
Number of standards met:	45
Number of standards not met:	0

Number of Standards Exceeded: 0

Number of Standards Met: 45

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

Standard 115.12 Contracting with other entities for the confinement of residents

Standard 115.13 Supervision and monitoring

Standard 115.14 Youthful Offenders

Standard 115.15 Limits to cross-gender viewing and searches

Standard 115.16 Residents with disabilities and residents who are limited English proficient

Standard 115.17 Hiring and promotion decisions

Standard 115.18 Upgrades to facilities and technologies

Standard 115.21 Evidence protocol and forensic medical examinations

Standard 115.22 Policies to ensure referrals of allegations for investigations

Standard 115.31 Employee training

Standard 115.32 Volunteer and contractor training

Standard 115.34 Specialized training: Investigations

Standard 115.33 Resident education

Standard 115.35 Specialized training: Medical and mental health care

Standard 115.41 Screening for risk of victimization and abusiveness

Standard 115.42 Use of screening information

Standard 115.43 Protector Custody

Standard 115.51 Resident reporting

Standard 115.52 Exhaustion of administrative remedies

Standard 115.53 Resident access to outside confidential support services

Standard 115.54 Third-party reporting

Standard 115.61 Staff and agency reporting duties

Standard 115.62 Agency protection duties

Standard 115.63 Reporting to other confinement facilities

Standard 115.64 Staff first responder duties

Standard 115.65 Coordinated response

Standard 115.66 Preservation of ability to protect residents from contact with abusers

Standard 115.67 Agency protection against retaliation

Standard 115.68 Post-allegation protective custody
Standard 115.71 Criminal and administrative agency investigations
Standard 115.72 Evidentiary standard for administrative investigations
Standard 115.73 Reporting to residents
Standard 115.76 Disciplinary sanctions for staff
Standard 115.77 Corrective action for contractors and volunteers
Standard 115.78 Disciplinary sanctions for residents
Standard 115.81 Medical and mental health screenings; history of sexual abuse
Standard 115.82 Access to emergency medical and mental health services
Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers
Standard 115.86 Sexual abuse incident reviews
Standard 115.87 Data collection
Standard 115.88 Data review for corrective action
Standard 115.89 Data storage, publication, and destruction
Standard 115.401 Frequency and scope of audits
Standard 115.403 Audit contents and findings

Number of Standards Not Met: 0

Auditor's Recommendations:

(1) Site tour revealed a need for additional cameras to cover obvious (1) blind spots and (2) enhance/assist with supervision.

Response: Auditor was provided a wish list of cameras and video monitoring equipment developed by facility, the list includes covering identified blind stops and adding additional cameras.

(2) Auditor recommended revision of procedures for documenting unannounced rounds. Currently rounds are documented in unit log book.

Response: A form has been developed and will be utilized by all staff making unannounced rounds. Documentation will be maintained in administration.

(3) Auditor recommended changes in makeup of facility Incident Review Team and a reformatting of currently used forms.

Response: Auditor has been notified that additional upper level management staff has been added to team and documentation of minutes will include checklist plus notes/minutes.

(4) Auditor recommended a revision to Victim Notification Form, process should include inmate's signature whenever possible.

Response: Notification Form has been revised and implemented.

Standards
Auditor Overall Determination Definitions
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions)
Auditor Discussion Instructions
<p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>WV Inspector General Table of Organization</p> <p>WVDCR Organizational Chart</p> <p>Mount Olive Correctional Complex & Slayton Organization Chart</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interview with Director of Office of PREA Compliance Interview with Agency's PREA Coordinator</p> <p>Interview with Agency's PREA Compliance Manager Interview with Investigator</p> <p>Interviews with the Commissioner and Assistant Commissioner</p> <p>Policy # 430.00, pages 2 – 4 include definitions: Contractors, Director of PREA Compliance, Exigent Circumstances, Gender Nonconforming, Intersex, Juvenile, Juvenile Facility, LGBTI, Medical Practitioner, Mental Health Practitioner, Offender, Office of PREA Compliance, PREA Coordinator, Preponderance of the Evidence, Sexual Abuse, Sexual Harassment, Staff, Staff Sexual Misconduct, Substantiated Allegation, Transgender, Unfounded Allegation, Unannounced Rounds, Unsubstantiated Allegation, Victim, and Volunteer.</p> <p>Policy # 430.00, page 4 A states: DCR has zero tolerance for any acts of sexual abuse, assault, misconduct, or harassment. Sexual activity between staff and offenders, volunteers or contract personnel and offenders, and offender and offender, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions up to and including dismissal and prosecution pursuant to West Virginia Code and DCR Policy and procedure.</p> <p>Policy # 430.00, page 4 B states: The DCR Director of PREA Compliance along with DCR PREA Coordinators and designated support staff shall make up the Office of PREA Compliance and will have sufficient time and authority to develop, implement, coordinate and oversee DCR efforts to comply with the PREA standards in all facilities.</p> <p>Policy # 430.00, page 4 B states: Each facility Superintendent within DCR shall designate a PREA Compliance Manager, who will be the second highest ranking person. Those serving as PREA Compliance Managers within the Bureau of Juvenile Services upon the effective date of this policy will remain in effect at the discretion of the Director of PREA Compliance.</p> <p>Policy # 430.00, in its entirety, addresses the agency's approach to ensure prevention, detection and responding to sexual abuse and sexual harassment. The policy is detailed and straight forward on:</p> <ul style="list-style-type: none"> I. Prevention Planning II. Supervision and Monitoring III. Staff Training IV. Offender Education V. Screening for Risk of Sexual Victimization and Abusiveness VI. Reporting

- VII. Official Response
- VIII. Investigations
- IX. Staff Discipline
- X. Offender Discipline
- XI. Medical and Mental Health
- XII. Data Collection and Review
- XIII. Audits
- XIV. Pertains Only to Juvenile Facilities

The goal of the Office of PREA Compliance is to continually make every effort to prevent, detect, and respond to such conduct. PREA Standard§ 115.11 mandates that each facility designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

Comments:

The West Virginia Department of Corrections and Rehabilitation takes the Prison Rape Elimination Act very seriously. They have developed the Office of PREA Compliance (statewide) which deals strictly with the components of PREA. This Department is responsible to the Assistant Commissioner, Inspector General Bureau. The Office of PREA Compliance is made up of the Director, two (2) PREA Compliance Officers (one for prisons and jails, the other for juveniles) and a Secretary. The two (2) PREA Compliance Officers oversee 36 facility Compliance Managers (sixteen (16) prisons, ten (10) jails and ten (10) juvenile facilities). Each designated Compliance Manager is assigned only the responsibilities associated with PREA and reports to the Director of PREA Compliance and the Superintendent of the facility that they are assigned.

Interviews with individuals noted under 'materials reviewed' indicates that zero-tolerance is the only acceptable behavior for both inmates and staff. Staff interviews showed that they knew the expectation of PREA within their facility.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Interview with West Virginia Division of Corrections and Rehabilitation, Commissioner</p> <p>Interview with West Virginia Division of Corrections and Rehabilitation, Assistant Commissioner,</p> <p>Inspector General Bureau</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>McDowell Contract</p> <p>Trust Fund Accounting System</p> <p>On or after August 20, 2012 or since the last PREA audit, whichever is later:</p> <p>The number of contracts for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies: 1</p> <p>The number of contracts that DID NOT require contractors to adopt and comply with PREA standards: 0</p> <p>On or after August 20, 2012, or since the last PREA audit, whichever is later, the number of contracts that DO NOT require the agency to monitor contractor's compliance with PREA standards: 0</p> <p>Policy # 430.00, page 5 C states: Any new contract or contract renewal for the confinement of offenders shall include an obligation to:</p> <ol style="list-style-type: none"> 1. Comply with PREA Standards, 2. Comply with DCR policy, 3. Ensure that the contracted facility is complying with the PREA standards by monitoring the facility performance. <p>Comments:</p> <p>The Agency reports that it has entered into and/or renewed a contract with Youth Services System (McDowell Correctional Center), for the confinement of juvenile inmates since their last PREA audit.</p>

115.13	Supervision and monitoring
	<p data-bbox="321 180 899 212">Auditor Overall Determination: Meets Standard</p> <p data-bbox="321 249 563 281">Auditor Discussion</p> <p data-bbox="321 319 558 350">Materials Reviewed:</p> <p data-bbox="321 361 1386 470">Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) 2019 Mount Olive Correctional Complex & Slayton Work Camp 2019 PREA Staffing Review Post Assignment Roster Special Duty Position List Samples of Supervisor's Checklist Unannounced Rounds Interview with Superintendent Interview with Associate Superintendent of Security Interview with Director of Office of PREA Compliance</p> <p data-bbox="321 711 456 743">Site Review</p> <p data-bbox="321 789 1040 821">Since August 20, 2012, or last PREA audit, whichever is later:</p> <p data-bbox="321 831 834 863">The average daily number of inmates: 1058</p> <p data-bbox="321 873 1321 905">The average daily number of inmates on which the staffing plan was predicated: 1061</p> <p data-bbox="321 947 1403 1131">Policy # 430.00, page 5 A states: DCR shall ensure that each of its facilities develops, documents and makes its best efforts to comply with the PREA staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:</p> <ol data-bbox="321 1142 1403 1604" style="list-style-type: none"> 1. Generally accepted detention and correctional practices; 2. Any judicial finding of inadequacy; 3. Any findings of inadequacy from federal investigative agencies; 4. Any findings of inadequacy from internal or external oversight bodies; 5. All components of the facility's physical plant (including blind spots or areas where staff or offenders may be isolated); 6. The composition of the offender population; 7. The number and placement of supervisory staff; 8. Facility programs occurring on various shifts; 9. Any applicable State or local laws, regulations or standards; 10. Any prevalence of substantiated and unsubstantiated incidents of sexual abuse; and 11. Any other relevant factors. <p data-bbox="321 1650 1419 1835">Policy # 430.00, page 5 B states: In circumstances where the staffing plan is not complied with, the Facility PREA Compliance Manager or designee shall document the noncompliance, in writing, and justify all deviations from the plan. This documentation will be forwarded to the Facility's Superintendent, appropriate Assistant Commissioner and the Office of PREA Compliance.</p> <p data-bbox="321 1881 1435 1986">Policy # 430.00, page 5 C states: Whenever necessary, but no less frequently than once a year, the Facility PREA Compliance Manager from each facility, in consultation with the Office of PREA Compliance, shall assess, determine and document whether adjustments are needed</p>

to:

1. The PREA staffing plans;
2. Prevailing staffing patterns;
3. The facility's deployment of video monitoring systems and other monitoring technologies;
4. The resources the facility has available to commit to ensure adherence to the staffing plan.

Policy # 430.00, page 6 D states: In an effort to identify and deter staff sexual abuse and sexual harassment, the Facility Superintendent shall ensure that the PREA Compliance Manager is completing unannounced rounds on all shifts. These rounds will be conducted in all areas of the facility, specifically in all offender living areas. Completion of unannounced rounds shall be documented in the appropriate database.

Policy # 430.00, page 6 E states: Any staff member found to be alerting other staff that these rounds are occurring will be subject to disciplinary action unless such announcement is related to the legitimate operational functions of the facility.

The letter to the PREA Auditor from Tim Harper, PREA Coordinator, shared that "The former WV Regional Jail Authority 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. These unannounced rounds occurred on night shifts as well as day shifts. The policy also prohibited staff from alerting other staff members that these supervisory rounds were occurring. The PREA Compliance Managers at both the Slayton Work Camp and Mount Olive Correctional Complex report that these rounds were regularly completed over the last year. However, they were reported in a variety of ways. Some documented via shift log or report, some were completed and verbally reported. We are still attempting to gather a sampling of that documentation. I was named as the WVDCCR Director of PREA Compliance in January of this year. As part of my duties, my team and I began developing the agencies continued response to the PREA Standards. As we proceed with consolidation, we are implementing new policy, procedures and practices and establishing requirements for consistently documenting that the unannounced rounds were completed."

Comments:

November 5, 2019 Staffing Plan states shortages of staff occur due to hospital duty, transports, vacation, Doctor's care and call-offs. The facilities response to staff call-offs, sick leave, military leave, etc. is to "freeze staff, other DCR staff and volunteers for overtime. Staffing plans are reviewed yearly. With the development of the Office of PREA Compliance the format for staffing plans and how it is reviewed will become more formalized. The facility PREA Compliance Manager shared that he is involved with the Staffing Plan. He reviews it with the Director of PREA Compliance, the PREA Coordinator and Superintendent before it is finalized. There are no judicial or federal investigative findings of inadequacy. After reviewing documentation of unannounced rounds auditor recommended a revision in form. This recommendation was accepted and revised form has been implemented.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: None</p> <p>In the past 12 months: The number of youthful inmates housed at this facility: 0</p> <p>The number of housing units to which youthful offenders are assigned that provide sight and sound separation between youthful and adult offenders in day rooms, common areas, showers, and sleeping quarters: 0</p> <p>The number of youthful inmates placed in the SAME HOUSING UNIT as adults in this facility: 0</p> <p>In the past 12 months, the number of youthful inmates who have been placed in isolation in order to separate them from adult inmates: 0</p> <p>Comments: The facility reports they do not house youthful offenders under the age of 18 years.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Policy Directive #411.00; Subject: Gender Nonconforming Inmates/Residents</p> <p>Policy and Procedure #17004; Subject: Strip Search of Inmates</p> <p>Policy Directive #111; Subject – Training and Employee Development Training Curriculum Searches</p> <p>Staff Training Logs</p> <p>Interviews of Staff</p> <p>Interviews of Male Inmates</p> <p>Site Review</p> <p>In the past 12 months:</p> <p>The number of cross-gender strip or cross-gender visual body cavity searches of inmates: 0</p> <p>The number of cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff: 0</p> <p>In the past 12 months:</p> <p>The number of pat-down searches of female inmates conducted by male staff: 0</p> <p>The number of pat-down searches of female inmates conducted by male staff that did not involve exigent circumstances: 0</p> <p>Percent of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs: 100%</p> <p>Policy # 430.00, page 6 F states: Staff shall not conduct cross gender pat-down, strip searches or cross-gender visual body cavity searches, except in exigent circumstances or when performed by medical practitioners in accordance with current Policy. All exigent cross-gender searches will be documented via incident report. For a facility whose rated capacity does not exceed 50 offenders, the facility shall not permit cross-gender pat-down searches of female offenders, absent exigent circumstances. Facilities shall not restrict female offenders' access to regularly available programming or other out-of cell opportunities in order to comply with this provision. If these searches occur, they shall be documented.</p> <p>Policy # 430.00, page 6 G states: Offenders shall be able 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. This limitation not only applies to in-person viewing, but also all forms of remote viewing as well.</p>

Policy # 430.00, page 6 H states: Staff shall announce their presence every time they enter an offender housing unit of the opposite gender to indicate that there will be someone of the opposite gender on the unit.

Policy # 430.00, page 6 I states: Facilities shall not search or physically examine a transgender or intersex offender for the sole purpose of determining genital status. If unknown, staff should attempt to determine the genital status through conversations with the offender or by reviewing medical records.

Policy # 430.00, page 6 J states: Staff shall be trained to conduct pat searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security.

Policy Directive 411, page 3, III B states: Transgender and intersex inmates/residents shall be given the opportunity to shower separately from other inmates/residents.

Policy Directive 411, page 3, III F states: Facilities shall make all attempts to take into consideration inmate/resident preference when assigning staff members to perform strip searches. In exigent circumstances, cross gender searches may occur.

Policy 17006, page 3, Procedure B states: A transgender inmate shall not be strip searched randomly or as a form of harassment. All pat-downs and strip searches shall be conducted in accordance with policy 17004 "Strip Search Procedures" and 13015 "Pat-Down Searches". At no time will an officer pat-down or strip search an inmate to determine the inmate's sex and/or anatomy. If the inmate's anatomy is unknown, it may be determined by conversations with the inmate or by reviewing medical records.

Policy Directive #111, page 5 – 6 states: OJT, Basic, and In-Service Training for any person who works in or with the WVDCR, including vendors, contractors, and volunteers, shall minimally include:

- A. The zero-tolerance policy for sexual abuse and sexual harassment;
- B. How to fulfill their responsibilities under the WVDCR's sexual misconduct prevention, detection, reporting, and response policies and procedures;
- C. Inmates/residents right to be free from sexual abuse and sexual harassment, and the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- D. The dynamics of sexual abuse and sexual harassment in confinement;
- E. The common reactions of sexual abuse and sexual harassment victims;
- F. How to detect and respond to signs of threatened and actual sexual abuse;
- G. How to avoid inappropriate relationships with inmates/residents;
- H. How to communicate effectively and professionally with everyone, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming persons;
- I. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- J. All such training shall be tailored to the gender of the inmates/residents at the employee's facility, and employees shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa;

K. Each employee will complete refresher training at least every two (2) years to ensure that all employees know the WVDCR's current sexual abuse and sexual harassment policies and procedures; in years in which an employee does not receive refresher training, the employee shall be provided refresher information on current sexual misconduct policies;

L. All such training shall be documented through employee signature or electronic verification that employees understand the training they have received.

Comments:

All individuals interviewed (superintendents, staff, and inmates) stated that 0 cross-gender searches, visual body cavity searches or pat-downs have occurred.

115.16	Inmates with disabilities and inmates who are limited English proficient
	<p data-bbox="310 180 894 212">Auditor Overall Determination: Meets Standard</p> <p data-bbox="310 254 558 285">Auditor Discussion</p> <p data-bbox="310 327 1382 506"> Materials Reviewed: Proprio Language Services Contract dated March 10, 2016 Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Commissioner and Assistant Commissioner Interviews with staff. </p> <p data-bbox="310 558 526 663"> Site Review Inmate Handbook Posters </p> <p data-bbox="310 716 1398 863"> In the past 12 months, the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations: 0 </p> <p data-bbox="310 915 1422 1094"> Policy # 430.00, page 6 L states: Facilities shall take reasonable steps to ensure all offenders with disabilities and those who are limited English proficient have meaningful access and equal opportunity to participate in or benefit from all aspects of the DCR's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The facility shall use the contracted translation services to facilitate communication with the offender. </p> <p data-bbox="310 1146 1422 1440"> Policy # 430.00, page 6 – 7 L states: Written materials will either be delivered in alternative formats that accommodate the offender's disability or the information will be delivered through alternative methods, that ensure effective communication with offenders with disabilities, including those with intellectual disabilities, limited reading skills, or no or low vision. Reading the information to the offender or communicating through an interpreter, will ensure that they understand the PREA related material. In addition to providing such education, the facility shall ensure that key information is continuously and readily available to offenders through posters, or other written formats. </p> <p data-bbox="310 1493 1406 1671"> Policy # 430.00, page 7 M states: Only staff members or qualified contractors will provide translation for offenders. The DCR shall not rely on offender interpreters, readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties, or the investigation of the offender's allegations. </p> <p data-bbox="310 1724 1398 1944"> Comments: Interviews with staff and with inmates indicated that inmate interpreters are never used for PREA related translation. When someone is in need of an interpreter, Proprio Language Services is utilized. Written materials are given to inmates when they arrive at the facility and PREA signage is posted around the facility. Those inmates interviewed with cognitive and developmental disabilities knew about PREA and were able to answer related questions. </p>

	There were no available inmates to interview who had limited English proficiency.
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115.17	Hiring and promotion decisions
	<p data-bbox="315 176 894 210">Auditor Overall Determination: Meets Standard</p> <p data-bbox="315 247 558 281">Auditor Discussion</p> <p data-bbox="315 319 1382 663"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Policy and Procedure #3005; Subject - Pre-Employment and Fitness for Duty Evaluations Personnel Files of Staff who were hired or promoted in last twelve months for criminal background checks and past conduct Personnel Files of background checks of contractors/volunteers Personnel Files of Staff re: four-year background records checks Interview with Human Resources Staff Review of Entry Level Oral Interview Questionnaire </p> <p data-bbox="315 709 1354 898"> In the past 12 months: The number of persons hired who may have contact with inmates who have had criminal background record checks: 91 The percent of person hired who may have contact with inmates who have had criminal background record checks: 100% </p> <p data-bbox="315 945 1338 1134"> In the past 12 months: The number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates: 0 The percent of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates: 0% </p> <p data-bbox="315 1180 1419 1562"> A review of Entry Level Oral Interview questions showed the following: <ul style="list-style-type: none"> • What will you do if you see a co-worker breaking the rules or regulations? • If you see a co-worker making inappropriate comments or behavior in a sexual manner to an inmate, what would you do? • Have you ever engaged in sexual abuse or sexual misconduct in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution? • Have you ever been criminally convicted of engaging or attempting to engage in coerced or forced sexual activity, including any type of sexual misconduct or sexual harassment? • Have you ever been civilly or administratively found liable for engaging in coerced or forced sexual activity, including any type of sexual misconduct or sexual harassment? </p> <p data-bbox="315 1608 1419 1986"> Policy # 430.00, page 7 N states: All individuals who may have contact with offenders will be asked to disclose previous misconduct during interviews for hiring, promoting or as part of reviews of current employees. Employees shall have a continuing affirmative duty to disclose any such misconduct. DCR shall not hire, promote or enlist the services of any person who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution or 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 or has been civilly or administratively adjudicated to have engaged in such activity. The DCR shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or enlist the </p>

services of any contractor, who may have contact with offenders. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Policy # 430.00, page 7 O states: A background investigation will be completed before hiring or promoting employees, enlisting the services of contractors, interns or volunteers. The DCR shall conduct criminal background checks of all employees, volunteers, interns and contractors every four years.

Policy # 430.00, page 7 P states: Consistent with Federal, State, and local law, the DCR must 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. Unless prohibited by law or policy, the DCR shall provide information on substantiated allegations of sexual abuse or sexual harassment involving former employees upon receiving a request from an institutional employer from whom the employee has applied to work.

Comments:

Files of staff and contractors/volunteers were reviewed for compliance with this standard. All files reviewed had up-to-date criminal history checks.

By utilizing pre-hire criminal background checks, reviewing the questionnaire (noted above), on-going criminal background checks, and human resource standards, it appears that no staff has been hired or promoted that has had an incident of sexual abuse or sexual harassment. This also holds true for contractors and volunteers. The Office of PREA Compliance has moved for criminal history checks from five (5) years to four (4) years via policy change.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Interview with Commissioner and Assistant Commissioner</p> <p>Interview with Superintendent</p> <p>Site Review</p> <p>2019 Staffing Plan Review</p> <p>Policy # 430.00, page 7 Q states: When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the DCR shall consider the effect of the design, acquisition, expansion, or modification upon the DCR's ability to protect offenders from sexual abuse. The PREA Compliance Manager will be responsible for consulting with the Office of PREA Compliance, when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the DCR shall consider how such technology may enhance the DCR's ability to protect offenders from sexual abuse.</p> <p>Comments:</p> <p>The facility reports one recent modification. However, in the November 5, 2019 staffing plan review, it stated there is a need to upgrade cameras and add cameras throughout the facility. Proposed list of upgrades and additions of cameras and video monitoring equipment available. There remains a need for normal maintenance, which will be addressed before any additions, etc.</p> <p>During the on-site tour of the facility locations were identified where additional cameras would enhance supervision and reduce current blind spots.</p>

115.21	Evidence protocol and forensic medical examinations
	<p data-bbox="321 184 899 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="321 258 565 289">Auditor Discussion</p> <p data-bbox="321 331 558 363">Materials Reviewed:</p> <p data-bbox="321 369 1390 401">Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p data-bbox="321 407 834 438">Interview with Health Services Administrator</p> <p data-bbox="321 445 873 476">Interviews with Staff Interview with SANE Nurse</p> <p data-bbox="321 483 813 514">Interview with PREA Compliance Manager</p> <p data-bbox="321 520 1349 552">Interview with Inmates who Reported a Sexual Abuse Shift Supervisor - PREA Checklist</p> <p data-bbox="321 558 902 590">Medical - PREA Checklist FPCO - PREA Checklist</p> <p data-bbox="321 596 850 627">West Virginia State Police Service Agreement</p> <p data-bbox="321 634 1317 707">Agreement between WVDCR and WV Foundation for Rape Information and Services (WVFRIS)</p> <p data-bbox="321 760 584 791">In the past 12 months:</p> <p data-bbox="321 798 1373 871">The number of forensic medical exams conducted: 0 The number of exams performed by SANES/SAFEs: 0</p> <p data-bbox="321 877 1141 909">The number of exams performed by a qualified medical practitioner: 0</p> <p data-bbox="321 951 1406 1255">Policy # 430.00, page 16 - 17 F states: Administrative and criminal investigations shall be conducted in accordance with best practice for the investigation of sexual assault and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative procedures and criminal prosecutions. The protocol shall be adapted from OJ's 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.</p> <p data-bbox="321 1308 1393 1486">Policy # 430.00, page 17 I states: As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.</p> <p data-bbox="321 1539 1403 1717">Policy # 430.00, page 17 E states: When an outside agency investigates sexual abuse, the DCR shall request that the investigating agency follow the Medical and Mental Health requirements of this policy. CID shall endeavor to remain informed about the progress of the investigation and regularly update Office of PREA Compliance throughout the investigative progress.</p> <p data-bbox="321 1770 1422 1990">Policy # 430.00, page 20 B states: Victims of sexual abuse shall 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. All victims of sexual abuse shall be offered access to forensic medical examinations at the facility or an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's)</p>

where possible. The DCR shall document efforts to provide SAFE's or SANE's, if one is not available, the examination can be performed by other qualified medical practitioners. Treatment shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Policy # 430.00, page 20 C states: The facility will use the list of local hospitals that employ a SANE (Sexual Assault Nurse Examiner), to determine the appropriate medical provider to transport to. Any refusal by the offender to undergo the forensic exam must be documented. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.

Policy # 430.00, page 20 D states: The DCR shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the DCR shall provide a qualified staff member to provide these services. Agencies shall document efforts to secure services from rape crisis centers. If requested by the victim, a victim advocate, qualified DCR staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. To the extent the DCR itself is not responsible for investigating allegations of sexual abuse the DCR shall request that the investigating agency follow the requirements within policy.

Comments:

The facility investigators complete administrative investigations. Criminal Investigations are completed by the West Virginia State Police. The written agreement between the agency and the WV State Police is "for the purpose of responding, investigating and if needed legally charge sexual assault/rape perpetrators for incidents that occur while incarcerated at any of the West Virginia Prison or Work Camp. Partnership will commence on any date set forth and will be managed and maintained in compliance with PREA Standards."

The agreement between the West Virginia Correctional Facility Authority and the West Virginia Foundation for Rape Information and Services and it's Partnering Agencies is quite extensive. It provides a lengthy description of the "Scope of Work" (including training, number of victim services hours, creation of a brochure, statewide MOU, safety and security, confidentiality, criminal background checks) and Terms and Conditions (Scope of Services, Term, Accounting and Payment for Contractor Services, Delegation and Subcontracting, Contractor Relationship, No Guarantee of Employment, Regulations and Requirements, Right to Review, Modifications, Termination for Default, Termination for Any Other Reason; Termination Due to Insufficient Funds, Termination Procedure, Defense and Indemnity Agreement, Confidentiality and Disclosure, Requests for Information, Venue and Choice of Law, State Employees, Insurance, Rights and Remedies, Patents, Ownership of Items Produced, Clean Air and Water, Non-Discrimination, Third Party Beneficiaries, Standard of Care, Time is of the Essence, Notice, Severability, Waiver, Construction, Prison Rape Elimination Act Compliance, Entire Agreement.) The interview with the facility PREA Investigator verified the protocol taken in evidence collection. The interviews with staff showed that they were aware of the format to collect evidence if required to do so.

Facility supervisors and the Health Services Administrator stated that no victim is ever charged for any examination, medical follow-up or advocacy services (to include psychiatric care)

related to sexual abuse or harassment. Additionally, all stated that forensic (PREA) examinations do not occur at the facility. The PREA Checklists are concise and well maintained.

115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="315 184 894 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="315 258 558 289">Auditor Discussion</p> <p data-bbox="315 331 1382 478"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Commissioner and Assistant Commissioner Interview with Investigative Staff </p> <p data-bbox="315 527 1360 674"> In the past 12 months: The number of allegations of sexual abuse and sexual harassment that were received:25 The number of allegations resulting in an administrative investigation: 25 The number of allegations referred for criminal investigation: 0 </p> <p data-bbox="315 722 1409 869"> Policy # 430.00, page 16 A states: Protection of witnesses and the victim shall be paramount throughout the investigation process. The Office of PREA Compliance, in conjunction with the facility PCM shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. </p> <ol data-bbox="315 875 1425 1415" style="list-style-type: none"> 1. Individuals conducting these investigations will receive specialized training. 2. Staff members, as designated by the Superintendent, shall do an inquiry on offender on offender harassment allegations. 3. CID investigators will conduct investigations on all staff on offender allegations and offender on offender sexual abuse allegations. 4. CID investigators will be primarily responsible for contacting and referring criminal allegations and assisting as needed with the investigation. 5. Investigations will be promptly, thoroughly, and objectively completed for all allegations, including third party and anonymously reported allegations. The reports and all related documentation are to be entered in the appropriate tracking system. 6. Staff having any knowledge of or reason to suspect that sexual misconduct has taken place, is subject to questioning by person(s) investigating such allegations. Failure to cooperate with the investigation, such as withholding known information, withholding evidence or giving false statements will result in disciplinary action. <p data-bbox="315 1463 1403 1652"> Policy # 430.00, page 16 E states: When an outside agency investigates sexual abuse, the DCR shall request that the investigating agency follow the Medical and Mental Health requirements of this policy. CID shall endeavor to remain informed about the progress of the investigation and regularly update Office of PREA Compliance throughout the investigative progress. </p> <p data-bbox="315 1694 1425 1841"> Policy # 430.00, page 16 C states: Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. </p> <p data-bbox="315 1890 1377 1995"> Comments: All PREA allegations are filtered through the PREA Compliance Manager. He forwards the investigator and the Office of PREA Compliance. All allegations are investigated. If an </p>

allegation meets the level of a criminal action, the complaint is sent to the West Virginia State Police for investigation.

The Agency's website addresses the reporting of Sexual Abuse and Harassment.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Material Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Policy Directive #111; Subject: Training and Employee Development</p> <p>Propio Language Services Instructions</p> <p>Orientation PREA Training / Trainers Manual Booking Information</p> <p>PREA Information Intake / Training Curriculum/Instruction</p> <p>Cross Gender Viewing/Searches</p> <p>Curriculum / Lesson Plan - Prison Rape Elimination Act for Employees and Contract Staff</p> <p>PREA Training Orientation - Handout</p> <p>PREA Training - Final Quiz</p> <p>Review of Staff Training Records</p> <p>Interviews with Staff</p> <p>Interview with Volunteers / Contractors who have Contact with Inmates</p> <p>Review of Volunteer / Contractors Training Records.</p> <p>The PREA Lesson Plan Performance Objectives include: Defining Zero Tolerance Policy and key definitions; Learn about inmate's right to be free of abuse, harassment and retaliation; Defining your responsibilities under policy; Understand announcements and searches; List which inmates are particularly vulnerable to abuse; Understand the common reactions to sexual abuse; Learn how to detect signs of threatened and actual sexual abuse; Define First Responder duties; Explain how to handle disclosures; Explain how to complete an incident report; Explain false reports and how to handle them; Learn how to communicate professionally and respectfully with inmates, including LGBTI inmates; and Define how to avoid (in) appropriate relationships.</p> <p>PREA Orientation Handout includes PREA Basics and WVDCR Policy; Relevant Laws; Zero-Tolerance Policy; Definitions;</p> <p>Inmate-on-Inmate Sexual Abuse; Staff-on-Inmate Sexual Abuse; Staff Sexual Misconduct; Your Responsibilities (Prevention & Detection, Reporting); Inmate Reporting; Remember: Every Report Counts; Announcement Policy (when entering housing unit of the opposite gender); Search Policy; Cross-Gender Searches Policy; Notes on Cross Gender Searches; Searches of Transgender Inmates; Dynamics of Sexual Abuse in Confinement Settings; Vulnerable Populations; What Does Sexual Abuse Look Like?; Common Reactions; Additional Signs to Watch For; Remember; First Responders; Initial Contact with a Victim; First Responder Duties; Investigations; Writing a full Report; Can False Reports Get Filed?; Preserving Reporting Culture; Effective Communications; Responding to Requests; Inmates with Limited English; Talking to LGBTI inmates; Terms you Shouldn't Use; The use of Pronouns; Avoiding Inappropriate Relationships; Examples of Inappropriate Behavior; Professionalism Compromised and Wrap-up and Quiz.</p> <p>The Trainer's Manual is quite lengthy. It goes into great detail in the following areas: PREA Basics and Policy, Zero-Tolerance Policy, Definitions, Inmate-on-Inmate Sexual Abuse, Staff-on-Inmate Sexual Abuse, Staff Sexual Misconduct, Your Responsibilities: Prevention &</p>

Detection, Your Responsibilities: Reporting, Inmate Reporting, Remember: Every Report Counts!, Announcement Policy, Search Policy, Cross-Gender Searches Policy, Notes on Cross Gender Searches, Searches of Transgender Inmates, Dynamics of Sexual Abuse in Confinement Settings, Vulnerable Populations, What Does Sexual Abuse Look Like?, Common Reactions, Additional Signs to Watch For, First Responders, Initial Contact with a Victim, First Responder Duties, Investigations, Writing a Full Report, Can False Reports Get Filed?, Preserving Reporting Culture, Effective Communication, Responding to Requests, Talking to LGBT Inmates, Inmates with Limited English, Terms you Shouldn't Use, The Use of Pronouns, Avoiding Inappropriate Relationships, Examples of Inappropriate Behavior, and Professionalism Compromised

Policy Directive #111, page 5 – 6 states: OJT, Basic, and In-Service Training for any person who works in or with the WVDCR, including vendors, contractors, and volunteers, shall minimally include:

- A. The zero-tolerance policy for sexual abuse and sexual harassment;
- B. How to fulfill their responsibilities under the WVDCR's sexual misconduct prevention, detection, reporting, and response policies and procedures;
- C. Inmates/residents right to be free from sexual abuse and sexual harassment, and the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- D. The dynamics of sexual abuse and sexual harassment in confinement;
- E. The common reactions of sexual abuse and sexual harassment victims;
- F. How to detect and respond to signs of threatened and actual sexual abuse;
- G. How to avoid inappropriate relationships with inmates/residents;
- H. How to communicate effectively and professionally with everyone, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming persons;
- I. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
- J. All such training shall be tailored to the gender of the inmates/residents at the employee's facility, and employees shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa;
- K. Each employee will complete refresher training at least every two (2) years to ensure that all employees know the WVDCR's current sexual abuse and sexual harassment policies and procedures; in years in which an employee does not receive refresher training, the employee shall be provided refresher information on current sexual misconduct policies;
- L. All such training shall be documented through employee signature or electronic verification that employees understand the training they have received.

Policy # 430.00, page 8 B states: At a minimum, the training shall include the following information:

- 1. Sexual contact with an offender is prohibited,
- 2. Offender's right to report if sexual contact occurs,
- 3. The zero-tolerance policy against sexual abuse and sexual harassment within the OCR,
- 4. How staff are to fulfill their responsibilities under the Division's sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures as defined in this policy,

5. Offenders' right to be free from sexual abuse and sexual harassment,
6. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment,
7. The dynamics of sexual abuse and sexual harassment in confinement,
8. The common reactions of sexual abuse and sexual harassment victims,
9. How to detect and respond to signs of threatened and actual sexual abuse,
10. How to avoid inappropriate relationships with offenders,
11. How to communicate effectively and professionally with offenders, including LGBTI or gender nonconforming offenders,
12. How to comply with relevant laws of West Virginia related to mandatory reporting of sexual abuse to outside authorities.
13. Sexual Misconduct in Confinement Facilities

Policy # 430.00, page 8 D states: Staff training shall be appropriate to the gender of the offenders within the facility.

Policy # 430.00, page 8 E states: The DCR shall provide employees with a yearly refresher to ensure that all employees know the DCR's current sexual harassment policies and procedures. Facilities shall ensure that volunteers and contractors who have contact with offenders have been trained on their responsibilities under the DCR's sexual abuse and sexual harassment prevention, detection and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services that they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified on the DCR's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Policy # 430.00, page 8 C states: Each facility shall document through a Certificate of Understanding that staff, volunteers and contract employees have received and understand the training they have received. Documentation will be filed in the employee training folder and a copy will be sent to the Office of PREA Compliance.

Comments:

Monthly Refreshers about PREA are sent out to each of the facilities via the Office of PREA Compliance. Training records are concise and easy to review. All file reviews showed that training is updated, signatures are readily available, and training is now current. Interviews with staff show that they are aware of the components of PREA. As the facility houses males, all employees are cross-gender searches trained.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Training Sign-off Sheets: Staff, Medical, Contractors and Volunteers</p> <p>PREA Handout for Contractors and Volunteers</p> <p>Lesson Plan for Volunteers and Contractors</p> <p>Interviews with Volunteers and Contractors</p> <p>The number of volunteers and individual contractors, who have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse/harassment prevention, detection, and response: 81</p> <p>The percent of volunteers and individual contractors, who have contact with inmates, who have been trained in agency's policies and procedures regarding sexual abuse/harassment prevention, detection and response: 100%</p> <p>Policy # 430.00, page 8 A states: A. All employees, contractors, volunteers and interns will receive training regarding DCR's zero tolerance policy regarding sexual misconduct. This training should be conducted during orientation, but no later than thirty (30) days after date of hire.</p> <p>Policy # 430.00, page 8 C states: Each facility shall document through a Certificate of Understanding that staff, volunteers and contract employees have received and understand the training they have received. Documentation will be filed in the employee training folder and a copy will be sent to the Office of PREA Compliance.</p> <p>Policy # 430.00, page 8 E states: The DCR shall provide employees with a yearly refresher to ensure that all employees know the DCR's current sexual harassment policies and procedures. Facilities shall ensure that volunteers and contractors who have contact with offenders have been trained on their responsibilities under the DCR's sexual abuse and sexual harassment prevention, detection and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services that they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified on the DCR's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents</p> <p>Comments:</p> <p>Interviews with staff show that they are aware of each of PREA's components. As the facility houses males, all employees are cross trained. Volunteers and Contractors receive the same training as staff. Review of training records show that they are concise and easy to review. All file reviews showed that training is updated, signatures are present, and training is now current. An interview with a volunteer showed that he has knowledge of PREA to include: "the do's and don'ts, how to interact", his responsibilities, who to report to and that he feels he's been adequately 'informed'.</p>

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interviews with Staff Interviews with</p> <p>Inmates Interviews with Intake Staff</p> <p>Files of Inmates</p> <p>Review of Posters</p> <p>Inmate Handbooks MT Olive Correctional Complex</p> <p>Inmate Handbooks Slayton Work Camp</p> <p>Site Review</p> <p>The number inmates admitted during the past 12 months:531</p> <p>The number who were given this information at intake: 531</p> <p>The percent who were given this information at intake: 100%</p> <p>Of inmates admitted during the past 12 months whose length of stay in the facility was for 30 days or more:531</p> <p>The number who received such education within 30 days of intake: 531 The percent who received such education within 30 days of intake: 100%</p> <p>Policy # 430.00, page 9 – 10 A states: During the intake process, offenders shall receive educational information explaining, in an age appropriate fashion, the DCR's zero-tolerance policy on sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or harassment. This information shall be communicated verbally, in writing and in language clearly understood by the offender. The curriculum may be provided to offenders individually or in groups. At a minimum, the offender shall receive:</p> <ol style="list-style-type: none"> 1. Information regarding the agencies reporting procedures. 2. Information related to access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. 3. The facility shall inform offenders, 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. The facility shall enable reasonable confidential communication between offenders and these organizations. 4. The offender shall sign an acknowledgement of receiving the PREA training and PREA related materials. This documentation shall be placed in the offender's record. 5. For people detained solely for civil immigration purposes, the person will receive contact information for immigrant service agencies. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible. 6. Within thirty (30) days of intake, offenders shall receive comprehensive education regarding their rights to be free from sexual abuse, sexual harassment and retaliation for reporting such

incidents and regarding DCR policies and procedures for responding to such incidents. Offenders should sign an acknowledgement of receiving training. If the acknowledgement is electronically signed, it shall be printed and placed in the offender's record. (115.33 (b))

7. It is mandatory that offenders attend PREA training. Offenders refusing, without good cause, shall be disciplined. The Facility PREA Compliance Manager or designee can make accommodations for offenders who have been previously sexually abused for who may have other good cause to find the training too difficult in a group setting.

Policy # 430.00, page 10 B states: When a new offender is received from another DCR facility, staff shall check the offender's Institutional Record for documentation that he or she has previously completed all PREA training. The offender shall be provided a handbook, if needed, and will be given PREA training to the extent that the procedures of the offender's new facility differ from those of the previous facility. If documentation is not found or if they leave custody and return, they shall be provided the required PREA training.

Policy # 430.00, page 6 – 7 L states: Written materials will either be delivered in alternative formats that accommodate the offender's disability or the information will be delivered through alternative methods, that ensure effective communication with offenders with disabilities, including those with intellectual disabilities, limited reading skills, or no or low vision. Reading the information to the offender or communicating through an interpreter, will ensure that they understand the PREA related material. In addition to providing such education, the facility shall ensure that key information is continuously and readily available to offenders through posters, or other written formats.

Policy # 430.00, page 10 # 4 states: The offender shall sign an acknowledgement of receiving the PREA training and PREA related materials. This documentation shall be placed in the offender's record.

Comments:

The auditor observed the intake process. Inmates receive PREA information via written information (verbal or self-read), staff assisted and sign off on receiving the information. The PREA Assessment is completed. All inmates receive the PREA information.

For those inmates who have limited English proficiency, the language interpretation lines are utilized. For intake a case of visually impaired, staff related that counselors are available to review the information for them. Posters in English and Spanish are noted on the walls. PREA information is also found on the tablets available to inmates on housing units.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials reviewed:</p> <p>Policy Directive Number 430.00; pages 8 - 9 F –G Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Verification of Training of Investigators/Records</p> <p>Interviews with Investigative Staff</p> <p>“Miranda, Garrity, PREA, and Such” Training Curriculum</p> <p>“Interview of Sexual Assault Victims in A Confinement Setting” Training; Developed by: D.L. Rosier, Jr.,</p> <p>Deputy Director DMAPS Investigation Unit</p> <p>“PREA – Report Writing” Training; Prepared by D.L. Rosier, Jr., Deputy Director, DMAPS Investigation Unit</p> <p>The number of investigators the agency currently employs: 26</p> <p>The number of investigators currently employed who have completed the required training: 26</p> <p>Policy # 430.00, page 8 – 9 F states: In addition to the general training provided to all employees pursuant to § 115.31, the DCR shall ensure that, to the extent the DCR itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. Corrections Investigations Division (CID) investigative staff shall receive additional specialized training on conducting sexual abuse investigations in confinement settings. Documentation will be filed in the employee training folder and a copy will be sent to the Office of PREA Compliance. This specialized training will include but is not limited to:</p> <ol style="list-style-type: none"> 1. Interviewing sexual abuse victims, 2. Proper use of Miranda warnings and the Garrity rule, 3. Sexual abuse evidence collection in confinement settings, 4. The criteria and evidence required to substantiate a case for administrative action or prosecutorial referral. <p>Comments:</p> <p>This facility provided training records for all their investigators. These records include verification of NIC training (PREA: Your Role Responding to Sexual Abuse), completion of the “Miranda Rights and Garrity Warning Training”, completion of the “Report Writing – PREA Investigations” and completion of the “Interview of Sexual Assault Victims in a Confinement Setting”. Investigators have also been trained on proper evidence collection. The Miranda, Garrity, PREA and Such Training is written by Michael W. Parker, ESQ., the Randolph County Prosecuting Attorney. At the early onset of this training, Mr. Parker was the facilitator. He no longer does the training himself, but the curriculum continues to be used. The interview with the investigator showed him to be very proficient in the components of PREA and his ability to complete investigations.</p>

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) NIC Training Certificates for "PREA: Medical Health Care for Sexual Assault Victims in a Confinement Setting" Interview with Director of Health Services Exam Logs</p> <p>The number of all medical and mental health care practitioners who work regularly at this facility who received the training: 60 The percent of all medical and mental health care practitioners who work regularly at this facility who received the training required by agency policy: 100%</p> <p>Policy # 430.00, page 9 G states: G. In addition to the general training provided by the facility during Orientation, all full- and part-time medical and mental health staff shall receive additional specialized training regarding victims of sexual abuse and sexual harassment. This training will be coordinated and completed by a qualified source. All medical staff must receive this training during orientation, but no later than one (1) month of the effective date of hire. Contracted medical staff employed by the DCR will not conduct forensic examinations. This specialized training will include, but is not limited to:</p> <ol style="list-style-type: none"> 1. How to detect and assess signs of sexual abuse and sexual harassment; 2. How to preserve physical evidence of sexual abuse; 3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. <p>Comments: The interview with the Health Service Administrator verified required training is completed at the facility and through NIC. The training logs for Health Services staff showed completion of required facility training. PrimeCare training records are not kept on site. Medical staff at this facility does not complete forensic examinations. All examinations of this type are completed at a local hospital (CAMC).</p>

115.41	Screening for risk of victimization and abusiveness
	<p data-bbox="321 191 902 222">Auditor Overall Determination: Meets Standard</p> <p data-bbox="321 260 566 291">Auditor Discussion</p> <p data-bbox="321 331 553 363">Materials Reviewed</p> <p data-bbox="321 369 1390 401">Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p data-bbox="321 407 976 438">PREA Screening Instrument – Initial and Reassessment</p> <p data-bbox="321 445 597 476">Interviews with Inmates</p> <p data-bbox="321 483 1024 514">Interviews with Staff Responsible for Risk Screening / Intake</p> <p data-bbox="321 520 834 552">Interview with Director of PREA Compliance</p> <p data-bbox="321 558 704 590">Interview with PREA Coordinator</p> <p data-bbox="321 596 742 627">Interview with Compliance Manager</p> <p data-bbox="321 682 586 714">In the past 12 months:</p> <p data-bbox="321 720 1419 827">The number of inmates entering the facility (either through intake or transfer) whose length of stay in the facility was for 72 hours or more who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility: 531</p> <p data-bbox="321 833 1419 940">The percent of inmates entering the facility (either through intake or transfer) whose length of stay in the facility was for 72 hours or more who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility: 100%</p> <p data-bbox="321 995 586 1026">In the past 12 months:</p> <p data-bbox="321 1033 1378 1140">The number of inmates entering the facility who were reassessed for their risk of sexual victimization or being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received through intake: 531</p> <p data-bbox="321 1146 1409 1295">The percent of inmates entering the facility (either through intake or transfer) who were reassessed for their risk of sexual victimization or being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received through intake: 100%</p> <p data-bbox="321 1344 1419 1493">Policy # 430.00, page 10 A states: All offenders shall be assessed individually and in a private setting during intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders prior to housing in general population.</p> <p data-bbox="321 1539 1024 1570">Policy # 430.00, page 10 B states: The screening will occur:</p> <ol data-bbox="321 1577 1419 1764" style="list-style-type: none"> <li data-bbox="321 1577 651 1608">1. Within 72 hours of intake, <li data-bbox="321 1614 709 1646">2. Upon transfer to a new facility, <li data-bbox="321 1652 743 1684">3. After an incident of sexual abuse, <li data-bbox="321 1690 1419 1764">4. Or when warranted due to a referral, request, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. <p data-bbox="321 1810 1362 1879">Policy # 430.00, page 10 – 11 C states: This shall be accomplished by using an objective PREA Screening Instrument to gather the following information:</p> <ol data-bbox="321 1885 1373 1997" style="list-style-type: none"> <li data-bbox="321 1885 1341 1959">1. Known or perceived gender nonconforming appearance or identifies as lesbian, gay, bisexual, <li data-bbox="321 1965 1373 1997">transgender or intersex (LGBTI) and whether the offender may therefore be vulnerable to

sexual abuse;

2. Whether the offender has a mental, physical, or developmental disability;

3. Offender's age and physical build

4. Current charge, offense history and whether the offender has been previously incarcerated for

convictions for sex offenses against an adult or child or a history of acts of sexual abuse;

5. Whether the offender's criminal history is exclusively non-violent;

6. Whether the offender has previously experienced sexual victimization;

7. The offender's own perceptions of her or his vulnerability

8. Any specific information about individual offenders that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other offenders.

9. Whether the offender is detained solely for civil immigration purposes.

Policy # 430.00, page 11 D/E states: The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the DCR, in assessing offenders for risk of being sexually abusive. This information shall be ascertained through:

1. Conversations with the offenders during the intake process

2. Medical and mental health screenings;

3. During classification assessments;

4. By reviewing court records, case files, facility behavioral records, and other relevant documentation from the offender's files.

Policy # 430.00, page 11 F states: Facility staff and contractors involved in the assessment process will not disseminate responses to the screening questions or other sensitive information which may be exploited to the offender's detriment by staff or other offenders. Offenders determined to be at risk for sexual victimization if assigned to general population will be identified. This information will be documented in the offender's file, and in the appropriate database. Offenders may not be disciplined for refusing to answer or for not disclosing complete information. If an offender refuses to disclose the information requested, housing placement should be based on a review of the offender's records.

Policy # 430.00, page 11 G states: The Superintendent shall designate specific staff to complete PREA reassessments. PREA reassessment shall be completed within a set time period, not exceed 30 days from the offender's arrival at the facility. The facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

Comments:

PREA Screening Instrument (Initial and Reassessment) was reviewed and contains all the elements of 115.41 (d)(e). The completion of the Initial Assessment occurs while the inmate is still in intake. The Superintendent has directed the Corrections Program Specialist at the facility to ensure completion of the Reassessments within the allotted time frames. The Office of PREA Compliance has completed a format for the completion of these Reassessments, to include when additional reassessments should occur. When Assessments and Reassessments are completed, the forms are placed in the inmate files. These files are kept behind a locked vault (limited access). When any keep separates and/or potential victim or predators are noted, an "Alert" is posted in their computer system.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Policy and Procedure #17001; Subject: Inmate Admission Procedures Policy Directive #411.00; Subject: Gender Nonconforming Inmates/Residents Policy and Procedure #13001; Subject: Receiving Screening Form</p> <p>Interview with PREA Compliance Manager Interview with Staff Responsible for Risk Screening Interviews with Transgender/Intersex/Gay/Lesbian Inmates</p> <p>Site Review</p> <p>Policy 17001, page 16, #5 states: Inmates determined to be at risk for assignment to population will be identified. This information will be documented in the inmate's file, and in the inmate Information Management System.</p> <p>Policy 13001, page 1, #4 states: The inmate's housing assignment, classification and subsequent medical treatment will be determined at the time of booking, and be based, in part, upon information contained on the Receiving Screening Form. A) Medical staff will immediately notify the Shift Supervisor of inmates determined, through risk screening and/or observation; to be suicidal, risk of suicide, risk of sexual victimization, transgender or intersex inmates, or whether the inmate has mental/physical/ developmental disabilities requiring other than general population classification.</p> <p>Policy 17001, page 23, Procedure N – Inmate Classification/Housing states: 3) Incoming inmates will be housed in accordance with classification and the results of the initial assessment of the inmate's risk of sexual violence vulnerability and risk of abusiveness. Initial classification shall be approved by the Booking Supervisor. A classification sheet shall be forwarded to the classification committee in accordance with Policy Number 20001. A potential predator will not be housed with a potential victim. The goal is to keep separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. 4) Inmates determined to be at risk for assignment to population will be identified. This information will be documented in the inmate's file, and in the inmate Information Management System.</p> <p>Policy Directive #411, page 8, Procedure H – Programs and Services states: 1) On a case-by-case basis, WVRJA shall make programming assignments and shall provide each transgender inmate the opportunity for non-discriminatory participation in the below listed programs and services. An inmate's participation in programs and services shall be 2) consistent with his/her classification and shall not conflict with safe, secure and orderly operation of the facility.</p> <p>Policy Directive #411, page 5/6, Procedure E – Finalized Housing states: 1) In all instances where the Classification Committee and the inmate agree that the inmate should be housed</p>

based on the person's sex identified at birth and not their gender identity, the person will be housed accordingly. 2) If the Classification Committee recommends that the inmate be housed based on their sex identified at birth, but the inmate believes she or he will be safer housed based on their gender identity, the recommendation will be sent to the WVRJA PREA Coordinator who will set up the Administrative Gender Review Committee no later than 15 days. The Administrative Gender Review Committee will review the recommendations and will make the housing determination. 3) If the Classification Committee recommends that the inmate be housed based on their gender identity and the inmate agrees, the recommendation will be sent to the WVRJA PREA Coordinator who will set up the Administrative Gender Review Committee within no more than 15 days. The Administrative Gender Review Committee will review the recommendations and will make the housing determination. 4) In all such cases, both before and after a final housing determination has been made, the inmate will be housed in the least restrictive means possible (unless the inmate affirmatively request protective custody, or if the Classification Committee feels the inmate needs to be placed on administrative segregation for his or her own safety).

Policy # 430.00, page 11 - 12 H states: The PREA screening assessment information shall be used to make decisions regarding, housing, bed, work, education, and program assignments. The goal of the DCR is to keep offenders that are at high risk for being sexually victimized from those at high risk of being sexually abusive. The facility shall make individualized determinations about how to ensure the safety of each offender;

Policy # 430.00, page 12 I states: The DCR shall not consider Lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive. The facility shall consider the offender's health and safety when determining placement. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the DCR shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.

Policy # 430.00, page 12 J states: All staff, volunteers, and contractors will communicate with, treat, and talk about any offender who is LGBTI, or perceived to be LGBTI, in a professional and respectful manner. Placement and programming assignments for each transgender or intersex offender shall be reassessed twice a year. Staff will take into consideration the facility population, staffing patterns, physical layouts and legal requirements. LGBTI offenders will not be placed in dedicated facilities or units solely based on such identification or status. A transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.

Comments:

When Assessments and Reassessments are completed, the forms are placed in the inmate files. These files are kept behind a locked door in a vault (limited access). When any keep separates and/or potential victim or predators are noted, an "Alert" is posted in their computer system. Only supervisors have access to the "Alerts", which are used for housing assignments. (Note: only supervisors can make housing assignments or changes.)

A committee was formed at the statewide level to assist in making decisions regarding a transgender/intersex housing, programming and placement. Health and safety are the primary concern for inmates. This group will also complete a review of each transgender and intersex inmate two times per year.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interview with Superintendent</p> <p>Review of records and documentation of housing assignments of inmates at high risk for sexual Victimization.</p> <p>Interview of Staff who Supervise Inmates in Segregated Housing</p> <p>Interview of Inmates in Segregated Housing (for risk of sexual victimization/who allege to have suffered sexual abuse)</p> <p>The number of inmates at risk of sexual victimization who were held in involuntary segregation housing in the past 12 months for one to 24 hours awaiting completion of assessment: 0</p> <p>In the past 12 months, the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p>Policy # 430.00, page 12 K states: Offenders with a high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the offender in involuntary segregated housing no longer than 24 hours while completing the assessment.</p> <p>Policy # 430.00, page 12 L states: If an involuntary segregation housing assignment is made, the facility PREA Compliance Manager shall clearly document the following:</p> <ol style="list-style-type: none"> 1. The basis for the staff member's concern for the offender's safety; 2. The other alternative means of separation that were explored; and 3. The reason why no alternative means of separation can be arranged. <p>Policy # 430.00, page 12 – 13 M states: Offender's placed in involuntary segregation for protection from sexual victimization shall have access to programs, privileges and education. Work opportunities shall be afforded to the offender to the extent possible. If limited, the facility must document the reasoning for limiting these opportunities and the duration of the limitation. If no immediate alternatives are identified, the facility may assign offenders to involuntary segregation until an alternative means of separation from likely abusers can be arranged.</p> <p>Such assignment shall not ordinarily exceed 30 days, if an extension of involuntary segregation beyond 30 days is necessary, the facility shall clearly document the basis for concern of the offender's safety and why no other alternative means of separation can be arranged. Any extension beyond 30 days must be approved by the facility Superintendent within 72 hours of being implemented. Any assignment to involuntary segregation must be reported to the Facility PCM within 24 hours. Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.</p>

Comments:

The Superintendent reiterated that only under necessary conditions would an inmate be placed in involuntary segregation. This assignment would not restrict the inmate from activities. If it does become necessary to segregate, the facility would look at other means of lesser restriction, such as moving the inmate to another facility.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interviews of Staff</p> <p>Interviews of Inmates</p> <p>Interview of PREA Compliance Manager</p> <p>Site Review</p> <p>PREA Posters</p> <p>PREA Poster for Reporting Sexual Abuse</p> <p>PREA Poster on Your Rights to Safety and Services Inmate Handbook</p> <p>Policy # 430.00, page 13 A states: Offenders shall be provided multiple internal and external ways to privately report sexual misconduct, retaliation by other offenders or staff for reporting sexual abuse, sexual harassment, staff neglect or violation of responsibilities that may have contributed to such incidents. The DCR shall also provide at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of the DCR, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to DCR officials, allowing the offender to remain anonymous upon request. Offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. The DCR shall distribute publicly through the DCR website the e-mail, address and information on how to report sexual abuse and sexual harassment on behalf of the offender and the DCR policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigations</p> <p>Policy # 430.00, page 13 B states: All employees, contractors, volunteers and interns are mandatory reporters and shall accept verbal, written, anonymous and third-party allegations from offenders who observe, are involved in, or have any knowledge, information or suspicion of sexual abuse, harassment, or an inappropriate relationship. All reports shall be promptly documented and reported to the facility Superintendent and facility PCM. Staff may be subjected to disciplinary action if they do not report such conduct. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse.</p> <p>Policy # 430.00, page 13 C states: Staff can privately report information about sexual assault and sexual harassment by submitting a confidential report to the Superintendent, PREA Compliance Manager , Hotline or the Office of PREA Compliance.</p> <p>Comments:</p> <p>Both staff and inmates were able to share the different ways they could report privately, anonymously, and with leaving their name. Also, if they received a report in any fashion, they were to immediately report and complete an Incident Report. Each unit has telephones that can be utilized to call a rape crisis hotline (WV Fusion Center) that would allow for anonymous information. The telephones have the phone numbers to both the crisis line and the PREA</p>

reporting line. The calls are at no cost. A test of the phone by the auditor showed that it connected to the crisis line.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Inmate Handbook</p> <p>Interview with Inmates who Reported a Sexual Abuse</p> <p>Interview with Supervisors</p> <p>The past 12 months:</p> <p>The number of grievances filed that alleged sexual abuse: 1</p> <p>The number of grievances alleging sexual abuse that reached final decision within 90 days after being filed: 1</p> <p>The number of grievances alleging sexual abuse that involved extension that final decision was not reached within 90 days: 0</p> <p>The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline: 0</p> <p>The number of emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months: 0</p> <p>The number of those grievances that had an initial response within 48 hours: 0</p> <p>In the past 12 months, the number of inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith: 0</p> <p>The number of grievances alleging substantial risk of imminent sexual abuse filed in the past 12 months that reached final decisions within 5 days: 0</p> <p>Policy # 430.00, page 13 D states: An offender may also report abuse by using the DCR grievance process. There is no time limit on when an offender may submit a grievance regarding an allegation of sexual abuse. The DCR may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. The DCR shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Nothing in this section shall restrict the DCR's ability to defend against an offender lawsuit on the ground that the applicable statute of limitations has expired. The agency shall ensure that-</p> <ol style="list-style-type: none"> 1. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and 2. Such grievance is not referred to a staff member who is the subject of the complaint. <p>Policy # 430.00, page 14 E states: DCR shall 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</p>

grievance.

Policy # 430.00, page 14 F states: Third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, are permitted to assist offenders in filing reports or grievances and requests for administrative remedies relating to allegations of sexual abuse. Third parties are also permitted to file such requests on behalf of offenders. CID will discuss the allegation with the alleged victim and proceed with an investigation if the allegation occurred in a correctional setting.

Policy # 430.00, page 14 G states: After receiving a PREA emergency grievance alleging an offender is subject to substantial risk of imminent sexual abuse, it must be forwarded to the Superintendent or designee for immediate action. An initial response will be provided within 48 hours and a final decision shall be within 5 calendar days. The initial response and final DCR decision shall document the DCR's determination whether the offender is in substantial risk of imminent sexual abuse and action taken in response to the emergency grievance.

Policy # 430.00, page 14 H states: Offenders may be disciplined for filing a grievance related to alleged sexual abuse only where the DCR demonstrates that the offender filed the grievance in bad faith.

The inmate handbook states: If you have been assaulted or witness an assault, or if you are a victim of sexual abuse or witnessed inmate-on-inmate or staff sexual misconduct report it to any RJA staff, you may fill out a grievance form, write a note, request to see the nurse or counselor; or you may use the Confidential Sexual Abuse Hotline by dialing *9078 on the inmate phones. Anonymous letters can be written to the WV Fusion Center at 1900 Kanawha Boulevard, Bldg. 1, West Wing, Suite W-400 Charleston, WV 25305. Attn: RJA. Your family can also report it by sending an e-mail to RJAPREA@WV.GOV.

Comments:

Interviewed staff and inmates are aware that there is a grievance process. Inmates can access information/process on tablets and information is found in handbook. Grievances filed were acted upon in a timely fashion.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Inmate Handbooks</p> <p>Brochure</p> <p>PREA Poster Notices</p> <p>WVFRIS</p> <p>Interviews with Inmates</p> <p>Interviews with Inmates who Reported Sexual Abuse</p> <p>Site Review</p> <p>Policy # 430.00, page 9 A states: During the intake process, offenders shall receive educational information explaining, in an age appropriate fashion, the DCR's zero-tolerance policy on sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or harassment. This information shall be communicated verbally, in writing and in language clearly understood by the offender. The curriculum may be provided to offenders individually or in groups. At a minimum, the offender shall receive:</p> <ol style="list-style-type: none"> 1. Information regarding the agencies reporting procedures. 2. Information related to access to outside victim advocates for emotional support services related to sexual abuse, by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. <ol style="list-style-type: none"> 1. The facility shall inform offenders, 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. The facility shall enable reasonable confidential communication between offenders and these organizations. 2. The offender shall sign an acknowledgement of receiving the PREA training and PREA related materials. This documentation shall be placed in the offender's record. 3. For people detained solely for civil immigration purposes, the person will receive contact information for immigrant service agencies. The facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible. 4. Within thirty (30) days of intake, offenders shall receive comprehensive education regarding their rights to be free from sexual abuse, sexual harassment and retaliation for reporting such incidents and regarding DCR policies and procedures for responding to such incidents. Offenders should sign an acknowledgement of receiving training. If the acknowledgement is electronically signed, it shall be printed and placed in the offender's record. 5. It is mandatory that offenders attend PREA training. Offenders refusing, without good cause, shall be disciplined. The Facility PREA Compliance Manager or designee can make accommodations for offenders who have been previously sexually abused or who may have other good cause to find the training too difficult in a group setting. <p>Policy # 430.00, page 14 I states: The DCR shall maintain or attempt to enter into memoranda</p>

of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse. The DCR shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

Comments:

The Agency PREA Compliance Coordinator is currently working on a MOU with Fusion Center for hotline reporting for inmates, he provided a memo to the agency, this process is current. Although the agreement is under negotiation, FRIS still continues to provide services to the prison by providing the crisis telephone line, victim advocacy and follow-up referrals.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: West Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Virginia Division of Corrections and Rehabilitation Website Inmate Handbook</p> <p>A search of the West Virginia Division of Corrections and Rehabilitation website showed a section for “Reporting Sexual Abuse” it states: If you were the victim of sexual misconduct while in custody in West Virginia, or if you know of a person in custody in West Virginia who was a victim, you may report it to the WV Division of Corrections and Rehabilitation by using the following methods:</p> <ul style="list-style-type: none"> • If you were, or are, in custody at a WV juvenile center or facility, please call 1-855-366-0015. • If you were, or are, in custody at a WV jail facility, you may call (304) 558-2036 and ask for the PREA Coordinator. You may also email dcrprea@wv.gov. • If you were, or are, in custody at a WV prison, you may call (304) 558-2036 and ask for the PREA Coordinator. You may also email dcrprea@wv.gov. <p>In case of email communications, please include the following:</p> <ul style="list-style-type: none"> • Incident that occurred • Who was the victim? • Who was the suspect? • Time and date of sexual abuse • If requested, your anonymity will be protected. <p>Policy # 430.00, page 13 A states: Offenders shall be provided multiple internal and external ways to privately report sexual misconduct, retaliation by other offenders or staff for reporting sexual abuse, sexual harassment, staff neglect or violation of responsibilities that may have contributed to such incidents. The DCR shall also provide at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of the DCR, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to DCR officials, allowing the offender to remain anonymous upon request. Offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. The DCR shall distribute publicly through the OCR website the e-mail, address and information on how to report sexual abuse and sexual harassment on behalf of the offender and the DCR policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigations</p> <p>Policy # 430.00, page 13 B states: All employees, contractors, volunteers and interns are mandatory reporters and shall accept verbal, written, anonymous and third-party allegations from offenders who observe, are involved in, or have any knowledge, information or suspicion of sexual abuse, harassment, or an inappropriate relationship. All reports shall be promptly documented and reported to the facility Superintendent and facility PCM. Staff may be</p>

subjected to disciplinary action if they do not report such conduct. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse.

Policy # 430.00, page 14 F states: Third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, are permitted to assist offenders in filing reports or grievances and requests for administrative remedies relating to allegations of sexual abuse. Third parties are also permitted to file such requests on behalf of offenders. CID will discuss the allegation with the alleged victim and proceed with an investigation if the allegation occurred in a correctional setting.

Comments:

The interviews of inmates and staff show that all understand that the West Virginia Fusion Center is another format for self-reporting and third party referrals.

The WVDCR's website is clear on how to report sexual abuse (<http://dcr.wv.gov/aboutus/pages/prea.aspx>).

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interview with Superintendent</p> <p>Interview with PREA Coordinator</p> <p>Interviews with Staff</p> <p>Interviews with Medical Staff</p> <p>Policy # 430.00, page 13 B states: All employees, contractors, volunteers and interns are mandatory reporters and shall accept verbal, written, anonymous and third-party allegations from offenders who observe, are involved in, or have any knowledge, information or suspicion of sexual abuse, harassment, or an inappropriate relationship. All reports shall be promptly documented and reported to the facility Superintendent and facility PCM. Staff may be subjected to disciplinary action if they do not report such conduct. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse.</p> <p>Policy # 430.00, page 14 A states: The facility PCM will report all allegations of sexual abuse, including anonymous allegations to the Office of PREA Compliance. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation or other security and management decisions.</p> <p>Policy # 430.00, page 19 A states: Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical, and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law. Such practitioners shall be required to inform offenders at the initiation of services of their duty to report and the limitations of confidentiality. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior victimization that did not occur in an institutional setting, unless the offender is under the age of 18.</p> <p>Comments:</p> <p>Staff interviews demonstrates strong awareness of reporting requirements whether it is direct or indirect knowledge or suspicion and confidentiality of those reports. The Health Services Administrator stated that it is a requirement that staff share with inmates their duty to report and what is or is not confidential.</p> <p>All information received regarding sexual abuse and harassment is provided to the facility PREA Manager and Investigator, as well as the Office of PREA Compliance.</p>

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interview with Commissioner and Assistant Commissioner</p> <p>Interview with Superintendent</p> <p>Interviews with Staff</p> <p>In the past 12 months, the number of times the agency or facility determined that an inmate was subject to substantial risk of imminent sexual abuse: 0</p> <p>If the agency or facility made such determinations in the past 12 months, the average amount of time that passed before taking action: N/A</p> <p>The longest amount of time elapsed before taking action: N/A</p> <p>Policy # 430.00, page 14 B states: When facility staff learns that an offender is subject a substantial risk of sexual abuse, the facility shall assess and implement appropriate protective measures and shall take immediate action to protect the offender without unreasonable delay.</p> <p>Comments:</p> <p>All interviews conducted indicated that the threat of imminent abuse information is taken seriously, and action would be immediate. Action would/could include housing moves, interviews, review of history (including assessment) and any action necessary for the inmate's safety.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interviews with Commissioner and Assistant Commissioner Interview with Superintendent</p> <p>In the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility: 0 What was the response to allegations: n/a In the past 12 months, the number of allegations of sexual abuse the facility received from other facilities: 0</p> <p>Policy # 430.00, page 15 C states: Within 72 hours of receiving an allegation that an offender was sexually abused while confined in another correctional facility, the Superintendent of the facility that received the allegation shall notify in writing the head of the facility or appropriate office of where the alleged abuse occurred and shall also notify the Office of PREA Compliance. The Superintendent can contact the other facility via phone before forwarding the report in writing. The facility shall document that it has provided such notification and ensure that the allegation is investigated in accordance with PREA standards.</p> <p>Comments: When information is received about possible abuse that occurred at another facility, the Superintendent is immediately notified. The appropriate Superintendent (or Warden) would be notified about the information received. This contact would be made via phone, and documented in writing. The receiving location will initiate an investigation.</p>

115.64	Staff first responder duties
	<p data-bbox="310 184 891 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="310 258 553 289">Auditor Discussion</p> <p data-bbox="310 331 1380 520"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interviews with Security Staff Interview with Health Services Administrator Investigation Files </p> <p data-bbox="310 562 1414 1570"> In the past 12 months, the number of allegations that an inmate was sexually abused: 9 Of these allegations, the number of times the first security staff member to respond to the report separated the alleged victim and abuser: 9 In the past 12 months, the number of allegations where staff were notified within a time period that still allowed for the collection of physical evidence: 6 Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report preserved and protected any crime scene until appropriate steps could be taken to collect any evidence: 6 Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report requested that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating: 6 Of these allegations in the past 12 months where staff were notified within a time period that still allowed for the collection of physical evidence, the number of times the first security staff member to respond to the report ensured that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating: 6 Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder: 0 Of those allegations responded to first by a non-security staff member, the number of times that staff member requested that the alleged victim not take any actions that could destroy physical evidence: 0 Of those allegations responded to first by a non-security staff member, the number of times that staff member notified security staff: 0 </p> <p data-bbox="310 1612 1422 1959"> Policy # 430.00, page 15 D states: Upon learning of an allegation that an offender was sexually abused, the first staff member to respond to the incident shall separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. When responding to incidences of sexual abuse, all first responders are required to follow the DCR coordinated response plan. </p>

Comments:

Policy for first responder duties is inclusive. Staff were able to recite the steps to be taken when an allegation occurs. Many staff when asked about behavioral restrictions for the participants in the assault, were able to share the victim's actions, but forgot about the perpetrator. When questioned further they were able to address all components of procedure. The auditor felt that this may have been due to being nervous in the interview.

115.65	Coordinated response
	<p data-bbox="313 184 893 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="313 258 557 289">Auditor Discussion</p> <p data-bbox="313 331 1380 520"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview of Superintendent PREA Post Order Supervisor Checklist Health Services Checklist PREA Sexual Abuse Incident Review </p> <p data-bbox="313 562 1404 709"> The Post Orders (First Responder Guidelines for Sexual Assaults) are detailed. It covers Purpose, Applicability, Responding to Reported or Observed Sexual Abuse (Allegations of Abuse, Initial Response, Victim, Aggressor, Transportation, Mental Health Response, Follow-up, Counselors and Victim Advocate). </p> <p data-bbox="313 751 1380 909"> The three checklists; Supervisor, Health Services and PREA Sexual Abuse Incident Review are very detailed. All walk through a step by step checkoff system that allows for written details, whether each step was completed, the date and time and initials of the individual completing the list. </p> <p data-bbox="313 951 1039 982"> The PREA Sexual Abuse Incident Review document includes: </p> <ul data-bbox="313 993 1380 1528" style="list-style-type: none"> • The date and time of the Review, • members of the Review Team and their signature, • Victim and Perpetrator, • Recommendations (policy and procedure, improvements regarding Prevention, Detection and Response, • The dynamics within the facility; i.e.: Race, Ethnicity, Gender Identity, Lesbian, Gay, Bi-Sexual, Transgender Intersex Identification, Inmate Status, Perceived Status, and Gang Affiliation, • Was the dynamics recognized or addressed during the initial screening and classification, • Other group dynamics, • Physical Barriers, • Staffing Levels, • Monitoring Technology, • Were recommendations implemented, <p data-bbox="313 1581 1421 1843"> Policy # 430.00, page 15 D states: Upon learning of an allegation that an offender was sexually abused, the first staff member to respond to the incident shall separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. When responding to </p> <p data-bbox="313 1885 1347 1959"> Incident of sexual abuse, all first responders are required to follow the DCR coordinated response plan. </p>

	Comments: As noted above, the checklists are inclusive and well done.
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115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interviews with Commissioner and Assistant Commissioner</p> <p>Policy # 430.00, page 15 E states: DCR does not have the authority to enter into collective bargaining agreements pursuant to WV State Code.</p> <p>Comment: The Commissioner and Assistant Commissioner report that Collective Bargaining, as it is known in many states does not occur in the Corrections Field in West Virginia. Individuals may join CWA (union) that allows for grievances, but it does not allow bargaining for wage or working conditions.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Commissioner and Assistant Commissioner Interview with Superintendent Inmates who Reported a Sexual Abuse</p> <p>The length of time that the agency/facility monitors the conduct or treatment: 90 days The number of times an incident of retaliation occurred in the past 12 months: 0</p> <p>A letter from Tim Harper, Director of PREA Compliance, to Sgt. Paul Dodd, PREA Compliance Manager at the Mount Olive Correctional Complex dated April 11, 2019 states: "The Division of Corrections and Rehabilitation is committed to maintaining zero tolerance toward sexual abuse, harassment and retaliation. The goal of the Office of PREA Compliance is to continually make every effort to prevent, detect, and respond to such conduct. As you well know, PREA Standard§ 115.11 mandates that each facility designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. Prior to the consolidation of correctional agencies, you served as a Facility PCM, I truly appreciate your commitment and willingness to continue to fill that role. I wanted to take this opportunity to formally recognize you as the PREA compliance manager for the Mount Olive Correctional Complex & Jail and Correctional Center. I look forward to working with you as we continue moving forward with the development of the Office of PREA Compliance with the ultimate goal being agency compliance. We can never achieve this goal as individuals, but only as a team."</p> <p>Policy # 430.00, page 15 F states: The DCR shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.</p> <p>Policy # 430.00, page 15 G states: The DCR shall monitor the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse for at least 90 days following a report of sexual abuse, to see if there are changes that may suggest possible retaliation by offenders or staff, and shall act promptly to remedy any such retaliation. Items the DCR should monitor include any offender disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The DCR shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. Such monitoring shall include periodic status checks. The obligation to monitor for retaliation shall terminate if the allegation is unfounded. If any individual who cooperates with an investigation expresses a fear of retaliation, the DCR shall take appropriate measures to protect that individual against retaliation. The facility shall act promptly to remedy any such retaliation. Action taken to protect Staff or offenders shall be documented and reported to the Office of PREA Compliance within 24 hours of the reported</p>

incident. Any effort to hinder or impede a Staff or an offender from reporting an incident or retaliation shall result in disciplinary action.

Comments:

The facility has named the PREA Compliance Manager at the Mount Olive Correctional Complex & Slayton Work Camp as the staff member who shall monitor retaliation.

Interviews show that staff know that retaliation is not allowed. Staff are aware that they can be removed from their jobs. It was also stated that any known retaliation would be reported to their Compliance Manager. It was shared that the same steps can occur for retaliation as could for sexual abuse/harassment or imminent danger: housing moves, facility transfers, etc.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Superintendent Interview with Supervising Segregation</p> <p>Staff On-Site Visit</p> <p>The number of Inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completions of assessment: 0</p> <p>In the past 12 months, the number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement: 0</p> <p>From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH: A statement of the basis for facility's concern for the inmate's safety: 0 The reason or reasons why alternative means of separation could not be arranged: 0</p> <p>Policy # 430.00, page 12 K states: Offenders with a high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the offender in involuntary segregated housing no longer than 24 hours while completing the assessment.</p> <p>Comments: As noted, the use of segregated housing would only be used as a last resort. Preferable action would be housing changes and transfer to another facility. No review of inmate's files occurred due to no occurrences of segregated housing. It should be noted that security staff can be assigned to any location within the facility.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Curriculum: “Interview of Sexual Assault Victims in a Confinement Setting” Curriculum: “Miranda, Garrity, PREA and Such” Curriculum: “PREA Report Writing” Interview with Superintendent Interviews with Investigative Staff Interviews with Inmates who Reported a Sexual Abuse Review of Investigative Files Review of Administrative Investigation reports</p> <p>The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since the last PREA audit: 0</p> <p>Policy # 430.00, page 16 A states: Protection of witnesses and the victim shall be paramount throughout the investigation process. The Office of PREA Compliance, in conjunction with the facility PCM shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <ol style="list-style-type: none"> 1. Individuals conducting these investigations will receive specialized training. 2. Staff members, as designated by the Superintendent, shall do an inquiry on offender on offender harassment allegations. 3. CID investigators will conduct investigations on all staff on offender allegations and offender on offender sexual abuse allegations. 4. CID investigators will be primarily responsible for contacting and referring criminal allegations and assisting as needed with the investigation. 5. Investigations will be promptly, thoroughly, and objectively completed for all allegations, including third party and anonymously reported allegations. The reports and all related documentation are to be entered in the appropriate tracking system. 6. Staff having any knowledge of or reason to suspect that sexual misconduct has taken place, is subject to questioning by person(s) investigating such allegations. Failure to cooperate with the investigation, such as withholding known information, withholding evidence or giving false statements will result in disciplinary action. <p>Policy # 430.00, page 17 G states: Investigators shall:</p> <ol style="list-style-type: none"> 1. Gather and/or preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, 2. Interview alleged victims, suspected abusers, and witnesses, 3. Review prior complaints and reports of sexual abuse involving the suspected abuser, 4. Determine whether staff actions or failures to act contributed to the abuse and shall be documented in the reports. <p>Policy # 430.00, page 8 – 9 F states: In addition to the general training provided to all employees pursuant to § 115.31, the DCR shall ensure that, to the extent the DCR itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. Corrections Investigations Division (CID)</p>

investigative staff shall receive additional specialized training on conducting sexual abuse investigations in confinement settings. Documentation will be filed in the employee training folder and a copy will be sent to the Office of PREA Compliance. This specialized training will include but is not limited to:

1. Interviewing sexual abuse victims,
2. Proper use of Miranda warnings and the Garrity rule,
3. Sexual abuse evidence collection in confinement settings,
4. The criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.

Policy # 430.00, page 17 J states: When the quality of evidence appears to support criminal prosecution, the DCR shall conduct compelled interviews only after consulting with prosecutors to determine whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an offender or staff. The DCR shall not require an offender who alleges unwanted forced sexual abuse to submit to a polygraph examination or other truth telling device as a condition of proceeding with the investigation of such an allegation. Investigations shall not be terminated solely because the source of the allegation recants the allegation.

Policy # 430.00, page 17 H states: The DCR shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Policy # 430.00, page 16 B states: Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Policy # 430.00, page 16 C states: Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

Policy # 430.00, page 16 D states: The DCR shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the DCR, plus five years.

Policy # 430.00, page 18 A states: The staff member shall be subject to disciplinary sanctions up to and including termination for violating DCR sexual abuse or sexual harassment policies, termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. Disciplinary sanctions for violations of DCR policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of sexual abuse or harassment policies, or resignations by staff that would have been terminated if not for their resignation, will be documented and reported to law enforcement agencies, unless the act was clearly not criminal, and to any relevant licensing bodies. The departure of the alleged abuser or victim from the employment or

control of the DCR shall not provide a basis for terminating an investigation.

Policy # 430.00, page 17 K states: At the conclusion of the investigation, the investigator will prepare an investigative report that documents a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings and all documentary evidence when feasible. The investigative findings will indicate whether the evidence supports a finding that sexual abuse has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated). If the case has not already been referred for criminal prosecution, the Investigator will refer substantiated allegations of conduct that appears to be criminal for prosecution in the county where the assault occurred. If any State entity or Department of Justice component conducts investigations shall do so pursuant to the above requirements.

Policy # 430.00, page 16 E states: When an outside agency investigates sexual abuse, the DCR shall request that the investigating agency follow the Medical and Mental Health requirements of this policy. CID shall endeavor to remain informed about the progress of the investigation and regularly update Office of PREA Compliance throughout the investigative progress.

Comments:

The facility uses curriculum written for jail investigators. Such as:

- PREA – Report Writing; Prepared by D.L. Rosier, Jr., Deputy Director; DMAPS Investigation Unit
- Miranda, Garrity, PREA and Such; Prepared by Michael W. Parker, ESQ.; Randolph County Prosecuting Attorney
- Interview of Sexual Assault Victims in a Confined Setting; Prepared by D.L. Rosier, Jr., Deputy Director; DMAPS Investigation Unit

All investigators have been through the above training, the required facility training and the NIC investigators curriculums. Training was verified by review of the training files.

A file review of all PREA allegations over the last twelve months showed detailed documentation of evidence (including electronic monitoring), interviews (alleged victim/perpetrator and witnesses) and pertinent data. Documentation was noted by date and time; video copies were attached to the files and copies of reports and allegations. Interviews are tape recorded. The file format was excellent.

The interview with the investigator included discussion on the format for making a referral for prosecution. (Note: there has been no findings during this past twelve (12) months that rose to the level of criminal prosecution.) Credibility of witnesses is based upon the findings, not on their legal status.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interviews with Investigative Staff</p> <p>Documentation of Administrative Findings for Proper Standard of Proof</p> <p>Policy # 430.00, page 17 H states: The DCR shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>Comments:</p> <p>Review of the investigation files shows that it is fact/evidence driven. The auditor saw no statements of opinions.</p>

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Inmate Notices of Determination of PREA Allegation</p> <p>Interview with Superintendent</p> <p>Interviews with Investigative Staff</p> <p>Interviews with Inmates who Reported a Sexual Abuse</p> <p>Review of Sexual Abuse Investigations</p> <p>Review of Inmate Files</p> <p>In the past 12 months:</p> <p>The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility: 9</p> <p>Of the alleged sexual abuse investigations that were completed, the number of inmates who were notified verbally or in writing of the results of the investigation: 9</p> <p>In the past 12 months:</p> <p>The number of investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency: 0</p> <p>The number of inmates alleging sexual abuse in the facility who were notified verbally or in writing of the results of the investigation: 0</p> <p>In the past 12 months:</p> <p>The number of notifications to inmates that were provided pursuant to this standard:9 The number of those notifications that were documented: 9</p> <p>There has been a substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in an agency facility in the past 12 months: 0</p> <p>Policy # 430.00, page 18 L states: Following an investigation into an offender's allegation that he or she suffered sexual abuse, the Facility PCM shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the facility did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the offender. Information given to the offender shall be documented.</p> <p>Policy # 430.00, page 18 N states: Following an offender's allegation that he or she has been sexually abused by another offender, the DCR shall subsequently inform the alleged victim whenever:</p> <ol style="list-style-type: none"> 1. The DCR learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, 2. The DCR learns that the alleged abuser has been convicted on a charge related to sexual

abuse within the facility.

Policy # 430.00, page 17 K states: At the conclusion of the investigation, the investigator will prepare an investigative report that documents a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings and all documentary evidence when feasible. The investigative findings will indicate whether the evidence supports a finding that sexual abuse has occurred (substantiated), the allegation is false (unfounded), or the evidence is inconclusive (unsubstantiated). If the case has not already been referred for criminal prosecution, the Investigator will refer substantiated allegations of conduct that appears to be criminal for prosecution in the county where the assault occurred. If any State entity or Department of Justice component conducts investigations shall do so pursuant to the above requirements.

Policy # 430.00, page 18 M states: Following a substantiated or unsubstantiated allegation that a staff member has committed sexual abuse against an offender, the facility shall subsequently inform the offender whenever:

1. The staff member is no longer posted within the offender's unit,
2. The staff member is no longer employed at the facility,
3. The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility,
4. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Policy # 430.00, page 18 O states: All notifications or attempted notifications shall be documented and sent to the offenders current DCR placement or address on file. The facility's obligation to report under this policy shall terminate if the offender is released from the Division's custody.

Comments:

Investigations were completed by the facility, with notifications of findings/status being provided to the inmate. Copies of notices were provided to the auditor. Note: Currently, the notifications are being sent from the Office of PREA Compliance. Since the PREA investigator's office is housed within the State Police barracks, he is able to keep apprised of any investigation by that office.

Auditor has recommended that the notification form is revised to reflect a signature from inmate. This recommendation was accepted and a revised form has been distributed.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>In the past 12 months: The number of staff from the facility who have violated agency sexual abuse or sexual harassment policies: 0 The number of staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>In the past 12 months, the number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies: 0 In the past 12 months, the number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies: 0</p> <p>Policy # 430.00, page 18 A states: The staff member shall be subject to disciplinary sanctions up to and including termination for violating DCR sexual abuse or sexual harassment policies, termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. Disciplinary sanctions for violations of DCR policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of sexual abuse or harassment policies, or resignations by staff that would have been terminated if not for their resignation, will be documented and reported to law enforcement agencies, unless the act was clearly not criminal, and to any relevant licensing bodies. The departure of the alleged abuser or victim from the employment or control of the DCR shall not provide a basis for terminating an investigation.</p> <p>Comments: There has been no disciplinary sanctions or terminations of staff members within the past months (12).</p>

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview of Superintendent Interview of Volunteer</p> <p>In the past 12 months, contractors or volunteers have been reported to law enforcement agencies and relevant licensing bodies for engaging in sexual abuse of inmates: 0</p> <p>In the past 12 months, the number of contractors or volunteers reported to law enforcement for engaging in sexual abuse of inmates: 0</p> <p>Policy # 430.00, page 18 - 19 B states: Any contractor, volunteer, intern or any individual who conducts business with or uses the resources of the DCR, who engages in, fails to report, or condones sexual abuse or sexual harassment of an offender shall be subject to appropriate disciplinary action. Retaliatory action against any individual who reports or is involved in a sexual abuse or sexual harassment investigation is strictly prohibited. Any contractor, volunteer, intern or any individual who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies and relevant licensing bodies.</p> <p>Comments: During the previous twelve (12) months there has been no issue with contractors or volunteers. The interview with a volunteer showed that he knew his boundaries and that he could lose his ability to provide services to inmates.</p>

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Superintendent Interviews with Medical Staff</p> <p>In the past 12 months: The number of administrative findings of inmate-on-inmate sexual abuse that have occurred at the facility: 0 The number of criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility: 0</p> <p>Policy # 430.00, page 19 C states: All sexual contact, whether voluntary or forced, between offenders is prohibited and subject to disciplinary action. Any mutual sexual contact between offenders is a rule violation but shall not constitute sexual abuse. Offenders shall be subject to disciplinary sanctions pursuant to an investigation that concluded that the offender engaged in offender-on-offender sexual abuse. Offender's may be charged with a facility rule violation even if they are also being charged within the court system. Sanctions shall be commensurate with the nature and circumstances of the abuse or harassment, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. The disciplinary process shall consider whether an offender's mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed. The facility may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.</p> <p>Policy # 430.00, page 19 A states: When an offender is found guilty of Misconduct related to sexual abuse and the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.</p> <p>Policy # 430.00, page 19 B states: A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.</p> <p>Comments: There are several ways in which the facility can sanction an inmate if found guilty of an administrative investigation: being locked down, taking good time, taking commissary, less access to the kiosk, and notification to the courts. If the inmate has cognitive or mental health problems, a referral is made to their internal mental and/or medical health provider. This is also reviewed during the hearing and appeal process. Those inmates who make a report, believing it to be true, is "weeded" out quickly and does not result in a hearing or sanctions.</p>



115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Medical and Mental Health Informed Consent Forms</p> <p>Interview with Inmates who Disclose Sexual Victimization at Risk Screening</p> <p>Interview with Staff Responsible for Risk Screening</p> <p>On-Site Review Medical Review</p> <p>In the past 12 months, the percent of inmates who disclosed prior victimization during screening who were offered a follow up meeting with a medical or mental health practitioner: 12%</p> <p>In the past 12 months, the percent of inmates who have previously perpetrated sexual abuse, as indicated during the screening, who were offered a follow up meeting with a mental health practitioner: 0</p> <p>Policy # 430.00, page 12 H states: If the PREA screening indicates that an offender has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with the facility mental health practitioner within 14 days of the intake screening.</p> <p>Policy # 430.00, page 19 A states: Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical, and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law. Such practitioners shall be required to inform offenders at the initiation of services of their duty to report and the limitations of confidentiality. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior victimization that did not occur in an institutional setting, unless the offender is under the age of 18.</p> <p>Comments:</p> <p>Of the nineteen (19) inmates interviewed, five (5) individuals stated that they had been previously sexually abused. Inmates refused follow-up services</p>

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Medical – PREA Checklist</p> <p>PrimeCare Medical, Inc. / Policy Name: Response to Sexual Abuse; Number: C, J-F-06</p> <p>Medical – PREA Checklist</p> <p>Interviews with Medical Staff</p> <p>Interview with Inmates who Reported a Sexual Abuse</p> <p>Interview with Security Staff</p> <p>Interview with Non-Security Staff First Responders</p> <p>Medical and Mental Health Records</p> <p>On-site visit</p> <p>PCM policy, page 1, IV. States: PCM policy requires that a plan exists for responding immediately to allegations of sexual abuse. Sexual abuse within a correctional facility requires to closely coordinated efforts of PCM staff, facility administration and investigative agencies in order to ensure medical and safety needs are met, while preserving evidence....</p> <p>PCM policy, pages 7-8 states: Requires that victims of sexual abuse receive free access to emergency medical treatment and crisis intervention services. Also, victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception in accordance with professionally accepted standards of care. Also sexually transmitted infection prophylaxis must be offered where “medically” appropriate, as based solely on medical judgment within the professionally accepted standards of care.</p> <p>Policy # 430.00, page 20 B states: Victims of sexual abuse shall 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. All victims of sexual abuse shall be offered access to forensic medical examinations at the facility or an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's) where possible. The DCR shall document efforts to provide SAFE's or SANE's, if one is not available, the examination can be performed by other qualified medical practitioners. Treatment shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>Policy # 430.00, page 20 C states: The facility will use the list of local hospitals that employ a SANE (Sexual Assault Nurse Examiner), to determine the appropriate medical provider to transport to. Any refusal by the offender to undergo the forensic exam, must be documented. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.</p> <p>Policy # 430.00, page 20 E states: Victims of sexual abuse shall be offered information about</p>

timely access to emergency contraception, pregnancy tests and sexually transmitted disease testing and treatment, in accordance with professionally accepted standards and policies of care, where medically appropriate. If pregnancy results due to the sexually abusive vaginal penetration while incarcerated such victims shall be receive timely and comprehensive information about access to all lawful pregnancy related medical services.

Comments:

The facility always have medical personnel available. The facility has taken individuals to the hospital for examination even if medical staff question a sexual abuse allegation. Even in cases where the allegation is unsubstantiated or unfounded, the inmate is not assessed costs. Medical staff will still provide information and if needed sexually transmitted infection prophylaxis at no cost.

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	<p data-bbox="313 184 894 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="313 258 558 289">Auditor Discussion</p> <p data-bbox="313 331 1382 478"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interviews with Medical Staff Interviews with Inmates who Reported a Sexual Abuse </p> <p data-bbox="313 527 415 558">Site Visit</p> <p data-bbox="313 604 1419 905"> Policy # 430.00, page 20 – 21 F states: DCR facilities shall offer medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse within any facility. Offenders will be offered follow-up medical and mental health services consistent with the community level care as well as access to outside victim advocates for emotional support services related to sexual abuse. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to placement to other facilities or release from custody. </p> <p data-bbox="313 953 1406 1178"> Policy # 430.00, page 20 E states: Victims of sexual abuse shall be offered information about timely access to emergency contraception, pregnancy tests and sexually transmitted disease testing and treatment, in accordance with professionally accepted standards and policies of care, where medically appropriate. If pregnancy results due to the sexually abusive vaginal penetration while incarcerated such victims shall be receive timely and comprehensive information about access to all lawful pregnancy related medical services. </p> <p data-bbox="313 1226 1422 1608"> Policy # 430.00, page 20 B states: Victims of sexual abuse shall 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. All victims of sexual abuse shall be offered access to forensic medical examinations at the facility or an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's) where possible. The DCR shall document efforts to provide SAFE's or SANE's, if one is not available, the examination can be performed by other qualified medical practitioners. Treatment shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. </p> <p data-bbox="313 1656 1422 1766"> Policy # 430.00, page 21 G states: The facility shall attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. </p> <p data-bbox="313 1814 1406 1995"> Policy # 430.00, page 12 H states: If the PREA screening indicates that an offender has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with the facility mental health practitioner within 14 days of the intake screening. </p>

Comments:

This facility offers both medical and mental health follow-up for all inmates who have suffered sexual abuse at any location; including the community. Services are provided at no cost to the inmate.

Health Service can provide information about continuing care in the community; however inmates state that the counselors provide information about outside agencies throughout the state when requested.

115.86	Sexual abuse incident reviews
	<p data-bbox="313 184 899 216">Auditor Overall Determination: Meets Standard</p> <p data-bbox="313 254 561 285">Auditor Discussion</p> <p data-bbox="313 323 1386 627"> Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with Superintendent Interview with PREA Compliance Manager Interview with Incident Review Team Members Documentation of Sexual Abuse Incident Team Reviews Review of Documentation of Completed Criminal or Administrative Investigations of Sexual Abuse </p> <p data-bbox="313 678 1398 863"> In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility, excluding only “unfounded” incidents: 3 In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents: 3 </p> <p data-bbox="313 913 1422 1136"> Policy # 430.00, page 21 A states: The Office of PREA Compliance, in collaboration with Facility PCM shall conduct a Sexual Abuse Incident Review within 30 days of the conclusion of every sexual abuse investigation where the allegation was substantiated, or unsubstantiated. The review team shall include upper-level facility staff, with input from line supervisors, investigators, and medical or mental health practitioners. No review shall be conducted if the allegation has been determined to be unfounded. </p> <p data-bbox="313 1186 1417 1644"> Policy # 430.00, page 21 B states: The review committee shall: <ol style="list-style-type: none"> 1. Consider whether the allegation or investigation indicates need to change policy or practice to better detect, or respond to sexual abuse; 2. 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; 3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; 4. Assess the adequacy of staffing levels in that area during different shifts; 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. </p> <p data-bbox="313 1694 1414 1759"> Policy # 430.00, page 21 C states: The facility shall document the recommendations for improvement or reasons for not doing at the conclusion of the Sexual Abuse Incident Review. </p> <p data-bbox="313 1810 1422 1990"> Comments: The Superintendent reported that historically the Incident Review Team has included the training officer, captain, investigator and supervisor, utilizing a form that describes the findings (with signatures). The new practice is made up of the Office of PREA Compliance, facility Compliance Manager and facility upper level staff and a revised minutes documentation form </p>

	has been implemented
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115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) WVDCR PREA Monthly Statistical Report Review aggregated data</p> <p>Policy # 430.00, page 21 – 22 E states: The facility PCM shall be responsible for ensuring that accurate information is collected for every allegation of offender-on-offender sexual abuse and staff-on-offender sexual misconduct that occurs within their facility. Incident-based data reports shall be generated each month. The data collected shall include at a minimum.</p> <ol style="list-style-type: none"> 1. The total number of allegations, 2. Investigation number and the disposition; 3. The DCR shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews; 4. The DCR also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders. 5. The incident-based data collected shall include, at a minimum, the data necessary to complete the Survey of Sexual Violence conducted by the Department of Justice. <p>Policy # 430.00, page 21 D states: The Office of PREA Compliance shall prepare a report of its findings and ensure that any deficiencies are promptly identified and corrected. The review findings, recommendations for improvement and corrective action shall be documented.</p> <p>Policy # 430.00, page 22 H states: The Director of PREA Compliance shall submit an annual report of the incident based sexual abuse data, to include facility recommendations and corrective actions to the DCR Commissioner. The annual report shall include comparisons of the current year's data and corrective actions with those from prior years and will include an assessment of the DCR's progress in addressing sexual abuse. The annual report shall be approved by the DCR Commissioner and made readily available to the public annually through the DCR website. The DCR may redact personal identifiers or other specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted. Upon request, the DCR shall provide all such data from the previous calendar year to the Department of Justice.</p> <p>Comments: The agency/facility utilizes a PREA Monthly Statistical report that is provided to WVDCR PREA Coordinator by the 7th of the following month. The form is extensive. It covers:</p> <ul style="list-style-type: none"> • Inmate-on-Inmate Sexual Acts (including definitions for Non-consensual Sexual Acts, Abusive Sexual Contacts and Sexual Harassment. • Staff Sexual Misconduct (including definitions for Staff Sexual Misconduct and Staff Sexual Harassment). <p>Each of these individual areas are delineated by Number of Allegation, Incident Report and/or Investigation Numbers, Disposition (Substantiated, Unsubstantiated, Unfounded and Investigation ongoing). There is also a Substantiated Incident Data Questionnaire for Victim</p>

(inmate-on-inmate), an Inmate-on-Inmate Questionnaire for the Predator and a Staff-on-Inmate Questionnaire. Each of these three (3) documents must be completed for each occurrence.

Annual reports are placed on the agency website. The facility provides its data to the Department of Justice as requested.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed:</p> <p>Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Interview with Commissioner and Assistant Commissioner</p> <p>Interview with Director of Office of PREA Compliance</p> <p>Interview with PREA Coordinator</p> <p>Interview with PREA Compliance Manager</p> <p>Review of Annual Report</p> <p>Policy # 430.00, page 22 G states: All Sexual abuse data shall be securely retained for at least 10 years after the date of the initial collection.</p> <p>Policy # 430.00, page 22 H states: The Director of PREA Compliance shall submit an annual report of the incident based sexual abuse data, to include facility recommendations and corrective actions to the DCR Commissioner. The annual report shall include comparisons of the current year's data and corrective actions with those from prior years and will include an assessment of the DCR's progress in addressing sexual abuse. The annual report shall be approved by the DCR Commissioner and made readily available to the public annually through the DCR website. The DCR may redact personal identifiers or other specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted. Upon request, the DCR shall provide all such data from the previous calendar year to the Department of Justice.</p> <p>Policy # 430.00, page 21 D states: The Office of PREA Compliance shall prepare a report of its findings and ensure that any deficiencies are promptly identified and corrected. The review findings, recommendations for improvement and corrective action shall be documented.</p> <p>Policy # 430.00, page 22 F states: The DCR shall use the data to:</p> <ol style="list-style-type: none"> 1. Identify areas of concern, 2. Determine corrective action on an ongoing basis, 3. Assess and improve the effectiveness of the agencies sexual abuse prevention, detection, and response policies, practices, and training, 4. Create an annual report of findings and corrective actions for each facility and DCR. <p>Comments:</p> <p>The Department of Corrections agency/facility would place their data on their respective website. Now, there will be annual reported headed by the Office of PREA Compliance. As noted in the policy above, the report will be inclusive.</p> <p>Currently, the yearly report is available on the Website, https://dcv.wv.gov/Pages/default.aspx</p>

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA) Interview with PREA Coordinator Website Data View secured file area</p> <p>Policy # 430.00, page 22 G states: All Sexual abuse data shall be securely retained for at least 10 years after the date of the initial collection.</p> <p>Policy # 430.00, page 22 H states: The Director of PREA Compliance shall submit an annual report of the incident based sexual abuse data, to include facility recommendations and corrective actions to the OCR Commissioner. The annual report shall include comparisons of the current year's data and corrective actions with those from prior years and will include an assessment of the DCR's progress in addressing sexual abuse. The annual report shall be approved by the DCR Commissioner and made readily available to the public annually through the DCR website. The DCR may redact personal identifiers or other specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted. Upon request, the DCR shall provide all such data from the previous calendar year to the Department of Justice.</p> <p>Comments: Before the consolidation of the Department of Corrections, Regional Jails and the Juvenile Residential system, each agency/facility would place their data on their respective website. Now, there will be annual reported headed by the Office of PREA Compliance. As noted in the policy above, the report will be inclusive.</p> <p>Files are secured behind a locked door, with limited access.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Materials Reviewed: Policy Directive Number 430.00; Subject – Prison Rape Elimination Act Compliance (PREA)</p> <p>Policy # 430.00, page 22 A states: Upon request for information, the Director of PREA Compliance will be responsible to respond to all external surveys, schedule audits required by the Department of Justice's National PREA Standards and comply with all PREA requirements and ensure that at least one-third of each facility type under the DCR' s control is audited during each year of the three-year audit cycle.</p> <p>Policy # 430.00, page 22 B states: The auditor will review and have access to all relevant information listed below:</p> <ol style="list-style-type: none"> 1. Policies, procedures, reports, internal and external audits, and accreditations for each facility type, 2. A sampling of relevant documents and other records and information for the most recent one-year period, 3. Shall observe, all areas of the audited facilities. 4. Shall be permitted to request and receive copies of any relevant documents (including electronically stored information). 5. Shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request. 6. Shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators. 7. Shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited. 8. Shall be permitted to conduct private interviews with inmates, residents, and detainees. 9. Shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility. <p>All inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.</p> <p>Comments: The auditor was able to view the entire facility by physically walking the facility. Staff were cooperative and assisted with helping the auditor complete private interviews. All requested documentation was provided. Postings of the on-site audit was observed throughout the facility.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	All prior PREA audits have been posted on the Authority Website. Note: changes in the websites have been occurring due to the consolidation of the three (3) 'legacy' agencies.

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 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	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.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for	yes

	video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	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, except in exigent circumstances? (N/A if the facility does not have female inmates.)	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 if the facility does not have female inmates.)	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 (N/A if the facility does not have female inmates)?	na

115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies 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 have procedures 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	yes

	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?	
	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?	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 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	yes

	through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	
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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 who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether 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.)	no

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

115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	na
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	no

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes

115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes

115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes

115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

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

115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes

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

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	no
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes

115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes

115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes

115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes

115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes

115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes

115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	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 receive 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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	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? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na

115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes

115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes

115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes

115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

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

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as 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, as 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, as known to the agency: history of prior institutional violence or sexual abuse?	yes

115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes

115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	no

115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes

115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes

115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes

115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes

115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes

115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	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? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	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? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	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 any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes

115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes

115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes

115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na

115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes

115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes

115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	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.)	yes

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.)	yes
	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.)	yes

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.)	yes
	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.)	yes
	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.)	yes

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.)	yes
	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.)	yes
	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.)	yes

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.)	yes
	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.)	yes
	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.)	yes
	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.)	yes
	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.)	yes
	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.)	yes
	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.)	yes

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.)	yes

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? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	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?	no

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 inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes

115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes

115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes

115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes

115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes

115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes

115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes

115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes

115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes

115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes

115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes

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

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

115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes

115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes

115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes

115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes

115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes

115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes

115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes

115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes

115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes

115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between 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.)	na

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? (N/A if the facility is not a prison).	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? (N/A if the facility is not a jail).	yes

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

115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

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

115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes

115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes

115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes

115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes

115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na

115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

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

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

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes

115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes

115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes

115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes

115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes

115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes

115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes

115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes

115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes

115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes

115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes

115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes

115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes

115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes

115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes

115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	no

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na

115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes

115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes

115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes

115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	na

