

PREA Facility Audit Report: Final

Name of Facility: Western Regional Jail

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 03/08/2025

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Darla P. O'Connor	Date of Signature: 03/08/2025

AUDITOR INFORMATION	
Auditor name:	OConnor, Darla
Email:	doconnor@strategicjusticesolutions.com
Start Date of On-Site Audit:	01/20/2025
End Date of On-Site Audit:	01/22/2025

FACILITY INFORMATION	
Facility name:	Western Regional Jail
Facility physical address:	One O'Hanlon Place, Barboursville, West Virginia - 25504
Facility mailing address:	1409 Greenbrier Street, Charleston, West Virginia - 25311

Primary Contact

Name:	Amanda McGrew
Email Address:	Amanda.D.McGrew@wv.gov
Telephone Number:	304-550-6713

Warden/Jail Administrator/Sheriff/Director	
Name:	Carl Aldridge
Email Address:	Carl.E.Aldridge@wv.gov
Telephone Number:	304-733-6821

Facility PREA Compliance Manager	
Name:	Christopher Fleming
Email Address:	christopher.d.fleming@wv.gov
Telephone Number:	(304) 733-6821

Facility Health Service Administrator On-site	
Name:	Jessica Miller
Email Address:	jessica.d.miller@wv.gov
Telephone Number:	304-421-5533

Facility Characteristics	
Designed facility capacity:	591
Current population of facility:	598
Average daily population for the past 12 months:	598
Has the facility been over capacity at any point in the past 12 months?	Yes
What is the facility's population designation?	Both women/girls and men/boys

In the past 12 months, which population(s) has the facility held? Select all that apply (Nonbinary describes a person who does not identify exclusively as a boy/man or a girl/woman. Some people also use this term to describe their gender expression. For definitions of “intersex” and “transgender,” please see https://www.prearesourcecenter.org/standard/115-5)	
Age range of population:	18-99
Facility security levels/inmate custody levels:	Maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	136
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	35
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	32

AGENCY INFORMATION

Name of agency:	West Virginia Division of Corrections and Rehabilitation
Governing authority or parent agency (if applicable):	WV Department of Homeland Security
Physical Address:	1409 Greenbrier Street, Charleston, West Virginia - 25311
Mailing Address:	WV Division of Corrections & Rehabilitation, 1409 Greenbrier St., Charleston, West Virginia - 25311
Telephone number:	3045582036

Agency Chief Executive Officer Information:

Name:	William K Marshall III
Email Address:	William.K.Marshall@wv.gov
Telephone Number:	304-558-2036

Agency-Wide PREA Coordinator Information			
Name:	Erika Dunlap	Email Address:	erika.l.dunlap@wv.gov

Facility AUDIT FINDINGS	
Summary of Audit Findings	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
0	
Number of standards met:	
45	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2025-01-20
2. End date of the onsite portion of the audit:	2025-01-22

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	<p>Just Detention International was contacted and responded their data base did not reflect any contact from the facility or the inmates. St. Mary's Medical Center, 2900 1st Ave, Huntington, WV 25702; 304-526-1234. St. Mary's confirmed they are the designated SANE examination location.</p> <p>West Virginia Foundation for Rape Information and Services for Sexual Assault Advocacy Services confirmed they had an agreement to provide SANE personnel and advocates to the facility. Provides emotional support to the facility regardless of when the sexual abuse occurred.</p> <p>CONTACT Huntington confirmed they had an agreement with the facility through WVFRIS to provide rape crisis services, emotional support, advocates and SANE personnel.</p>

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	591
15. Average daily population for the past 12 months:	598

16. Number of inmate/resident/detainee housing units:	32
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

18. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	562
19. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	8
20. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	8
21. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	2
22. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0

<p>23. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:</p>	<p>1</p>
<p>24. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>25. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>2</p>
<p>26. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>27. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>28. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>29. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>There were no problematic areas regarding identifying the population characteristics of inmates/residents/detainees who were in the facility the first day of the audit. The auditor requested and the facility provided a breakdown of random inmates and targeted inmates, as well as a complete alphabetical inmate roster.</p>

Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
30. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	136
31. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	32
32. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	35
33. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	<p>The facility reports 32 volunteers approved to enter the facility and have contact with inmates. These volunteers are provided specific PREA training as it relates to volunteers, in addition to the WVDCR specific PREA training. One volunteer was interviewed.</p> <p>The facility reports 35 contractors approved to enter the facility and have contact with inmates. These contractors are provided specific PREA training as it relates to volunteers, in addition to the WVDCR specific PREA training. One contractor was interviewed.</p> <p>All in-person interviews occurred in a private space.</p>
INTERVIEWS	
Inmate/Resident/Detainee Interviews	
Random Inmate/Resident/Detainee Interviews	
34. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	15

<p>35. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Age</p> <p><input checked="" type="checkbox"/> Race</p> <p><input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p><input checked="" type="checkbox"/> Length of time in the facility</p> <p><input checked="" type="checkbox"/> Housing assignment</p> <p><input checked="" type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> None</p>
<p>36. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>The institutional count the first day of the on-site audit was 562. According to the Auditor Handbook this requires a minimum of 15 random and 15 targeted inmates to be interviewed.</p> <p>The Auditor used the alphabetical housing unit rosters of inmates to randomly select inmates from various age groups, ethnicities, and races. The Auditor randomly chose inmates from varying housing units to interview, ensuring diversity in age and race.</p>
<p>37. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>38. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>The institutional count the first day of the on-site audit was 562. According to the Auditor Handbook this requires a minimum of 15 random and 15 targeted inmates to be interviewed.</p> <p>The Auditor used the alphabetical housing unit rosters of inmates to randomly select inmates from various age groups, ethnicities, and races. The Auditor randomly chose inmates from varying housing units to interview, ensuring diversity in age and race.</p>

Targeted Inmate/Resident/Detainee Interviews	
39. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
40. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	7
41. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	4
42. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	1
43. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	0

<p>43. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>43. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility reported there were zero inmates in this category in the facility at the time of the onsite audit. Consequently none were interviewed.</p>
<p>44. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>45. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>45. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>45. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility reported there were zero inmates in this category in the facility at the time of the onsite audit. Consequently none were interviewed.</p>

<p>46. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>2</p>
<p>47. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>0</p>
<p>47. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>47. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility reported there were zero inmates in this category in the facility at the time of the onsite audit. They reported they had all been released from the facility. Consequently none were interviewed.</p>
<p>48. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>0</p>
<p>48. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>48. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility reported there were zero inmates in this category in the facility at the time of the onsite audit. Consequently none were interviewed.</p>
<p>49. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>49. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>49. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The facility reported there were zero inmates in this category in the facility at the time of the onsite audit. Consequently none were interviewed.</p>

<p>50. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>The Auditor requested and received a roster of inmates who fell into the targeted categories. The Auditor chose inmates from the list of targeted inmates provided by the facility staff. Once selected, each inmate was put on “call- out” with a time to report to the private space designated for interviews.</p> <p>Breakdown of Targeted Inmate Interviews</p> <ul style="list-style-type: none"> Transgender or Intersex - 2 Gay or Bisexual - 0 Physically Disabled - 7 Cognitively Disabled - 4 Hearing Impaired - 0 Visually Impaired - 1 LEP - 1 Reported Abuse - 0 Disclosed Abuse in Screening - 0 Inmates in Segregated Housing for PREA - 0 Youthful Inmates - 0 <p>At the beginning of each interview the Auditor made clear to the inmate why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the inmate’s participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked the inmate if he wanted to participate and if so, could she ask him a few questions. The Auditor would then ask the random protocol questions followed by the specific targeted protocol questions. All responses were typed directly onto the protocol form.</p> <p>Regarding personal safety, all inmates interviewed reported they felt safe from sexual harassment and sexual abuse.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>51. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>20</p>

<p>52. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input type="checkbox"/> Shift assignment</p> <p><input type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>53. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

54. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):

Every available staff member that was not being interviewed as a specialized staff member, was interviewed as a random staff member.

During the on-site tour, the Auditor had several conversational encounters with staff regarding sexual safety, including education, reporting, communication, responses, etc. This information was used to supplement the overall audit information gathering process. A total of ten formal interviews were conducted with random staff.

As a result of the audit notice posting the Auditor did not receive any correspondence from random staff.

At the beginning of each interview the Auditor made clear to the staff member why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the staff's participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked the staff if he/she wanted to participate and if so, could she ask him a few questions. The Auditor would then ask the protocol questions. All random staff willingly participated in the interview process. All responses were typed directly onto the protocol form. During the random interviews, no PREA issues were revealed, no other interview protocols were accessed. All random staff responded they were aware of the zero-tolerance policy, they knew how to report an incident, they acknowledged they would accept verbal reports, they knew the inmates and the staff had a right to be free from retaliation, and they felt the agency/facility took PREA issues very seriously.

Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

<p>55. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>21</p>
<p>56. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>57. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>58. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>59. Were you able to interview the PREA Compliance Manager?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p>

60. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input checked="" type="checkbox"/> Other
If "Other," provide additional specialized staff roles interviewed:	Classification Staff and Mailroom Staff
61. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
61. Enter the total number of VOLUNTEERS who were interviewed:	1
61. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
62. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
62. Enter the total number of CONTRACTORS who were interviewed:	1
62. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input checked="" type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other

63. Provide any additional comments regarding selecting or interviewing specialized staff.

Using the list of specialized staff provided, the Auditor was able to select individuals for interviews. All specialized staff provided answers were based on the line of questioning on the specific interview protocols for their position and responsibilities. The staff is small in numbers, consequently several staff have multiple responsibilities. Several staff were interviewed for more than one protocol which corresponded to their assigned responsibilities.

During interviews with specialized staff, the Auditor learned PREA investigations can be initiated in several ways: "confidential" letters can be mailed out of the facility, contacting the PREA Coordinator or PREA Director, written notes given to trusted staff, verbal reports, or through third party reporting. Additionally, any inmate or staff member may write a note, letter or any other type of correspondence and place it in any locked correspondence box located throughout the facility. When PREA correspondence is found inside the grievance box, the mailbox, the box for legal mail, etc. it is immediately directed to the PREA Compliance Manager and is documented and addressed according to PREA Standards.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

64. Did you have access to all areas of the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Was the site review an active, inquiring process that included the following:	
65. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
66. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
67. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
68. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No

69. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).

Western Regional Jail and Correctional Center is in Barboursville, just off Interstate 64 in Cabell County. This facility has been in operation since December 13, 2003 and is one of the largest jails in the state. The facility capacity is 591 inmates. The facility houses male and female inmates. It is located at One O'Hanlon Place, Barboursville, WV 25504. Western Regional Jail and Correctional Center has zero open bay dormitory housing units. All housing units are cell housing. There are 32 segregation cells: 396 multiple occupancy cells. All the cells in the facility are wet cells, meaning they have a toilet and a sink inside the cell. The shower is outside the cell and is a single stall shower. In the segregation unit the inmates are escorted to the shower by correctional officers. In the other cell housing units, the inmates can go to the shower during the established showering times without a security escort.

The facility has an inmate food service area with kitchen, dining room, steward office, inmate restroom, staff restroom, dish room, freezer, refrigeration, cooking area, and serving line. The facility also has a medical services unit, mental health services unit and administrative offices. Other areas of the facility which were toured were the chapel, laundry, classrooms and programming areas, barber shop, law library, leisure library, shift office, visitation, commissary, strip search area, recreational areas, back gate, receiving and discharge and housing units.

During the facility tour, the Auditor observed appropriate PREA signage, including the Pre-Audit Notice. Additionally, during the facility tour the Auditor looked for appropriate facility lay-out, bathroom privacy, blind spots, placement of cameras, security mirrors, custodial staff to inmate ratio in housing units and on work assignments.

The facility has robust camera coverage which was made more effective by security mirrors enhancing inmate supervision. The Auditor was given unimpeded and complete access to all areas of the facility.

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

70. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?

Yes

No

71. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

PERSONNEL AND TRAINING FILES: The PAQ represents 136 facility staff.

PREA EDUCATION: 64 personnel records were checked regarding PREA Education. All 64 records reviewed had successfully completed PREA training in the past 12 months. All (100%) had participated in PREA Education in the past 12 months.

CRIMINAL CHECKS: 48 criminal background checks were reviewed, and all were found to be current and timely.

ADMINISTRATIVE ADJUDICATION: 48 records were reviewed regarding administrative adjudication, and all were found to have answered the 3 administrative adjudication questions.

INMATE RECORDS:

The first day of the audit there were 499 inmates, There were 49 inmate records reviewed, regarding 72-hour risk assessment and 30-day risk reassessment. In each record reviewed the initial assessment was completed within 72 hours of the inmate's arrival. The 30-day risk reassessment was completed within 30 days of the inmate's arrival.

The first day of the audit there were 499 inmates, There were 44 inmate records reviewed regarding PREA Education. In each of the 44 records reviewed the inmates received ALL PREA information and education at the time of arrival at the facility.

SEXUAL ABUSE AND SEXUAL

HARASSMENT:

According to the PAQ, the facility reported five allegations of sexual abuse and zero sexual harassment allegations in the past twelve months. All PREA investigative files were reviewed.

The Auditor was provided with the PREA files for every allegation.

The files were reviewed using the PREA audit investigative records review tool to record the following information relative to each investigative report:

- Case / ID

- Date of Allegation
- Date of Investigation
- Staff-or-Inmate-on-Inmate Sexual Abuse or Sexual Harassment Final Disposition
- Is Disposition Justified?
- Investigating Officers
- Notice Given to Inmate

INVESTIGATION FILES

The PAQ reflects there were five allegations of sexual abuse or sexual harassment in the past twelve months. All eight resulted in administrative investigations. After administrative investigation, zero cases were referred for criminal investigation.

Five were sexual abuse allegations. All five were inmate-on-inmate sexual abuse allegations. These allegations were investigated administratively. After investigation, four were deemed unsubstantiated and one remained open at the time of the on-site audit.

There were zero forensic examinations completed in the past twelve months. The Auditor reviewed five files of sexual abuse allegations and zero files of sexual harassment allegation.

In all sexual abuse cases the alleged victim was offered medical and mental health services. Zero were referred for a SANE examination. All victims were released at the time of the conclusion of the investigation. Consequently, zero inmates were notified of the unsubstantiated investigation results. The institution staff I encountered were warm and professional. Their general attitudes displayed a culture that is committed to sexual safety.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

72. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	5	0	5	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	5	0	5	0

73. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	0	0	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

74. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	0	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	0	0	0	0	0

75. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	1	0	4	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	1	0	4	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

76. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

77. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	0	0	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

78. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:

5

<p>79. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>80. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>5</p>
<p>81. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>82. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>83. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>84. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>85. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
<p>Sexual Harassment Investigation Files Selected for Review</p>	
<p>86. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>86. Explain why you were unable to review any sexual harassment investigation files:</p>	<p>There were zero sexual harassment allegations in the past 12 months.</p>
<p>87. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
<p>Inmate-on-inmate sexual harassment investigation files</p>	
<p>88. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>89. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

<p>90. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>Staff-on-inmate sexual harassment investigation files</p>	
<p>91. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>0</p>
<p>92. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>93. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>94. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>No text provided.</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

95. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

Non-certified Support Staff

96. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

- Yes
- No

96. Enter the TOTAL NUMBER OF NON-CERTIFIED SUPPORT who provided assistance at any point during this audit:

1

AUDITING ARRANGEMENTS AND COMPENSATION

97. Who paid you to conduct this audit?

- The audited facility or its parent agency
- My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)
- A third-party auditing entity (e.g., accreditation body, consulting firm)
- Other

Identify the name of the third-party auditing entity

Diversified Correctional Services

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><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Agency Organization Chart 4. Facility Organizational Chart <p><u>INTERVIEWS</u></p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>Through the interview process, the agency Director of PREA Compliance (DPC) acknowledged having sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all agency facilities.</p>

Through the interview process, the agency PC confirmed the PCM has no other responsibilities other than to ensure the institution's compliance with the PREA standards and has the authority to make any changes needed to address PREA issues.

PREA Compliance Manager (PCM)

Through the interview process, the PCM indicated there was sufficient time to complete the required PREA responsibilities. It is evident the PCM is knowledgeable of the expectations and responsibilities of the position.

Provision (a)

The facility reported on the Pre-Audit Questionnaire (PAQ) that:

1. There is a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment in facilities it operates directly or under contract. The PAQ states the policy outlines how the facility will implement prevention, detection and response to sexual abuse and sexual harassment. It further asserts the policy includes clear definitions of prohibited behaviors and approved sanctions for participation in those behaviors
2. There is a policy outlining how it will implement the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.
3. The policy includes definitions of prohibited behaviors regarding sexual abuse and sexual harassment.
4. Their policy includes sanctions for those found to have participated in prohibited behaviors.
5. Their policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

The following policies address this provision:

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 4, A, states the Division of Corrections and Rehabilitation (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 §61-8B-10 and DCR policy and procedure.

1. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 2, defines the Director of PREA Compliance as an individual who serves as the subject matter expert on all PREA accreditation requirements, is responsible for creating and implementing DCR policies, procedures and practices; ultimately overseeing and coordinating the DCR's efforts to comply with the PREA

Standards.

2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 4, C, states each Superintendent, in consultation with the Director of PREA Compliance, shall designate a Facility PREA Compliance Manager (PCM) who will have sufficient time and authority to develop, implement, coordinate, and oversee DCR efforts to comply with the PREA standards in his/her facility.
3. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 3, defines PREA Coordinator as DCR shall employ or designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee DCR efforts to comply with the PREA standards in all facilities.

Provision (b)

The facility reported on the PAQ the agency has an agency-wide Director of PREA Compliance (DPC). The DPC position within the agency's hierarchy is within the Office of Professional Standards (OPS). This is supported by the interview with the DPC.

The agency has an agency-wide Director of PREA Compliance (DPC). According to the agency's organizational chart, the Auditor determined that the position of DPC is at the upper level of the agency hierarchy. As stated previously, through the interview process, the PC confirmed having sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all its facilities. According to the agency organizational chart the DCP reports to the Director of Investigations.

The positions and hierarchy within the West Virginia Division of Corrections and Rehabilitation, for PREA personnel, were confirmed through a review of the agency organizational chart. The position of the DCP is in the Office of Professional Standards (OPS).

An individual who serves as the subject matter expert on all PREA accreditation requirements, is responsible for creating and implementing DCR policies, procedures and practices; ultimately overseeing and coordinating the DCR's efforts to comply with the PREA Standards. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 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.

The Director of PREA Compliance (DPC) is classified at the Executive Level as confirmed through a review of the agency organizational chart. The DPC is a full-time position dedicated solely to PREA compliance. The DPC reports directly to the Assistant Commissioner of Professional Standards and Compliance. The DPC has

sufficient time to manage all PREA-related responsibilities. Each unit within the agency has one PREA Compliance Manager (PCM). The PCM reports directly to the Director of PREA Compliance of the agency.

Provision (c)

The facility reported on the PAQ that the facility has a PREA Compliance Manager (PCM). In all PREA matters the PCM reports directly to the Director of PREA Compliance. At the facility, the PCM reports to the Warden/Superintendent.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 4, C, states each Superintendent, in consultation with the Director of PREA Compliance, shall designate a Facility PREA Compliance Manager (PCM) who will have sufficient time and authority to develop, implement, coordinate, and oversee DCR efforts to comply with the PREA standards in his/her facility.

CONCLUSION

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets the standard which addresses zero tolerance of sexual abuse and sexual harassment: PREA coordinator.

115.12	Contracting with other entities for the confinement of inmates
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none">1. Pre-Audit Questionnaire (PAQ) and supporting documentation.2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Agency Contract Administrator</p> <p>During the interview process, the agency contract administrator confirmed all contracts to hold West Virginia Division of Correctional and Rehabilitation inmates, without exception, have the PREA requirement as part of the agreement.</p> <p>PROVISIONS</p> <p>Provision (a)</p> <p>On the PAQ, the facility reported the agency has one contract for the confinement of</p>

inmates that the agency entered or renewed with private entities or other government agencies on or after August 20, 2012, or since the last PREA audit, whichever is later.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 4, D, 1-3, stated any new contract or contract renewal for the confinement of offenders shall include an obligation to:

1. Comply with PREA Standards.
2. Comply with DCR policy; and
3. Ensure that the contracted facility is complying with the PREA standards by monitoring the facility's performance.

Provision (b)

According to the PAQ, there is one contract for the confinement of inmates that the agency entered or renewed with private entities or other government agencies. All these contractors are required to adopt and comply with PREA standards.

According to the Agency Contract Administrator, the policies and procedures of each contractor are reviewed to ensure appropriate adherence to the national standards. Each entity is contractually required to notify the agency of any PREA allegation; as well as forward a copy of the allegation, investigation, and findings to the agency Director of PREA Compliance for review.

CONCLUSION

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses contracting with other entities for the confinement of inmates.

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Staffing Plan Deviation Logs 4. PREA Compliance Manual Attachment 16 5. Facility Staffing Plan

6. Facility Staffing Plan Review

INTERVIEWS

Facility Head

During the interview process, the facility head indicated during regular staff meetings, staffing plan compliance and any deviations from the staffing plan are frequent topics of discussion. The facility head is responsible for reviewing the staffing levels and how they affect the inmate programming, as well as any changes or modifications to the video monitoring. They also review other concerns which include physical plant configuration, internal or external oversight bodies, inmate population composition, placement of supervisory staff, line-staff needs and any prevalence of substantiated or unsubstantiated incidents of sexual abuse.

Intermediate-or-Higher Level Staff

Through the interview process, intermediate-or-higher level staff indicated supervisors tour their units and areas regularly throughout each shift, converse with staff of all levels as well as inmates, and audit, review, and sign logbooks. During the time, the Auditor was on-site; managers and supervisors were observed walking working in various capacities throughout the facility.

Through the interview process, the interviewee affirmed the higher-level staff are required to make unannounced rounds and document them. During random, informal conversations with staff, the interviewee stated the supervisors and higher-level staff conduct unannounced rounds and document them using PREA Compliance Manual Attachment 16, which is submitted to facility PCM monthly. This was confirmed by the Auditor through a review of the documentation.

Random Staff

During the interview process, random staff verbalized the prohibition of alerting each other when a supervisor is making their rounds.

PROVISIONS

Provision (a)

The facility reported on the PAQ that it has a has a staffing plan that is reviewed at least annually. The staffing plan addresses each of the thirteen items listed in Provision (a). In addition, the facility Staffing Plan indicates it is the policy of the facility to ensure that all relieved posts are staffed at the times specified. The PAQ confirms the average daily number of inmates during the past 12 months has been 598. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, A, 1-11, states OCR shall ensure that each facility 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:

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.

Provision (b)

According to the PAQ, the facility reported the most common reasons for deviation from the staffing plan is hospital duty, staff shortage, call-offs, vacation, medical care. The facility maintains the staffing plan by overtime, freezing staff and calling staff in. The facility does not drop below minimum requirements. All deviations from the staffing plan are documented.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, B, states in circumstances where the staffing plan is not complied with, the facility PCM or designee shall document the noncompliance, in writing, and justify all deviations from the plan. This documentation will be forwarded to the Superintendent, appropriate Assistant Commissioner, and the Office of PREA Compliance.

Provision (c)

The facility reported on the PAQ that at least annually, the facility/agency, in collaboration with the Director of PREA Compliance, review the staffing plan to see whether adjustments are needed to: (a) the staffing plan, (b) the deployment of monitoring technology, or (c) the allocation of facility/agency resources to commit to the staffing plan to ensure compliance with the staffing plan. Revised plans are forwarded to the Director of PREA Compliance for review and approval.

Policy requires the staffing plan review be completed in consultation with the PC and other executive staff at least annually. This review discussed the staffing plan, video monitoring and the resources needed to adhere to the staffing pattern.

Policy requires an internal audit of the staffing plan to be conducted on an annual basis. This assessment is an extensive review of all areas of the facility to ensure adequate staffing levels exist where inmates may be present. Justification for the need for additional staff or modifications to the facility, to include the deployment of video monitoring equipment, is addressed on an annual basis.

The annual review of the staffing plan includes facility and department management level staff, such as the PCM and other institutional Executive Staff.

The Auditor reviewed shift rosters and was able to verify that an assigned staff member covered the mandatory posts.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, C, states whenever necessary, but no less frequently than once a year, each facility PCM, in consultation with the Office of PREA Compliance, shall assess, determine, and document whether adjustments are needed 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 ensure adherence to the staffing plan.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, D, states each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during offender waking hours and 1:16 during offender sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Staff that have received the appropriate training and are actively supervising or controlling a group of juvenile offenders shall be included in these ratios.

Provision (d)

On the PAQ the facility reported that intermediate-level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These rounds are documented using PREA Compliance Manual Attachment 16. Staff are prohibited from alerting each other and the unannounced rounds cover all shifts.

During the days, the Auditor was on site; numerous supervisors were observed walking and working in various capacities throughout the facility.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, E, states in an effort

to identify and deter staff sexual abuse and sexual harassment a minimum of four (4) unannounced rounds must be completed each month, two of those unannounced rounds must occur during the evening/overnight hours between 7:00 pm and 7:00 am. The overnight rounds must be completed by someone who arrives at the facility for the sole purpose of conducting the unannounced round. Two (2) rounds must be completed between the hours of 7:00 am and 7:00 pm. The unannounced rounds will be documented using PREA Compliance Manual Attachment 16 and submitted to the facility PCM monthly.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, F, 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.

CONCLUSION

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses supervision and monitoring.

115.14 Youthful inmates	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW:</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>OBSERVATIONS</u></p> <p>During the facility tour the Auditor did not observe any youthful offenders.</p> <p>When reviewing the inmate roster, the Auditor did not see any inmate who had a birthdate more recent than 2006.</p> <p><u>INTERVIEWS</u></p> <p>Facility Head</p> <p>During the interview process the facility head confirmed the facility does not house youthful offenders.</p>

PREA Compliance Manager (PCM)

During the interview process the PCM confirmed the facility does not house youthful offenders.

PROVISIONS

Provision (a)

The PAQ indicates the facility does not house youthful offenders. This was confirmed by the PCM and the facility head.

The policy that addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 6, G, states in part, a juvenile offender shall not be placed in a housing unit in which they will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, sleeping quarters or areas outside of housing units.

Provision (b)

This provision is not applicable because the facility does not house youthful offenders.

In facilities that house youthful offenders the policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 6, G, states in part, the DCR shall either maintain sight and sound separation between juvenile and adult offenders or provide direct staff supervision when juvenile and adult offenders have sight, sound, or physical contact.

Provision (c)

This provision is not applicable because the facility does not house youthful offenders.

In facilities that house youthful offenders the policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 6, G, states in part, the DCR shall make best efforts to avoid placing juvenile offenders in isolation to comply. Absent exigent circumstances, agencies shall not deny juvenile offender access to daily large-muscle exercise, legally required special education services or other programs and work opportunities to the extent possible.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding youthful inmates.

115.15 Limits to cross-gender viewing and searches

Auditor Overall Determination: Meets Standard

Auditor Discussion**DOCUMENT REVIEW**

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. West Virginia Division of Correctional and Rehabilitation, Policy 411.00, Gender Nonconforming Inmates/Residents, dated February 1, 2020.
4. West Virginia Division of Correctional and Rehabilitation, Policy 111, Training and Employee Development, dated January 1, 2019
5. Training records for cross-gender and transgender searches

OBSERVATIONS

During the facility tour, the opposite gender staff were observed entering the housing units and announcements of their presence were made. The Auditor was also announced by staff when entering the male housing and restroom areas as she is of opposite gender.

INTERVIEWS**Random Staff**

There were informal conversations with staff as well as seventeen formal random staff interviews throughout the interview process. Random staff indicated:

1. They completed training for cross gender searches for exigent circumstances. The training is Day 1 of the In-Service Training.
2. Cross-gender strip searches or cross-gender body cavity searches do not occur at this facility.
3. They personally have not been involved in a cross-gender search.
4. There are sufficient male staff members available to conduct any searches that needed to occur, and that male staff would be diverted to address this issue if needed.
5. Female officers do not conduct strip searches or visual body cavity searches.
6. Transgender and intersex inmate search practices state that no searches would ever be permitted for the sole purpose of identifying an inmate's genital status.
7. When staff were specifically asked would transgender or intersex inmates be able to shower privately, the answer was affirmative.
8. When asked how this would be arranged, staff reported that most showers throughout the complex are individual shower stalls and provide privacy for each inmate. For those that are not, a different showering time would be

approved.

9. Each staff member further indicated the transgender or intersex inmate would have the opportunity for input into the decision-making process of alternative shower times and the inmate's input would carry great weight in the decision-making process.
10. Cross gender strip searches or cross gender body cavity searches do not occur at the facility.
11. No searches are conducted for the sole purpose of identifying inmate genital status.

Random Inmates

Through the interview process 100% of the inmates acknowledged:

1. they have never been part of a cross-gender search
2. opposite sex staff do not conduct cross gender searches.
3. opposite sex staff announce their presence before entering the bathroom area.
4. opposite sex staff announce their presence when entering the housing unit.
5. they can shower and dress without being viewed by staff of the opposite sex.

Non-Medical Staff Interview (involved in cross gender strip or visual searches)

Through the interview process non-medical staff confirmed they do not conduct cross gender strip searches and cross gender visual body cavity searches. However, if exigent circumstances were to unexpectedly arise, any cross-gender strip searches and/or cross-gender visual body cavity searches would be approved by the Facility Head, conducted by medical staff, and thoroughly documented.

Transgender Inmates

When asked, all (100%) of transgender inmates interviewed reported:

1. being satisfied with the search practices at the facility.
2. being satisfied with the showering accommodations at the facility.
3. they had never been searched for the sole purpose of determining their genital status.

PROVISIONS

Provision (a)

The facility reported on the PAQ that it does not conduct cross-gender strip or cross-gender visual body cavity searches of inmates. Subsequently, in the past 12 months, there were zero cross-gender strip or cross-gender visual body cavity searches of inmates. Random staff verified this.

During the onsite audit, transgender inmates were interviewed and each reported being satisfied with the search practices of the facility. Reporting being searched by female staff and strip searched by medical personnel.

A review of the staff training records confirmed all staff had been trained in cross gender searches.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 6, H, 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 to comply with this provision. If these searches occur, they shall be documented.

Provision (b)

According to the PAQ, the facility reports it does not:

1. Permit cross-gender pat-down searches of female inmates, absent exigent circumstances.
2. Restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
3. Restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

Random staff verified this.

See provision (a) for policy details.

Provision (c)

According to the PAQ, the facility policy requires that all cross-gender strip searches and cross-gender visual body cavity searches be documented.

The facility reported on the PAQ that while they do not conduct cross gender strip searches and cross gender visual body cavity searches, if exigent circumstances were to unexpectedly arise, any cross-gender strip searches and cross-gender visual body cavity searches would be approved by the Facility Head, conducted by medical staff and thoroughly documented. This was verified by non-medical staff (involved in cross gender strip or visual searches.)

During the onsite audit, transgender inmates were interviewed and each reported being satisfied with the search practices of the facility. Transgender inmates reported being pat searched by female staff and strip searched by medical personnel.

See provision (a) for policy details.

Provision (d)

According to the PAQ, the facility has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks, this includes viewing via video camera. Further, the PAQ indicated opposite gender staff are required to announce their presence when entering an inmate housing unit. Random inmates verified this.

All random inmates (100%) interviewed confirmed they were able to shower and dress without being seen by a member of the opposite sex. In response to the question of whether opposite gender announcements are made on housing units, 100% of the random inmates interviewed reported opposite gender staff announce their presence when entering the housing unit.

When asked, all (100%) of transgender inmates interviewed reported being satisfied with the showering accommodations at the facility.

The policies which address this provision are:

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 6-7, I, 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.

West Virginia Division of Correctional and Rehabilitation, Policy 411.00, Gender Nonconforming Inmates/Residents, dated February 1, 2020, p. 3, III, B, states transgender and intersex inmates/residents shall be given the opportunity to shower separately from other inmates/residents.

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, J, 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.

Provision (e)

The facility reported on the PAQ that it is prohibited for staff to search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

All random staff interviewed confirmed it was against facility/agency policy to search a transgender or intersex inmate for the sole purpose of determining their genital

status and such a search is prohibited. Further they reported they had been trained how to search a transgender or intersex inmate in a professional and non-intrusive way, but that the majority of the time medical personnel conduct the strip searches.

During the interview process, random staff indicated absent exigent circumstance, female officers conduct the pat searches on transgender or intersex inmates. Additionally, absent exigent circumstances, medical personnel conduct the strip searches and visual cavity searches on transgender and intersex inmates.

All (100%) transgender inmates reported they had never been searched for the sole purpose of determining their genital status. All (100%) transgender inmates also reported being satisfied with the search procedures at the institution.

The policies which address this provision are:

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, K 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.

West Virginia Division of Correctional and Rehabilitation, Policy 411.00, Gender Nonconforming Inmates/Residents, dated February 1, 2020, p. 3, III, D, 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.

Provision (f)

The Auditor reviewed the most recent PREA training documentation for facility staff. Training topics included appropriate search techniques, specifically cross-gender pat searches and searches of transgender and intersex inmates. The Auditor verified the list of staff receiving the training correlated to the existing facility staff listed on the staff roster. Participants signed an acknowledgment of training materials. Additional training documents provided directions to staff on proper documentation practices in the unlikely event cross-gender searches were conducted.

The policies which address this provision are:

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, L, states staff shall be trained to conduct pat searches of trans gender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security.

West Virginia Division of Correctional and Rehabilitation, Policy 111, Training and Employee Development, dated January 1, 2019, pp. 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:

	<p>A. The zero-tolerance policy for sexual abuse and sexual harassment</p> <p>B. How to fulfill their responsibilities under the WVDCR's sexual misconduct prevention, detection, reporting, and response policies and procedures.</p> <p>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.</p> <p>D. The dynamics of sexual abuse and sexual harassment in confinement</p> <p>E. The common reactions of sexual abuse and sexual harassment victims</p> <p>F. How to detect and respond to signs of threatened and actual sexual abuse.</p> <p>G. How to avoid inappropriate relationships with inmates/residents.</p> <p>H. How to communicate effectively and professionally with everyone, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming persons.</p> <p>I. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.</p> <p>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.</p> <p>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.</p> <p>L. All such training shall be documented through employee signature or electronic verification that employees understand the training they have received.</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding limits to cross-gender viewing and searches.</p>
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115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. Contract with Homeland Language Services, LLC for Interpreter and Translation Services
4. Homeland Language Services (HLS) Call Guide WVDCR
5. Homeland Language Services (HLS) Phone Translation Service
6. Homeland Language Services (HLS) Sign Language Service - Sign Language Interpreter
7. Homeland Language Services (HLS) Video Remote Interpreting Services
8. Homeland Language Services (HLS) Steps to accessing phone interpreting services
9. Staff Refresher Training for Homeland Language Services
10. PREA Information in English and Spanish

OBSERVATIONS

During the tour, the Auditor observed PREA information, in both English and Spanish, prominently displayed in each housing unit, work area, hallways, visitation area, as well as other areas throughout the facility. The Auditor was provided written documents, and training materials which are provided in both English and Spanish to the inmate population.

INTERVIEWS

Facility Head

Through the interview process, the facility head shared that the facility has established procedures to provide inmates with disabilities or inmates who are Limited English Proficient (LEP), the opportunity to participate in PREA reporting process through several avenues such as, staff interpreters, written correspondence, etc.

Random Staff

Through the interview process, random staff indicated when translation is required, they initially try to locate a bilingual staff member to provide translation. The use of the translation service would be their second choice.

Inmates with disabilities

Through the interview process, no inmates with disabilities reported feeling vulnerable due to their disability. All inmates indicated the facility provides information about sexual abuse and sexual harassment they can comprehend. When each of the inmates were asked, "Do you understand your rights related to sexual abuse and how to report sexual abuse or harassment," they all responded in the affirmative.

The LEP inmate reported being provided PREA information in Spanish.

PROVISIONS

Provision (a)

The facility reported on the PAQ, the agency/facility has established procedures to provide disabled inmates and limited English proficient inmates with equal opportunity to participate in and benefit from all aspects of the agency's effort to prevent, detect and respond to sexual abuse and sexual harassment. The Facility Head verified this. Additionally, the inmates in these categories confirmed, during the interview process, they can participate in and benefit from all aspects of the agency's effort to prevent, detect and respond to sexual abuse and sexual harassment.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, M, 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.

Provision (b)

The facility reported on the PAQ that the agency has established procedures to provide inmates with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Some of the resources include, but are not limited to:

Homeland Language Services, LLC for Interpreter and Translation Services

PREA written materials in English and Spanish

PREA Video in English and Spanish with closed captions.

Limited English Proficient residents are provided information in Spanish. The Auditor reviewed the PREA information. Every piece of material available in English is also available in Spanish. Additionally, the facility has access to LanguageLine for a plethora of other languages including American Sign Language.

Hearing Impaired residents are provided information visually, through videos and written words. There is also Video Remote Interpreting available in American Sign Language.

Visually Impaired residents are provided information audibly, read by a staff member or sound in recorded messages or videos. Braille is also available.

Cognitively impaired residents are provided with information audibly, read by a staff member or sound in recorded messages or videos.

	<p>Residents with limited reading skills are provided information audibly, read by a staff member or sound in recorded messages or videos.</p> <p>The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, N, 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 he or she understands 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>Provision (c)</p> <p>The PAQ indicates in the past twelve months, there have been zero instances where inmate interpreters, readers, or other types of inmate assistants have been used in PREA situations.</p> <p>The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, O, 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><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding inmates with disabilities and inmates who are limited English proficient.</p>
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <p>1. Pre-Audit Questionnaire (PAQ) and supporting documentation.</p>

2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. West Virginia Division of Correctional and Rehabilitation, Policy 132.00, Non-Uniform Promotion Guidelines, dated April 18, 2022
4. West Virginia Division of Correctional and Rehabilitation, Policy 135.00, Pre-Employment Processing, dated March 22, 2021

INTERVIEW

Administrative Staff (HR)

Through the interview process administrative staff indicated that:

1. Potential hires fill out the personnel documents, which require the disclosure of the required items.
2. Agency/facility takes a continually active stance with the requirements of the PREA standards and has developed a very comprehensive system of tracking to ensure that all the required history checks are completed for pre-hires, promotions, and four-year reviews.
3. The Auditor conducted a review of the requested personnel files and verified that all the files reviewed contained all items required by the standard, including the PREA documentation and verification of the completed criminal history checks.
4. The three questions listed under Provision (a) were asked and answered in all documents as required by the standard. Additionally, these three questions are asked, answered, and documented by staff annually.
5. Agency/facility requires background checks on all new hires, promotions at the time of promotion, and existing staff every four years.
6. The condition of staff employment is that any arrest activity must be reported through the respective employees' reporting structure.
7. Any information on substantiated allegations of sexual abuse or sexual harassment involving a former employee must be provided upon request.
8. The agency has a centralized database, which tracks the completion of all background checks, and tracks the due dates of the four-year criminal history background check.

PROVISIONS

Provision (a)

The facility reported on the PAQ a hiring and promoting prohibition of anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:

1. 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).
2. 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

3. It has been civilly or administratively adjudicated to having engaged in the activity described in paragraph (a)(2) of this section.

This was verified during the interview process with HR Personnel.

The PAQ reflects 136 staff and 52 new hires in the past twelve months. The facility also reported 35 contractors and 32 volunteers.

The Auditor reviewed a random sample of 48 records. Each of the records reviewed contained all items required by the standard, which included documentation of criminal history check information.

The policies which address this provision are:

1. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp., 7-8, P, states all individuals who may have contact with offenders will be asked to disclose previous misconduct during interviews for hiring, promoting and every four (4) years as part of the reoccurring background check process 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 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.
2. West Virginia Division of Correctional and Rehabilitation, Policy 132.00, Non-Uniform Promotion Guidelines, dated April 18, 2022, p. 2, E, 1-3 states: The DCR shall not hire anyone who may have contact with inmates or residents who:
 - Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 USC 1997.
 - Has been convicted of engaging or attempting to engage in sexual activity in the community that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent, refused, or was unable to consent or refuse; or
 - It has been civilly or administratively adjudicated to having engaged in the

activity described above.

Provision (b)

On the PAQ the facility reported consideration is given of any incidents of sexual harassment in determining whether to hire or promote someone, or to enlist the services of any contractor who may have contact with inmates. This was verified during the interview process with HR personnel.

According to the PAQ, there were 52 individuals hired in the past 12 months. The agency/facility conducts background checks on each new hire before each promotion and every four years.

Provision (c)

On the PAQ the facility reported that before it hires any new employees who may have contact with inmates, it (a) conducts criminal background record checks, and (b) consistent with federal, state, and local law, makes 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. Fifty-two individuals were hired in the past twelve months. This was verified by the HR personnel during the interview process.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, 8, S, 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.

Provision (d)

The facility reported on the PAQ that before enlisting the services of any contractor who may have contact with inmates, a criminal background records check is completed for each contractor. The facility reported on the PAQ there are 2 contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates. The agency conducts a criminal background records check on each new contractor and every four years thereafter.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 8, Q, the DCR shall also consult any child abuse registry maintained by the State or locality in which the employee would work with juveniles.

Provision (e)

The facility reported on the PAQ that criminal background record checks are conducted at least every four years for current employees and contractors who may have contact with inmates. This was verified by HR personnel during the interview process.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 8, R, 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 (4) years.

Provision (f)

The facility reported on the PAQ that all applicants and employees who may have contact with inmates directly must answer questions about previous sexual misconduct on applications, in interviews and in written self-evaluations. Additionally, there is a continuing affirmative duty to disclose any such misconduct. This was verified by HR personnel during the interview process.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 132.00, Non-Uniform Promotion Guidelines, dated April 18, 2022, p. 2, E, 1-3 states: The DCR shall not hire anyone who may have contact with inmates or residents who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 USC 1997.
2. Has been convicted of engaging or attempting to engage in sexual activity in the community that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent, refused, or was unable to consent or refuse; or
3. It has been civilly or administratively adjudicated to having engaged in the activity described above.

Provision (g)

The facility reported on the PAQ that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. This was verified by HR personnel during the interview process.

CONCLUSION:

Based upon the review and analysis of all the available evidence, the Auditor has determined the facility meets every provision of the standard regarding hiring and promotion decisions.

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

OBSERVATIONS

During the facility tour the auditor observed the cameras and security mirrors.

Facility Head

During the interview process the facility head indicated:

1. There are ample camera coverage throughout the facility, which is complimented by security mirrors for extra security.
2. The camera system has been updated since the last PTEA audit.
3. Any construction, renovation or modification would be done with full consideration of all PREA standards and the ability to protect inmates from sexual abuse
4. There are meetings that would be held regarding any building or construction considerations and that safety and cameras, or other technologies would be discussed and considered at such meetings.

During these meetings, the executive staff would meet with all key supervisors and managers to discuss any pertinent issues, such as Data/Reporting issues, Grievances, Disciplinary Reviews, Video Summary Reviews, Use of Force Incidents, Incidents of Sexual Abuse, as well as the analysis of key data such as overtime, leave time, morale, etc.

PROVISIONS

Provision (a)

On the PAQ, the facility reported the agency/facility has not acquired new facilities or made substantial expansions or modifications of existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.

The policy which addressee this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 8, T, 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 facility PCM will be responsible for consulting with the Office of PREA Compliance, when the facility is

	<p>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>Provision (b)</p> <p>On the PAQ, the facility reported the agency/facility has installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.</p> <p>See provision (a) for policy details.</p> <p><u>CONCLUSION:</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding upgrades to facility and technology.</p>
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115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Contract with West Virginia Foundation for Rape Information and Services for Sexual Assault Advocacy Services <p><u>INTERVIEWS</u></p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>Through the interview process, the DPC indicated the agency follows the uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings as well as protocols and requirements for forensic medical exams.</p> <p>PREA Compliance Manager (PCM)</p> <p>During the interview process the PCM confirmed that in the past twelve months there was one forensic examination performed.</p> <p>During the interview process the PCM indicated victim advocacy services are offered through facility staff who are specifically trained. The PCM stated victim advocacy</p>

services are provided through contract with West Virginia Foundation for Rape Information and Services (FRIS)

SAFE/SANE Staff

During the interview process, the SANE personnel stated that if inmate requests a victim advocate will meet with the victim and arrangements are made for the advocate to provide support, information, accompaniment to the victim before, during and after the forensic examination. Follow-up counseling can be coordinated through the staff advocate, in collaboration with mental health services.

Facility Staff

Through the interview process, facility staff verbalized an understanding of the process should an inmate report alleged sexual abuse. All staff interviewed were able to articulate the basic preservation of evidence components of both victim and abuser. They were also able to explain their responsibilities up to the point when they transfer responsibility to either investigative or medical staff.

PROVISIONS

Provision (a)

According to the PAQ, the facility conducts administrative investigations, and the WV State Police conducts criminal investigations.

The policies which address this provision are:

1. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 18, VIII, A, 2, states Staff members, as designated by the Superintendent, shall do an inquiry on offender-on-offender harassment allegations.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, D, states in part, the DCR shall attempt to make available to the victim a victim advocate from a rape crisis center.

Provision (b)

The facility reported on the PAQ that it does not house youthful offenders. When reviewing the inmate roster, the Auditor did not see any inmates whose birth date was later than 2006. However, the facility reported that the protocol they use in investigations is developmentally appropriate for youth. The PC verified this.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, 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 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.

Provision (c)

According to the PAQ, there were zero forensic examinations completed in the past twelve months.

The policies which address this provision are:

1. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, 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.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, B, states in part all victims of sexual abuse shall be offered access to forensic medical examinations at an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible.

Provision (d)

The facility reported on the PAQ they have a contract with West Virginia Foundation for Rape Information and Services for Sexual Assault Advocacy Services. This agency provides victim advocates for forensic examinations. The PCM verified this.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, D, states the DCR shall attempt to make available to the victim a victim advocate from a rape a crisis center.

Provision (e)

The contract with West Virginia Foundation for Rape Info Services for Sexual Assault Advocacy Services confirms advocacy services have been contracted.

As stated in Provision (d) during the examination, the inmate meets the advocate. The advocate provides accompaniment during the forensic examination and investigation. The victim advocate provides emotional support, crisis intervention, information, and referrals as necessary and/or requested.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, D, states 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.

Provision (f)

As reported in Provision (a) PREA allegations administrative investigations are managed through the agency/facility. The West Virginia State Police investigate the criminal allegations.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, D, states 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.

Provision (g)

Auditors are not required to audit this provision.

Provision (h)

As reported in Provision (d) victim advocacy services are offered through unit personnel who have received specialized training.

CONCLUSION:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding evidence protocol and forensic medical examinations.

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW:</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division Of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. PREA allegations investigative records

4. Investigative staff Training Curriculum
5. Investigative Staff Training Records

INTERVIEWS

Facility Head or Designee

Through the interview process the Facility Head Designee indicated that every allegation of sexual abuse or sexual harassment is taken very seriously. Every allegation, administrative and criminal, is investigated thoroughly and immediately.

Random Staff

Through the interview process staff verbalized their responsibility to report any suspicion, or knowledge of an allegation of sexual abuse and sexual harassment. Each reported they were required to make such a report as soon as possible, but before the end of their shift.

Investigative Staff

During the interview process, investigative staff indicated all allegations are investigated. The ones which are criminal in nature are investigated by the West Virginia State Police. The administrative allegations are investigated by the facility staff.

PROVISIONS

Provision (a)

The PAQ reflects there were five allegations of sexual abuse in the past twelve months.

All allegations were inmate-on-inmate sexual abuse allegations. These allegations were investigated administratively. After investigation, four were deemed unsubstantiated and one remained open at the time of the on-site audit.

There were zero forensic examinations completed in the past twelve months. Forensic examinations are completed by SANE personnel at St. Mary's Medical Center, 2900 1st Ave, Huntington, WV 25702; 304-526-1234.

Provision (b)

The facility reported on the PAQ that the agency has a policy and practice in place that ensures 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. This policy is posted on the agency's website. <https://dcr.wv.gov/resources/Pages/prea.aspx>

The agency/facility documents all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. This was confirmed through the interview

process with the Facility Head.

The policy which addresses this provision is West Virginia Division Of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 18, VIII, 4, indicates CID investigations will be primarily responsible for contacting and referring criminal allegations and assisting as needed with the investigation.

Provision (c)

As stated in Provision (a) the facility handles the administrative PREA investigations and the criminal PREA investigations are referred to the West Virginia State Police.

Provision (d)

Auditors are not required to audit this provision.

Provision (e)

Auditors are not required to audit this provision.

CONCLUSION:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies to ensure referral of allegations for investigations.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none">1. Pre-Audit Questionnaire (PAQ) and supporting documentation.2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.3. Staff Training Curriculum4. Staff PREA Training Records <p><u>INTERVIEWS</u></p> <p>Random Staff</p> <p>Through the interview process, staff members confirmed they attended the initial PREA training when they were hired or when PREA went into effect. All staff interviewed confirmed they receive annual, in-service PREA training, as well as</p>

additional shift turnout training. They further confirmed they had PREA training in 2024.

PROVISIONS

Provision (a)

The facility reported on the PAQ that all employees who may have contact with inmates are trained in:

1. Zero tolerance policy for sexual abuse and sexual harassment
2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures
3. On inmates' right to be free from sexual abuse and sexual harassment
4. On the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment
5. On the dynamics of sexual abuse and sexual harassment in confinement
6. On the common reactions of sexual abuse and sexual harassment victims
7. On how to detect and respond to signs of threatened and actual sexual abuse?
8. On how to avoid inappropriate relationships with inmates
9. On how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
10. On how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

During interviews, all (100%) random staff acknowledged they had received training on the ten items listed in the WCDCR policy for this standard.

The Auditor reviewed the PREA curriculum and training materials. The core training materials contain all ten of the elements required for this provision. Each of the elements is covered in detail in the training and has incorporated numbered training elements to facilitate retention of the required elements. The level or complexity of the training will depend on the employee's classification with some specialized training curriculum depending on the employee's job responsibilities.

The Auditor reviewed staff training records for staff from various categories. Each reviewed record contained all relevant documentation to reflect the staff had met their initial PREA requirements. In addition, the Auditor also reviewed the signed PREA Training Certificate Receipt and Understanding for the PREA training for the past twelve months. In each record reviewed the employee had acknowledged receiving the PREA training.

The policies which address this provision are:

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 8, A, states all

employees, contractors, volunteers, mentors, 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 or enlistment of services.

West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 8, B, states at a minimum, the training shall include the following information: (115.31(a)).

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 DCR.
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; and
13. Sexual misconduct in confinement facilities.

Provision (b)

On the PAQ the facility reported the training is tailored to the gender of the inmates in the facility. When employees are reassigned from facilities housing the opposite gender, they are given additional training upon beginning work.

During interviews, all (100%) random staff acknowledged they had received training for the gender of the inmates in the facility.

The training provided by the WVDCR, addresses both male and female issues. The Auditor reviewed the training materials utilized for the staff. The training materials are consistent with this PREA standard. If an employee is reassigned from a facility that houses a different population composition, that employee is retrained or provided refresher training for the population make-up of the new facility prior to being placed in contact with the inmate population. The training curriculum did include training specific to transgender inmates, as well as cross gender searches.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00 Prison Rape Elimination Act (PREA) Compliance, dated

October 7, 2022, p. 9, D, states staff training shall be appropriate to the gender of the offenders within the facility.

Provision (c)

Of the 136 staff presently assigned to the facility, the Auditor reviewed 50 staff training records. In 100% of the records reviewed the staff had received PREA training in the past twelve months. Facility staff also receive refresher training every other year. The Auditor reviewed documents of the last PREA training for 2024. The facility also provides additional PREA training annually, as well as shift training, staff meetings, educational materials, and posters.

The facility reported on the PAQ that staff are given the same training in refresher training that they are taught in Basic Academy.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 9, 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.

Provision (d)

PREA training requirements mandate attendance at all PREA required training to be documented through employee signature, acknowledging the training they have received. In some instances, employees are required to complete an Acknowledgement of Receipt of Training upon completion of the training. Copies of these receipts were observed in every file reviewed by the Auditor. The receipts contained various dates which reflected separate training sessions.

In instances where a receipt for training material was not required, staff would sign up on a training sheet, verifying their attendance at the required training. The Auditor viewed copies of each training session for the past twelve months, reflecting training completed by facility staff.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 9, 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 kept in the employee's training file and a copy will be sent to the Office of PREA Compliance.

CONCLUSION

Based on the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding employee training.

115.32 Volunteer and contractor training

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. Volunteer/Contractor PREA Training Curriculum
4. Volunteer/Contractor Training Documentation

INTERVIEWS

Contractor

Through the interview process a contractor recalled having PREA training, stating it was specific to their roles or responsibilities in the facility. When questioned about knowledge of PREA the contractor was able to identify PREA was and more importantly, what the contractor’s role or responsibility was in the event they were confronted with a situation of sexual abuse or sexual harassment.

Volunteer

Through the interview process a volunteer recalled having PREA training, stating it was specific to their roles or responsibilities in the facility. When questioned about knowledge of PREA the volunteer was able to identify PREA was and more importantly, what the volunteer’s role or responsibility was in the event they were confronted with a situation of sexual abuse or sexual harassment.

PROVISIONS

Provision (a)

The facility reported on the PAQ all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. The facility reported 36 contractors and volunteers who have contact with inmates who have received PREA training. Contractors and volunteers verified this.

The facility reported on the PAQ that contractors receive the same orientation training that DCR new hires receive.

Of the 36 volunteers and contractors, who may have contact with inmates, the Auditor reviewed documentation of PREA training for 20 volunteers and contractors. This documentation revealed each had been trained in the agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response.

The policy which addresses this provision is West Virginia Division Of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 9, 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.

Provision (b)

The facility reported on the PAQ the level and type of training provided to volunteers and contractors is based on the services they provide and the level of contact they have with inmates. All volunteers and contractors have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Contractors and volunteers verified this.

The level and type of training is based on the services the contractor/volunteer provide and level of contact with the inmates. All volunteers and contractors, at a minimum will be trained in the following:

1. Zero tolerance policy
2. How to report sexual abuse or sexual harassment

Provision (c)

The facility reported on the PAQ the agency maintains documentation confirming that volunteers and contractors understand the training they have received.

As indicated in Provision (b), the facility reported copies of the acknowledgment page from the PREA training are retained in each volunteer and contractor file. This provision requires the facility/agency to maintain documentation confirming that volunteers and contractors received and understand the training they have received.

The policy which addresses this provision is West Virginia Division of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated

October 7, 2022, p. 9, 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 kept in the employee's training file and a copy will be sent to the Office of PREA Compliance.

CONCLUSION

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding volunteer and contractor training.

115.33 Inmate education

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. WVDCR PREA Education Brochure in English and Spanish
4. Inmate PREA Educational Material

OBSERVATIONS

The inmate orientation material, as well as the PREA informational posting were observed in housing units, as well as other shared areas, during the on-site tour of the facility by the Auditor. The Auditor reviewed written PREA materials in both English and Spanish.

INTERVIEWS

Intake Staff

Through the interview process intake staff confirmed inmates are provided an A&O Handbook upon arrival. The inmate signs an acknowledgment form which is retained in the inmate file.

Random Inmates

Through the interview process inmates reported that upon arrival they received written PREA materials, an Inmate Handbook and information about the facility's zero-tolerance policy as well as ways to report.

PROVISIONS

Provision (a)

The PAQ indicates during intake inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment. Additionally, inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment.

According to the PAQ the facility reported inmates receive information at the time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. This information is not intended to be comprehensive, but an overview of the PREA standards, addressing important topics to make the inmate safer until they can be given a Comprehensive PREA education by staff. The intake staff verified this.

According to the PAQ the facility reported 4,849 inmates were admitted during the past twelve months and 100% of them received PREA information at intake. The intake staff verified this.

During the interview process intake staff confirmed inmates are given PREA information upon arrival.

During interviews random inmates reported receiving PREA information upon arrival. Thirty inmates were interviewed and thirty reported receiving PREA information within 24 hours, or less, of their arrival.

The Auditor reviewed PREA education records for 49 inmate records regarding PREA information upon arrival. The 49 inmate records reviewed revealed that 100% of inmates had received PREA intake material within 24 hours, or less, of arriving at the facility.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 10, IV, A, states during the intake process, and every year thereafter if applicable, 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.

Provision (b)

According to the PAQ, in the past twelve months there were 4,898 inmates who were admitted and whose length of stay at the facility was more than thirty days. The PAQ also reflects these inmates were provided the PREA information which included their right to be free from sexual abuse, as well as the policies and procedures for reporting. The PAQ reflects 100% of the inmates admitted to their facility in the past twelve months received the mandated information.

According to the PAQ the facility reported during orientation inmates receive comprehensive PREA information explaining:

1. The agency's zero tolerance policy regarding sexual abuse and sexual harassment (WVDCR PREA Pamphlet)
2. How to report incidents or suspicions of sexual abuse or sexual harassment (Inmate Handbook)
3. Their right to be free from sexual abuse and sexual harassment (Inmate Handbook)
4. Their right to be free from retaliation from reporting such incidents (WVDCR PREA brochure)
5. Tips to Avoid Becoming a Victim(Inmate Handbook)
6. An overview of the agency's policies and procedures for responding to such incidents. (Inmate Handbook)

The intake staff confirmed, in addition to the six items listed above, inmates are notified of male and female staff routinely working and visiting housing units, the prohibition against retaliation for reporting or assisting in the investigation of an allegation and the basics of the investigation process during orientation.

Provision (c)

The PAQ reflects all inmates who were admitted to the facility received comprehensive education within 30 days of arrival.

As indicated in Provision (a) the intake staff provide the PREA information immediately upon arrival at the facility. Interviews with intake staff revealed that upon arrival at the facility inmates are given intake materials, including PREA related materials, before being assigned to a housing unit. This is a requirement for all inmates, whether they are a new intake or a transfer from another facility.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, 11, B, states offenders shall receive PREA education upon each transfer to a different facility, The offender shall be provided a handbook, in addition to PREA training.

Provision (d)

The facility reported on the PAQ inmate PREA Education is available in formats accessible to all inmates, including those who are limited English proficient, hearing impaired, visually impaired, have limited reading skills and are otherwise disabled. Further the facility maintains documentation of inmate participation in PREA education sessions.

Limited English Proficient inmates are provided information in Spanish. The Auditor reviewed the PREA information. Every piece of material available in English is also available in Spanish. Additionally, the PCM is fluent in Spanish, which the auditor confirmed. Additionally, the facility has access to LanguageLine for a plethora of other

languages including American Sign Language.

Hearing Impaired inmates are provided information visually, through videos and written words. There is also Video Remote Interpreting available in American Sign Language.

Visually Impaired inmates are provided information audibly, read by a staff member or via recorded messages or videos. Information is also available in Braille.

Cognitively impaired inmates are provided information audibly, read by a staff member or via recorded messages or videos.

Inmates with limited reading skills are provided information audibly, read by a staff member or via recorded messages or videos.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 10, IV, A, states in part, this PREA information shall be communicated verbally, in writing and in language clearly understood by the offender.

Provision (e)

According to the PAQ the facility reported it maintains documentation of inmate participation in PREA education sessions. The PCM verified this.

All inmate PREA training occurs at one time. PREA education at intake and 30-day comprehensive education is conducted at the time the inmate arrives at the facility.

The Auditor reviewed 49 inmate records regarding inmate PREA information at intake. All 49 inmate records revealed the inmates had received PREA information within 24 hours of arrival.

The Auditor reviewed 49 inmate records regarding the 30-day Comprehensive PREA Education mandate. All 49 inmate records reviewed revealed the inmates had received Comprehensive PREA Education within 24 hours of arrival.

As indicated in Provision (b) 100% of inmates who entered the facility during the past 12-months received the required PREA training at intake and during orientation.

The policy which addresses this provision is West Virginia Division Of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 7, N, 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 he or she understands 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. (115.33 (e)(f))

Provision (f)

According to the PAQ indicates the agency ensures that key information about the agency/facility PREA policies are continuously and readily available or visible through postings, inmate handbooks, or other written formats.

According to the PAQ the facility reported it ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats. The Auditor observed this during the facility tour.

See previous provisions for specific publications, formats, and information.

CONCLUSION

Based on the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standards for inmate education.

115.34	Specialized training: Investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<u>DOCUMENT REVIEW</u>
	<ol style="list-style-type: none">1. Pre-Audit Questionnaire (PAQ) and supporting documentation.2. West Virginia Division of Corrections and Rehabilitation (WVDCR), Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.3. Investigative Staff Training Records4. Investigative Staff Training Curriculum
	<u>INTERVIEW</u>
	Investigative Staff
	Through the interview process and the review of training documents by the Auditor, it has been confirmed each of the investigators have attended the required training and met all training requirements.
	<u>PROVISIONS</u>
	Provision (a)

The PAQ indicates that in addition to the general training provided to all employees, the agency/facility ensures that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings.

The Auditor reviewed sign-in sheets and training materials that confirmed the general PREA training which is mandated for WVDCR employees, contractors and volunteers outlined in policy and PREA standards, was adhered to. The sign-in sheets confirm, in addition to specialized training, the investigators received the general PREA training mandated for all WVDCR employees.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 9-10, 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 investigations in confinement settings. Corrections Investigation Division (CID) investigative staff shall receive additional specialized training in conducting sexual abuse investigations in confinement settings. Documentation will be kept in the employee's training file 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; and
4. The criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.

Provision (b)

The PAQ indicates specialized training includes interviewing sexual abuse victims, proper use of Maranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

See provision (a) for policy details.

Provision (c)

The PAQ indicates the agency/facility maintains documentation showing that investigators have completed the required training. The specialized certifications were reviewed to confirm specialized training.

See provision (a) for policy details.

Provision (d)

The Auditor is not required to audit this provision.

CONCLUSION

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding specialized training: investigations.

115.35 Specialized training: Medical and mental health care

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division Of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. Medical Training Curriculum
4. Medical Training Certificates

INTERVIEWS

Facility Head

Through the interview process, the Facility Head indicated that medical and mental health care practitioners received general and specialized PREA training.

Medical Staff

Through the interview process, medical acknowledged they had received the general PREA training as well as PREA training specifically designed for medical and mental health practitioners.

Mental Health Staff

Through the interview process, mental health staff acknowledged they had received the general PREA training as well as PREA training specifically designed for medical and mental health practitioners.

PREA Compliance Manager (PCM)

Through the interview process, the PCM confirmed medical and mental health care practitioners employed by the agency/facility also receive training mandated for employees by §115.31.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. The facility reported they have all received the training required by agency policy. A review of the lesson plan/training materials provided demonstrate compliance with this training requirement. The PCM verified this.

The policy which addresses this provision is West Virginia Division Of Correctional and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 10, G, states in addition to the general training provided by the facility during Orientation, all full and part-time medical and mental health employees 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 employees must receive this training during orientation, but no later than one month of the effective date of hire. Contractual medical staff will not conduct forensic examinations.

This specialized training will include, but is not limited to:

1. How to preserve physical evidence of sexual abuse;
2. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
3. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Provision (b)

N/A - All medical staff at the facility are prohibited by procedure from performing forensic examination on sexual abuse victims. Medical staff verified this.

Provision (c)

The facility reported on the PAQ that the agency maintains documentation showing that medical and mental health practitioners have completed the required training. Medical and mental health staff verified this.

As indicated in Provision (a), through staff interview and a review of the training documents by the Auditor, each of the medical and mental health staff members recalled attending the required training.

As indicated in Provision (a), through staff interview and a review of the training documents by the Auditor, each of the assigned staff members have attended the required training and meet all training requirements. All training documentation is retained in the employee file, as required.

Provision (d)

The facility reported on the PAQ that medical and mental health care practitioners

	<p>employed by the agency also receive training mandated for employees, as well as contractors and volunteers. Medical and Mental Health staff receive the same staff training as DCR employees. Medical and mental health staff verified this.</p> <p>The Auditor reviewed sign-in sheets and training materials that reflect the general PREA training that is mandated for WVDCR employees, contractors, and volunteers outlined in policy and PREA standards. The sign-in sheets confirm, in addition to specialized training, the contracted and direct hire medical staff received the general PREA training mandated for all WVDCR employees</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding specialized training: medical and mental health care.</p>
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115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation (WVDCR), Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. West Virginia Division of Corrections and Rehabilitation (WVDCR), Policy 401.13 Special Attention & Special Needs Alerts, dated August 29, 2022 4. Risk Screening Instrument 5. 30-day Risk Reassessment Instrument <p><u>OBERSERVATIONS</u></p> <p>During the on-site audit, the Auditor was able to have informal discussions regarding the intake process.</p> <p><u>INTERVIEWS</u></p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>Through the interview process the DPC indicated medical staff, mental health staff, classification staff and the PCM have access to the screening information collected during intake. All information is limited to a need-to-know basis for staff, only for the purpose of treatment, security, and management decisions, such as housing and cell assignments, as well as work, education, and programming assignments.</p>

The DPC also verified the WV DCR does not detain inmates solely for civil immigration purposes.

Risk Screening Staff

Through the interview process risk screening staff indicated the initial risk screening is completed within the first 24 hours after the inmate arrives. This initial screening considers prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse. A second risk screening is completed within 30 days of the first risk screening. Additional screenings are also completed after a PREA allegation, if the inmate leaves the facility and returns to the facility, or new information becomes known regarding the possible safety of the inmate.

Transgender inmates are risk assessed within 24 hours, within the first thirty days and a minimum of every six months thereafter.

Through the interview process, risk screening staff indicated inmates are not disciplined for refusal to answer questions during an assessment. It was reported they would prod to see what the opposition to answering the question was and then another attempt to engage the inmate would follow. However, disciplinary action would not be taken if the inmate chose not to respond.

Through the interview process, risk screening staff indicated that an inmate is not disciplined for their refusal to answer questions during an assessment, rather each of them indicated they would explain the reason behind the question and attempt to solicit a response. However, no disciplinary action would be taken if the inmate chose not to respond.

PREA Compliance Manager (PCM)

Through the interview process the PCM stated the purpose of the risk screening assessment is to make the inmate safer inside the facility. Information is collected through risk screening that when taken as a whole, can be analyzed by staff to determine if an inmate is at higher-than-average risk for sexual victimization or abusiveness. It assists the staff of the institution in keeping inmates safer by housing potentially abusive inmates in a different area than those who are potential victims.

During the interview process the PCM indicated medical staff, mental health staff, and classification staff, can specifically access the screening information collected during intake and screenings. All information is limited to a need-to-know basis for staff, only for the purpose of treatment and security and management decisions, such as housing and cell assignments, as well as work, education, and programming assignments.

Random Inmates

Through the interview process the inmates were able to recall being asked questions relative to their concern for sexual safety, and if they felt like they were going to harm themselves. They also recalled being asked questions regarding previous sexual victimization, was this their first incarceration, what was their sexual orientation and

gender identity.

They reported having their initial risk assessment within 72 hours of arriving at the facility and their 30-day risk assessment within a few weeks of arriving at the facility.

PROVISIONS

Provision (a)

On the PAQ the facility reported there is a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates. Risk screening staff verified this.

Through the interview process, 100% of the random inmates interviewed indicated they had participated in a risk assessment within the first 24 hours of arrival. Further, 100% of the inmates interviewed indicated they were reassessed within several weeks of arrival. When asked, 100% of the inmates remembered being asked questions about their sexual orientation, gender identity, if they had ever been sexually victimized and was this their first incarceration.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp.11-12, V, 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.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.12, C, states this shall be accomplished by using the appropriate attachment within the PREA Manual to gather the following information:

1. Known or perceived gender nonconforming appearance or identifies as lesbian, gay, bisexual, 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; and
10. Level of emotional and cognitive development (for juvenile offenders only).

West Virginia Division of Corrections and Rehabilitation (WVDCR), Policy 401.13 Special Attention & Special Needs Alerts, dated August 29, 2022, p. 2, 1, states there are occasions within the Corrections setting where it becomes necessary to identify a special attention or special needs inmate or resident so that his/her situation may be addressed and/or the inmate/resident may be monitored in order to provide appropriate placement and/or housing. Within the Division of Corrections and Rehabilitation (DCR), this is addressed by placing an "alert" on the inmate's/resident's record in the Offender Information System (OIS).

Provision (b)

The facility reported on the PAQ that policy states inmates are screened for risk of sexual victimization or risk of abusing other inmates within 72 hours of arrival.

The Auditor reviewed the PAQ which indicated in the past 12 months, 100% of 4,849 inmates were screened for the risk of sexual victimization or sexual abusiveness within 72 hours of their entry into the facility.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.12, B, 1, states the screening will occur within 72 hours of intake.

Provision (c)

On the PAQ the facility reported the risk assessment is conducted using an objective screening instrument. The Auditor reviewed a copy of the intake form and screening assessment form. Staff members who conduct Intake screenings utilize PREA Compliance Manual Attachment 3 DCR, Screening Form. The inmate is reassessed within thirty days, after the initial meeting.

Provision (d)

The screening instrument minimally covers, but is not limited to:

1. Whether the inmate has a mental, physical, or developmental disability.
2. The age of the inmate
3. The physical build of the inmate
4. Whether the inmate has previously been incarcerated
5. Whether the inmate's criminal history is exclusively nonviolent
6. Whether the inmate has prior convictions for sex offenses against an adult or child
7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
8. Whether the inmate has previously experienced sexual victimization
9. The inmate's own perception of vulnerability

Provision (e)

The facility reported on the PAQ that the initial risk screening considers prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. Risk screening staff confirmed this. The questions referring to those things were also noted by the Auditor during the document review.

The initial screening instrument minimally considers, but is not limited to:

1. Prior acts of sexual abuse, as known to the agency
2. Prior convictions for violent offenses, as known to the agency.
3. History of prior institutional violence or sexual abuse, as known to the agency

Risk screening staff acknowledged monitoring the inmate population, and re-assessing inmates when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that may have bearing on the inmate's risk of victimization or abusiveness.

Provision (f)

The facility reported on the PAQ that inmates are reassessed within thirty days of arrival at the facility. Additionally, the inmate will be reassessed for risk of victimization or abusiveness based on any additional relevant information received by the facility after the initial screening. The screening staff confirmed this information.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.13, G, states the Superintendent shall designate specific staff to complete PREA reassessments. A reassessment shall be completed between twenty (20) and thirty (30) days after the initial assessment and should not exceed thirty (30) days from the offender's arrival at the facility. This information shall be ascertained through direct conversations with the offender, through medical and mental health screenings, reviewing court records, case files, facility behavioral records, and other relevant documentation from the offender's records. The facility will reassess the offender's risk of victimization or abusiveness when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. All offenders that remain in custody will also be reassessed every year thereafter, if applicable, by using the appropriate PREA Manual attachment.

Provision (g)

On the PAQ the facility reported an inmate's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. The risk screening staff verified this.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.12, B, 1-4, states the screening will occur:

1. Within 72 hours of intake.
2. Upon transfer to a different facility
3. After an incident of sexual abuse
4. When warranted due to a referral, request or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.13, G. states in part that the facility will reassess the offender's risk of victimization or abusiveness when warranted due to a referral, request or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. All offenders who remain in custody will also be reassessed every year thereafter, if applicable.

Provision (h)

The facility reported on the PAQ inmates are not disciplined for refusing to answer or for not disclosing complete information in response to questions asked during the assessment. The risk screening staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.13, F. states, in part, 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 record.

Provision (i)

According to the PAQ 4,849 or 100% of inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.13, F. states in part 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 the general population will be identified. This information will be documented in the offender's record, and in the appropriate database.

CONCLUSION

	<p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard which addresses Screening for Risk of Sexual. Victimization and Abusiveness.</p>
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115.42	Use of screening information
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Inmate records 4. Inmate Roster <p>INTERVIEWS</p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>Through the interview process the DPC indicated according to policy, the gender identification of each inmate is initially determined by their legal sex assignment, generally at birth; however, from that point forward every inmate is individually assessed and classified to ensure the safety of the inmate, as well as the safety of the inmate population.</p> <p>Through the interview process the DPC indicated the transgender or intersex inmate’s views of their own safety is given great weight when making decisions regarding housing placement or programming assignments. Further regular classification reassessments are conducted a minimum of every six months, or if the inmate is involved in an incident of a sexual nature. Additionally, these inmates are interviewed further to determine enemies and potential or perceived threats. Housing placement and programming assignments are based on this information.</p> <p>Through the interview process the DPC revealed that the agency/facility are not under any consent decree, legal settlement, or legal judgment requiring the establishment of a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex (LGBTI) inmates. LGBTI inmates are housed within the general population unless specific issues are present and only then the appropriate staff will meet with the inmate and address the concerns.</p> <p>Risk Screening Staff</p>

During interviews with staff who are responsible for risk screening, it was indicated the transgender or intersex inmates view of their own safety is taken into thoughtful consideration when determining housing placements and programming assignments. In addition, the staff who are responsible for risk screening indicated because of the assessments that are utilized, each inmate is evaluated individually.

During interviews with staff who are responsible for risk screening, it was indicated that because of the assessment procedures being utilized, each inmate is individually evaluated. Staff not only use the assessment procedures which are in place, additional consideration is given to the discussions with each individual inmate when making classification and housing decisions.

During the interview process the staff responsible for screening, all indicated the transgender or intersex inmate's views of their own safety is given great weight when making decisions regarding housing placement or programming assignments. They further confirmed that regular classification reassessments are conducted a minimum of every six months, or if the inmate engages in an incident of a sexual nature.

PREA Compliance Manager (PCM)

Through the interview process, the PCM indicated every assessment completed by staff is factored into the placement and programming of each inmate.

Further, the inmate's risk levels, housing and program assignments are guided with the use of these various assessments ensuring that every inmate, especially those at elevated risk of being sexually victimized, are separated from those at substantial risk of being sexually abusive.

Through the interview process the PCM specified the transgender or intersex inmate's views of their own safety is given great weight when making decisions regarding housing placement or programming assignments. These inmates are interviewed further to determine enemies and potential or perceived threats. Housing placement and programming assignments are based on this information.

Transgender Inmate

Through the interview process transgender inmates reported being satisfied with their showering accommodations.

Through the interview process, transgender inmates reported they were housed in the general population and were not currently, nor had they ever been, housed in a housing unit designed for only transgender inmates. The Auditor reviewed an inmate roster and confirmed that all transgender inmates were housed in the general population.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency/facility uses information from the risk

screening required to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The PCM verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, I, 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 elevated risk of being sexually victimized away from those at elevated risk of being sexually abusive. The facility shall make individualized determinations about how to ensure the safety of each offender.

Provision (b)

The facility reported on the PAQ that the agency/facility makes individualized determinations about how to ensure the safety of each inmate. The risk screening staff verified this.

Provision (c)

The facility reported on the PAQ that in making housing and programming assignments, the facility shall consider on a case-by-case basis whether a placement of a transgender or intersex inmate would present management or security problems. The risk screening staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, K, 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.

Provision (d)

The facility reported on the PAQ that placement and programming assignments for each transgender or intersex inmate are reassessed at least twice each year to review any threats to safety experienced by the inmate. The risk screening staff verified this. Transgender inmates also verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, L, 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. (115.42 (d) (e) (f) (g))

Provision (e)

The facility reported on the PAQ that 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. The risk screening staff and the transgender inmates verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, L, states a transgender or intersex offender's own view with respect to his or her own safety shall be given thoughtful consideration. The agency/facility has made this part of the risk assessment instrument.

Provision (f)

The facility reported on the PAQ that transgender and intersex inmates are given the opportunity to shower separately from other inmates. The PCM and transgender inmates verified this.

According to the DPC, PCM and the staff responsible for risk screening, each indicated the transgender or intersex inmate's views of their own safety is given sincere consideration when providing showering options. In addition, they clarified, transgender or intersex inmates would be able to shower separately from other inmates by utilizing alternate shower times. As previously identified, each of the housing units have bathrooms with shower stalls that provide privacy for use by transgender inmates. The random staff who were interviewed also indicated that if a transgender or intersex inmate asked to shower separately, they would arrange a separate shower time from the other inmates. Finally transgender inmates reported being satisfied with their showering accommodations.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, L, states transgender and intersex offenders shall be given the opportunity to shower separately from other offenders. At the time of the on-site audit there were zero transgender or intersex inmates in the facility. Therefore the auditor could not interview transgender or intersex individuals with regard to this policy.

Provision (g)

The facility reported on the PAQ that 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, the agency always refrain from placing lesbian, gay, and bisexual

	<p>inmates in dedicated facilities, units, or wings solely on the basis of such identification or status. The DPC verified this.</p> <p>The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, L, states LGBTI offenders will not be placed in dedicated facilities or units solely based on such identification or status.</p> <p>At the time of the on-site audit transgender inmates confirmed they were housed in general population. A review of the inmate roster confirmed the transgender inmates were housed in general population.</p> <p><u>CONCLUSIONS</u></p> <p>Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard requiring the use of screening information.</p>
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115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Facility Head</p> <p>Through the interview process the facility head reported that every placement in segregated housing, regardless of reason, is documented and reviewed a minimum of every thirty days.</p> <p>Staff Who Supervise Inmates in Segregated Housing</p> <p>Through the formal interview process and informal conversations, Segregated Housing Staff reported that they had not observed a victim of sexual abuse or retaliation to be involuntarily placed in the Segregation Unit.</p> <p>Inmates in Segregated Housing</p> <p>At the time of the on-site audit there were no inmates in segregated housing because they had alleged sexual abuse. At the time of the on-site audit all inmates in the</p>

segregated unit were either there administratively or due to a disciplinary report.

PREA Compliance Manager (PCM)

Through the interview process the PCM indicated there have not been any inmates placed in protective custody or involuntary administrative/punitive segregation in the past twelve months for risk of sexual victimization or because they were a victim of sexual abuse.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency has a policy prohibiting the placement of inmates at elevated 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 abusers. The facility reported on the PAQ that in the past twelve months there had not been any inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PCM indicated there had not been any inmates placed in protective custody in the past twelve months. Consequently, no inmates were interviewed relative to this standard. This Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 14, M, 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 twenty-four (24) hours while completing the assessment.

Provision (b)

The facility reported on the PAQ that in the unlikelihood that an inmate is placed in segregated housing for this purpose, that inmate will have access to programs, privileges, education, and work opportunities to the extent possible. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, O, states offenders 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. Such assignment shall not ordinarily

exceed thirty (30) days, if an extension of involuntary segregation beyond thirty (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 thirty (30) days must be approved by the Superintendent within seventy-two (72) hours of being implemented. (115.43 (b) (c) (d) (e))

Provision (c)

The facility reported on the PAQ that in the past 12 months, zero inmates at risk of sexual victimization were assigned to involuntary segregated housing for longer than 30 days while awaiting alternative placement. The PCM verified this.

See Provision (b) for additional information.

Provision (d)

The facility reported on the PAQ that during the past twelve months there have been zero inmates placed into involuntary administrative or punitive segregation in accordance with this standard, specific to a period longer than 30-days, while awaiting alternative placement. Consequently, no inmates were interviewed relative to this provision. This was verified by the staff who supervise inmates in segregated housing.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp., 14-15, N, 1-3, states if an involuntary segregation housing assignment is made, the facility PCM shall clearly document the following: (115.43 (d)).

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.

Provision (e)

The facility reported on the PAQ that during the past twelve months there have been zero inmates placed into protective custody in accordance with this standard. This was confirmed by the PCM. Consequently, no inmates were interviewed relative to this provision.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, O, states offenders 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. Such assignment shall not ordinarily

exceed thirty (30) days, if an extension of involuntary segregation beyond thirty (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 thirty (30) days must be approved by the Superintendent within seventy-two (72) hours of being implemented. Any assignment to involuntary segregation must be reported to the facility PCM within twenty-four (24) hours. Every thirty (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.

CONCLUSIONS

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard relative to protective custody.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Offender Orientation Materials in English and Spanish 4. Agency/facility Contract with West Virginia Foundation for Rape Information and Services to provide the inmate with a victim advocate. <p><u>OBSERVATIONS</u></p> <p>During the on-site portion of the audit, the Auditor observed PREA information readily available and accessible to the inmates throughout the facility. The information was in English and Spanish. These postings were observed in each housing unit, communal areas, main hallways, intake holding area, dining room, etc.</p> <p>The Auditor checked numerous inmate telephones throughout the facility, and all were in working order and readily available in each housing unit. Each phone that was evaluated was in working order and could be used to call out.</p> <p><u>INTERVIEWS</u></p> <p>PREA Compliance Manager (PCM)</p>

Through the interview process the PCM stated inmates could report to the PREA Director for the State of West Virginia. They can also report to West Virginia Foundation for Rape Information and Services (WV FRIS), with whom the agency/facility has a contract for services.

Throughout the interview process the PCM reported inmates could report abuse or harassment to a public or private entity.

Random Staff

Throughout the interview process the staff indicated they would accept a report or allegation from an inmate and provide it to their supervisor for further direction. They each also reported that inmates can report several different ways which includes, but is not limited to, telling a staff member, calling WV FRIS, or telling a family member. Staff stated inmates can privately report sexual abuse or sexual harassment as well, by writing the PREA Director of the state of West Virginia DCR.

Through the interview process the staff mentioned several methods for staff to privately report sexual abuse of inmates were identified. All staff indicated they may choose to make a private report to their supervisor, a higher-ranking officer, the facility PCM, PREA Director or WV FRIS.

Random Inmate

Throughout the interview process the inmates verbalized they were aware of multiple ways to report incidents of sexual abuse or sexual harassment. These included, but were not limited to, using the hotline number, contacting the PCM, having family members contact the institution or the PREA Director, contacting a staff member, and "writing to the address on the posted on the wall." Most indicated they would tell a staff member first.

Through the interview process, inmates acknowledged they were familiar with an outside agency and said they knew they offered services which they believed were counseling and victim advocacy.

PROVISIONS

Provision (a)

The facility reported on the PAQ that it offers multiple internal methods for inmates to privately report issues, including sexual abuse and harassment, retaliation by inmates or staff for reporting these incidents, and staff neglect or violations that may have contributed to such occurrences. The PCM verified this.

The inmates can place a confidential, toll free call to West Virginia Foundation for Rape Information and Services (WC FRIS) at 1-800-656-HOPE. The PCM verified this.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, VI, A, states in part,

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.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, VI, A, states in part offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the U.S. Department of Homeland Security.

Provision (b)

The facility indicated on the PAQ that the agency provides at least one method for inmates to report abuse or harassment to an external public or private entity or office, which is not affiliated with the agency. The PCM verified this.

The agency/facility has a contract with WV FRIS to provide the inmates with a victim advocate. They also provide a toll-free, confidential hotline number 1-800-656-HOPE. The calls to this number are monitored and archived. The PCM verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, VI, A, states, in part, 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.

Provision (c)

The facility reported on the PAQ that staff are trained to accept reports of sexual abuse and sexual harassment through various channels, including verbal, written, anonymous reports, and third-party submissions. Staff are committed to promptly documenting any verbal reports of sexual abuse or harassment. This practice was verified through random staff interviews and conversations, confirming that the staff consistently adhere to this protocol.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, VI, 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.

Provision (d)

The PAQ indicates that the agency offers a confidential method for staff to report incidents of sexual abuse and sexual harassment involving inmates. The PCM verified

this.

The agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. The agency/facility has a contract with West Virginia Foundation for Rape Information and Services who provides a toll-free hotline number. The calls to this number are monitored and archived. Staff can also report privately by contacting the State PREA Director.

CONCLUSIONS

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard relative to inmate reporting.

115.52 Exhaustion of administrative remedies

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Random Staff

Through the interview process staff:

1. Confirmed inmates could submit grievances alleging the risk of imminent sexual abuse or to report an allegation of sexual abuse.
2. Articulated the procedures for submitting these emergency grievances alleging the risk of imminent sexual abuse.
3. Reported supervisors were aware of the time limits in response to an emergency grievance of imminent risk of sexual abuse.

Random Inmates

Through the interview process inmates:

1. Reported they could file a grievance to report an allegation of sexual abuse.
2. Acknowledge they could file a grievance alleging an imminent risk of sexual abuse.

3. Were aware of the grievance process and no inmate interviewed had filed a grievance regarding a PREA issue.
4. Reported they would immediately notify a staff member as that is the quickest way to report.
5. Reported they would use the hotline number for more privacy.
6. Were aware they could submit an allegation anonymously.

Inmates Who Reported Sexual Abuse

At the time of the on-site audit there were zero inmates in house who had reported sexual abuse. Consequently, no inmates in this category were interviewed.

PROVISIONS

Provision (a)

The facility reported on the PAQ that sexual abuse and sexual harassment are grievable issues. If a grievance form is received with a PREA allegation on it, it is treated as a written report and is forwarded immediately for investigation. However, it does not proceed through the grievance process. Random staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, D, states, in part, an offender may also report abuse by using the grievance process. These grievances will be forwarded to the Superintendent or designee for immediate action. 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.

Provision (b)

The PAQ indicates the agency/facility:

1. Permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits.
2. 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.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, D, states, in part, 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.

Provision (c)

The PAQ indicates the agency ensures 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.

Such grievance is not referred to a staff member who is the subject of the complaint/

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, D, 1-2, states the agency shall ensure that:

1. An offender 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 a grievance is not referred to a staff member who is the subject of the complaint.

Provision (d)

According to the PAQ in the past 12 months there have been zero grievances filed that alleged sexual abuse.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, E, states DCR shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.

Provision (e)

According to the PAQ there were zero 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.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, 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. If the offender declines third party assistance, it must be documented by using the appropriate attachment within the PREA Manual. CID will discuss the allegation with the alleged victim and to the extent possible proceed with an investigation if the allegation occurred in a Corrections setting.

Provision (f)

According to the PAQ there were zero emergency grievances alleging substantial risk of imminent sexual abuse that were filed in the past 12 months.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated

October 7, 2022, p. 16, 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 forty-eight (48) hours and a final decision shall be made within five (5) calendar days. The initial response and final DCR decision shall document the DCR's determination whether the offender is at substantial risk of imminent sexual abuse and action taken in response to the emergency grievance.

Provision (g)

According to the PAQ in the past 12 months, there were zero inmate grievances alleging sexual abuse that resulted in disciplinary action by the agency against the inmate for having filed the grievance in bad faith:

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, 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.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding exhaustion of administrative remedies.

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Contract between the agency/facility and the West Virginia Foundation for Rape Information and Services (FRIS). 4. Reporting is the First Step Information 5. Outside Confidential Support Services Agency Information 6. Inmate Intake Package <p><u>OBSERVATIONS</u></p> <p>During the facility tour, the Auditor noted that PREA information was prominently displayed throughout. The PREA Hotline numbers were posted near telephones for</p>

easy access.

During the facility tour, the Auditor evaluated several inmate telephones, all of which worked properly. A call was successfully made to an outside support agency, and the Auditor was able to speak with an advocate. No identifying information was needed for the call, and the advocate did not require any personal details to engage in the conversation.

INTERVIEWS

Random Inmates

Each inmate interviewed reported there was an address and toll-free telephone number available to them to contact someone in the event of sexual abuse or sexual harassment. Further each reported the call was confidential.

PREA Compliance Manager

During the interview process the PCM acknowledged the facility does not detain individuals solely for civil immigration purposes.

During the interview process the PCM acknowledged the agency/facility has a contract for victim advocate services with West Virginia Foundation for Rape Information and Services (FRIS). FRIS provides a hotline number *9088, from an inmate telephone. This hotline is monitored and recorded.

Intermediate-or-Higher-Staff

Staff members, through casual chats and a formal interview process, mentioned that they check the inmate phones every day to make sure they work properly, so inmates can easily contact their family and outside support organizations.

PROVISIONS

Provision (a)

The PAQ indicates the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including a toll-free hotline number. Further the facility enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

On the PAQ the facility reported it provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

1. Giving inmates mailing addresses and telephone numbers (including toll-free numbers) for local, state, victim advocate or rape crisis organizations
2. Enable reasonable communication between inmates and organizations in as confidential a manner as possible.
3. The inmate can call West Virginia Foundation for Rape Information and

Services hotline *9088 from an inmate telephone.

4. Additionally, the inmate can call CONTACT Huntington Rape Crisis Center, Toll-Free Hotline 866-399-7273, or 24-Hour Crisis Hotline 304-399-1111, for emotional support services, for sexual victimization past and present.

The outside agency offering these services is West Virginia Foundation for Rape Information and Services, as confirmed by an agreement with the WV DCR. Inmates also verified this during the interview process.

According to the Reporting is the First Step information, this call is free. Calls can be made anonymously and do not require the inmate to leave identifying information. The line is a 24-hour crisis line, which is monitored and recorded. This number can be called to secure emotional support services for sexual victimization past and present.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 11, 5, states, 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.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 11, 3, states 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.

Provision (b)

The facility reported on the PAQ that it informs 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. The facility reported there are limits to confidentiality for suspected abuse or neglect of a child or vulnerable adult or in case of concern about the inmate's intent to harm themselves or someone else. This limit to confidentiality is part of CONTACT Huntington information.

During inmate interviews, 100% of the inmates acknowledged there were limits to confidentiality with the information provided to CONTACT Huntington staff. The inmates acknowledged that if they disclosed information regarding an intent to hurt themselves or others, or if they disclosed information with regard to a crime being committed, such as the suspected abuse or neglect of a child CONTACT Huntington staff would be legally bound to report what they had been told to law enforcement.

The agency/facility has a contract with West Virginia Foundation for Rape Information

and Services (FRIS). FRIS provides a hotline as well *9088 from an inmate telephone. The purpose of this contract is to provide inmates with confidential emotional support services related to sexual abuse, past and present.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, VI, A, states in part 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.

Provision (c)

The agency/facility has a contract with West Virginia Foundation for Rape Information and Services to provide the inmate with a victim advocate. They also provide a toll-free hotline number. The calls to this number are monitored and archived. A copy of this contract is on file with the agency/facility.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, I, states the DCR shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide offenders 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.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 16, I, states offenders detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the U.S. Department of Homeland Security.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding inmate access to outside confidential support services.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<u>DOCUMENT REVIEW</u>

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. West Virginia Division of Corrections and Rehabilitation website www.dcr.wv.gov
4. Reporting is the First Step Information

INTERVIEWS

Random Inmate

Through the interview process the inmates indicated they were aware of third-party reporting. They expressed an understanding of what third-party reporting meant. Most responded they would contact a family member, a grandmother or a mother were the most frequent responses.

PROVISIONS

Provision (a)

On the PAQ the facility reported there is access to third-party reporting through their agency website, www.dcr.wv.gov

The website 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:

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.

In the case of email communications, please include the following:

1. Incident that occurred.
2. Who was the victim?
3. Who is the suspect?
4. Time and date of sexual abuse
5. If requested, your anonymity will be protected.

The website and posted notices assist third party reporters in reporting allegations of sexual abuse/sexual harassment. The inmates interviewed indicated they were aware of third-party reporting methods.

According to the Reporting is the First Step information, an inmate can have a family member make a report on their behalf. Third party reports can be made in any of the WAYS TO REPORT listed above, within the parameters listed.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 5, 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 Superintendent and facility PCM. Staff may be subject 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.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding third party reporting.

115.61 Staff and agency reporting duties
<p>Auditor Overall Determination: Meets Standard</p>
<p>Auditor Discussion</p>
<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>During the interview process, the DPC confirmed the facility reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigator.</p> <p>Medical and Mental Health Practitioner</p> <p>During the interview process, medical and mental health individuals were aware of this requirement and were able to verbalize how they would immediately report an allegation of sexual abuse. Further, each verbalized their understanding of the policy as well as their rights and responsibilities. They all articulated they were obligated to advise the victim (inmate) of the limitations of confidentiality, due to the mandatory reporting law, prior to the initiation of services.</p> <p>Facility Head</p> <p>During the interview process the Facility Head acknowledged awareness of this requirement and the directive to report any abuse allegations to the appropriate</p>

agency, as required by law, as well as the PCM and agency investigators. The staff are to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency. The same reporting directive goes for retaliation or staff neglect as it related to sexual abuse or sexual harassment.

Random Staff

During the interview process, staff acknowledged this requirement and were able to articulate how they would immediately report an allegation of sexual abuse in a manner compliant with policy. Moreover, each verbalized information received from a victim should remain confidential, with them only notifying staff that needed to know, i.e., their supervisor, medical staff, etc. Revealing any information related to a sexual abuse report to anyone is prohibited unless it is needed for treatment, investigation, security, or management. All (100%) staff indicated PREA-related allegations and reports go to the PCM, who then notifies the investigative staff.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency requires all staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency. The same reporting directive applies to retaliation or staff neglect as it related to sexual abuse or sexual harassment. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.15, VII, 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 Superintendent and facility PCM. Staff may be subject 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.

Provision (b)

The facility reported on the PAQ that apart from reporting to designated supervisors or officials, 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. Random staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p.17, VII, 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. (115.61 (b) (e)).

Provision (c)

The facility reported on the PAQ that medical and mental health practitioners are required to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services. Medical and mental health practitioners verified this.

According to the PAQ, unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners are required to report sexual abuse.

Provision (d)

The facility reported on the PAQ that if the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency reports the allegation to the designated State or local services agency under applicable mandatory reporting laws. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, XI, 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 eighteen (18).

Provision (e)

The facility reported on the PAQ that it reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigator. The Director of PREA Compliance (DPC) verified this.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding staff and agency reporting duties.

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Agency Head (AH)

Through the interview process the AH acknowledged when information becomes available alleging sexual abuse, sexual harassment, or sexual misconduct the facility head of the facility where the inmate is being housed immediately. The agency head also stated the inmate could be temporarily transferred to a different housing unit or a different facility while the investigation was completed. If the perpetrator were identified, the perpetrator would be placed in administrative segregation pending completion of the investigation.

Facility Head

Through the interview process, the facility head acknowledged when information becomes available alleging sexual abuse, sexual harassment or sexual misconduct, immediate action to protect the victim (inmate) is taken. The victim might be moved to another area of the facility or to another facility all together, depending on what was needed to protect the victim. The perpetrator, if known, would be placed in segregated housing.

Random Staff

Through the interview process random staff acknowledged if they received an allegation from an inmate, they would immediately separate the victim and the perpetrator, safeguard the victim, contact their supervisor, and preserve evidence.

PROVISIONS

Provision (a)

According to the PAQ in the past 12 months, there were zero times the agency/facility determined an inmate was subject to a substantial risk of imminent sexual abuse. However, when the agency/facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding

	agency protection duties.
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115.63	Reporting to other confinement facilities
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Agency Head (AH)</p> <p>Through the interview process the AH confirmed all allegations of sexual abuse or sexual harassment or staff sexual misconduct that occur within any WVDCR facility will be investigated</p> <p>Facility Head</p> <p>Through the interview process the facility head indicated all allegations of sexual abuse or sexual harassment received from another agency, are immediately assigned to a unit investigator to conduct the investigation.</p> <p>PREA Coordinator (PC) or Director of PREA Compliance (DPC)</p> <p>Through the interview process the DPC confirmed all allegations of sexual abuse or sexual harassment received from another agency, are immediately assigned to a unit investigator to investigate.</p> <p>PREA Compliance Manager (PCM)</p> <p>Through the interview process the PCM confirmed all allegations received regarding sexual abuse or sexual harassment or staff sexual misconduct that occurred within any WVDCR facility are investigated</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p> <p>According to the PAQ in the past 12 months, the facility received zero allegations that an inmate was abused while confined at another facility. The facility head confirmed this.</p>

The policy which addresses this provision is West Virginia Division Of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, C, states Within seventy-two (72) hours of receiving an allegation that an offender was sexually abused while confined in another Corrections 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 by using the appropriate attachment within the PREA Manual. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with PREA standards.

Provision (b)

According to the PAQ, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility notifies the head of the facility or appropriate office of the agency where the alleged abuse occurred. The facility head confirmed this.

See provision (a) for policy details.

Provision (c)

According to the PAQ all notifications made to other facilities are made in writing within 72 hours of becoming aware of the allegation. The facility head confirmed this.

See provision (a) for policy details.

Provision (d)

According to the PAQ in the past 12 months, there were zero allegations of sexual abuse the facility received from other facilities. The facility head confirmed this.

See provision (a) for policy details.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the facility meets every provision of the standard regarding reporting to other confinement agencies.

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division Of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, dated 8/2019

INTERVIEWS

Facility Head

Through the interview process, the facility head confirmed first responder staff have been trained in the PREA process, and frequent training is conducted to ensure competency and compliance. Further first responders are familiar with and have been provided access to a copy of the West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, dated 8/2019

Security Staff - First Responders

During the interview process, security staff first responders confirmed training in the PREA process through annual in-service training, on the job training, staff meetings and turnouts. They also confirmed they had access to the West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, dated 8/2019

Non-Security First Responders

During the interview process, non-security staff indicated they would notify security staff, separate the victim and the perpetrator, direct the victim and the perpetrator not to do anything to destroy evidence and keep the scene secure until security staff arrived. Each verbalized the importance of, as well as their understanding of, the need for confidentiality in all cases.

Random Staff

Through the interview process staff were reliably able to articulate to the Auditor, step-by-step, how to respond to a PREA incident. Staff were aware of the mandate to separate the perpetrator from the victim, preserve physical evidence, as well as the area the incident occurred, seek medical aid, as needed, and report the incident.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency has a designated first responder policy for allegations of sexual abuse. Both security and non-security first responders have confirmed the existence and implementation of this policy.

The facility reported on the PAQ, five allegations for alleged sexual abuse in the past

12-months. Of these allegations of sexual abuse in the past 12 months, the first security staff member to respond to the report separated the alleged victim and abuser zero times due to time frames.

In the past 12 months, the staff were notified within a time period that still allowed for the collection of physical evidence zero times.

The policies which address this provision are:

West Virginia Division Of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022m p. 17,VII, 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; and 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.

West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, First Responder, dated 8/2019, states the first responder shall separate the alleged victim and abuser, maintain separation until the investigation is completed.

Provision (b)

The PAQ indicated the facility had five allegations for alleged sexual abuse in the past 12-months. Of the allegations that an inmate was sexually abused made in the past 12 months, a non-security staff member was the first responder zero times. Further the PAQ indicated if the first staff responder is not a security staff member, the responder is required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

The Auditor's review of the PREA training curriculum that all staff, volunteers, and contractors received, identifies whoever received the information first, as a First Responder, including staff, volunteers, and contractors. As a first responder these individuals are trained to take steps to isolate and contain the situation, secure the scene, separate the alleged victim from the alleged perpetrator, remove all uninvolved parties, and relay any observations to the Shift Supervisor or PCM.

See provision (a) for policy details.

CONCLUSION:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding staff first responder duties.

115.65	Coordinated response
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 266 544 300">Auditor Discussion</p> <hr/> <p data-bbox="256 344 576 378"><u>DOCUMENT REVIEW</u></p> <ol data-bbox="320 445 1469 647" style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, dated 8/2019. <p data-bbox="256 692 456 725"><u>INTERVIEWS</u></p> <p data-bbox="256 770 464 804">Facility Head</p> <p data-bbox="256 837 1477 1039">During the interview process the facility head confirmed the coordinated response plan breaks down what the various responsibilities are for the respective staff members and positions. Training is provided routinely through annual in-service training, monthly staff meetings and on-the-job training. Further first responders have access to the plan as needed.</p> <p data-bbox="256 1084 528 1117">First Responders</p> <p data-bbox="256 1151 1461 1352">Through the interview process each first responder was able to articulate their required responsive actions following an alleged sexual abuse incident. Each understood and made appropriate response efforts to an alleged sexual abuse incident and had been appropriately trained to respond to such incidents. They each confirmed they had access to the Coordinated Response Plan for referral as needed.</p> <p data-bbox="256 1397 456 1431">PROVISIONS</p> <p data-bbox="256 1464 472 1498">Provision (a)</p> <p data-bbox="256 1532 1469 1688">The facility reported on the PAQ that they have 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. The Facility Head verified this.</p> <p data-bbox="256 1733 1430 1800">The Auditor reviewed the facility institution Coordinated Response Plan. It provides generic information needed for staff responding to PREA allegations.</p> <p data-bbox="256 1845 1461 1957">The West Virginia Division of Corrections and Rehabilitation Coordinated Response Plan, Attachment 4-DCR, First Responder, dated 8/2019, states the responsibilities of the first responder are:</p> <ol data-bbox="320 2024 1350 2058" style="list-style-type: none"> 1. Separate the alleged victim and abuser, maintain separation until the

	<p>investigation is completed.</p> <ol style="list-style-type: none"> 2. Secure and protect the crime scene until the appropriate staff arrive and steps can be taken to collect any evidence. 3. Notify the Shift Supervisor 4. Request the alleged victims do not take any actions that could destroy physical evidence. 5. Ensure the alleged abuser, does not take any action that could destroy physical evidence, by placing them under observation. <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding coordinated response.</p>
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115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Agency Head or Designee</p> <p>Through the interview process the Agency Head Designee indicated the State of West Virginia does not enter collective bargaining.</p> <p>Administrative Staff (HR)</p> <p>Through the interview process HR acknowledged management does have the right to separate the inmate from a staff member who is the subject of an investigation. This separation can either be temporarily reassigning the employee or redirecting the employee.</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p>

According to the PAQ, WVDCR does not engage in collective bargaining with staff. Staff are subject to the rules of conduct and other WVDCR policies mandating zero tolerance of all forms of sexual abuse and sexual harassment. The Agency Head Designee verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, E, states DCR does not have the authority to enter into collective bargaining agreements pursuant to WV State Code.

Provision (b)

Auditors are not required to audit this provision.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding preservation of ability to protect inmates from contact with abusers.

115.67 Agency protection against retaliation

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Agency Head or Designee

Retaliation monitoring is for a period of 90 days after an allegation. It begins the day of the allegation, for 90 days. If the allegation is deemed to be unfounded, the monitoring can stop. Anyone associated with the allegation in any way that is in fear of retaliation is monitored.

Facility Head

Through the interview process the facility head indicated retaliation is not tolerated by staff or inmates. Staff and inmates are encouraged to be outspoken regarding retaliation in any form. If retaliation does occur, there will be prompt action taken

against those responsible for the retaliation.

Retaliation Monitor

Through the interview process, the retaliation monitor further indicated there are multiple measures used to protect inmates and staff from retaliation. These measures include, but are not limited to, considering and monitoring if the inmate is being given changes in housing assignments, work assignments or an increase in disciplinary reports. The monitoring of staff includes watching for negative performance reviews or work reassignments. Moreover, anyone who retaliates against an inmate or staff member would be investigated and if the retaliation were substantiated the individual would be disciplined.

Retaliation monitoring lasts for a period of 90 days from the day of the allegation unless an extension is needed. Retaliation monitoring includes a minimum of monthly status checks on the individual being monitored.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency has 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. Moreover, the agency/facility has designated staff members or departments are charged with monitoring retaliation. The monitoring is in place for 90 days unless an extension is warranted. The Retaliation Monitor verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 18, VII, 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 ninety (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 ninety (90) days if the initial monitoring indicates a continuing need. These efforts shall be documented by using the appropriate attachment within the PREA Manual. 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 twenty-four hours of the reported incident. Any effort to hinder or impede staff or an offender from reporting an incident or retaliation shall result in disciplinary action.

Provision (b)

The facility reported on the PAQ that the agency/facility employs 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. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 17, 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.

Provision (c)

The facility reported on the PAQ that the agency/facility monitors the conduct or treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest retaliation by inmates or staff. This monitoring continues for 90 days unless an extension is warranted. Further the facility reported on the PAQ that there were zero instances of retaliation in the past twelve months. The Retaliation Monitor verified this.

Refer to Provisions (a) & (b) for policy details.

Provision (d)

The facility reported on the PAQ that in the case of inmates, retaliation monitoring includes periodic status checks. The Retaliation Monitor verified this.

Refer to Provisions (a) & (b) for policy details.

Provision (e)

The facility reported on the PAQ that if any other individual who cooperates with an investigation expresses a fear of retaliation, the agency/facility shall respond appropriately to protect that individual against retaliation. The Retaliation Monitor verified this.

Refer to Provisions (a) & (b) for policy details.

Provision (f)

The facility reported on the PAQ that if the allegation is deemed to be unfounded after a thorough investigation, retaliation monitoring is discontinued.

Refer to Provisions (a) & (b) for policy details.

	<p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding agency protection against retaliation.</p>
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115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Facility Head</p> <p>During the interview process the facility head confirmed inmates are allowed to participate in programs, education, and work while being housed in segregation for protection as a sexual abuse victim, consistent with safety and security needs.</p> <p>Staff who Supervise Inmates in Segregated Housing</p> <p>During the interview process Segregated Housing Staff indicated there are multiple housing options available and therefore a sexual abuse victim is not automatically placed in segregation for his protection. Other alternatives are always explored, and segregation is utilized as a last resort.</p> <p>Inmates in Segregated Housing for Risk of Sexual Abuse</p> <p>At the time of the on-site audit, the facility reported zero inmates in segregated housing for risk of sexual victimization or who alleged to have suffered sexual abuse.</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p> <p>The facility reported on the PAQ that the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from abusers. In the past twelve months zero inmates were held involuntarily for one to 24 hours awaiting completion of assessment. In the past</p>

	<p>twelve months zero inmates were held involuntarily for longer than 30 days awaiting alternative placement. Segregated Housing Staff verified this.</p> <p>The facility reported on the PAQ if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. The Facility Head verified this.</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding post allegation protective custody.</p>
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115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Investigative Staff</p> <p>During the interview process the investigator indicated:</p> <ol style="list-style-type: none"> 1. Investigations begin immediately following notification of the incident. 2. The same protocols are used regardless of how the incident is reported, whether it is in person, telephonically, third party, by mail or anonymously. 3. Investigative staff attendance and successfully complete generalized and specialized training sessions. The Auditor reviewed the investigators' training records and verified attendance and participation in all mandated training. 4. When the quality of evidence supports a criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. 5. If the case is criminal Miranda warnings are given to the person(s) involved 6. The credibility of anyone involved in the investigation is determined through the investigative process. Everyone is treated as credible and truthful unless the investigation proves otherwise.

7. A polygraph is not used in the investigative process of PREA cases.
8. In administrative investigations the evidence is followed as the investigation unfolds.
9. In following the evidence, attempts are made to determine if staff actions or failure to act contributed to the allegation.
10. All findings are summarized in an investigative report.
11. If the investigation uncovers evidence a crime has been committed, all investigative work, papers, and evidence are turned over to the West Virginia State Police to conduct a criminal investigation.
12. If the West Virginia State Police conclude, after investigation that a crime has occurred, the evidence is presented to a grand jury for indictment.
13. The institution keeps a file with documentation that corresponds with actions within the facility, i.e.: Responder Check-off (Supervisory, Medical, Mental Health), 30-day reviews, retaliation monitoring, sign-off form for offenders housing choice, etc.
14. If a principle (victim or abuser) is released or terminated from the agency, it in no way alters the investigation.
15. The investigation continues to its natural end regardless of the employment or residence of the individuals involved.
16. The facility cooperates with the West Virginia State Police and any other judicial or court authority who participates in the process, to keep the facility informed of the progress of the investigation.

PREA Coordinator (PC) or Director of PREA Compliance (DPC)

During the interview process the DPC indicated the agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Additionally, most of the inmate information is stored permanently in their SCRIBE database.

PREA Compliance Manager (PCM)

Through the interview process the PCM indicated the agency ensures 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.

Facility Head

Through the interview process the Facility Head reported that in the past twelve months there were zero substantiated allegations of conduct that are criminal that were referred for prosecution.

Inmates who Reported Abuse

At the time of the on-site audit, there were zero inmates in house who had reported abuse in the past 12 months. Consequently, no one in this category was interviewed for this standard.

PROVISIONS

Provision (a)

The PAQ indicates when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively. The investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, A, 6, states 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.

Provision (b)

According to the PAQ where sexual abuse is alleged, the agency uses investigators who have received specialized training in sexual abuse investigations. Investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 9-10, 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 investigations in confinement settings. Corrections Investigation Division (CID) investigative staff shall receive additional specialized training in conducting sexual abuse investigations in confinement settings. Documentation will be kept in the employee's training file and a copy will be sent to the Office of PREA Compliance.

Provision (c)

According to the PAQ investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Investigators interviewed alleged victims, suspected perpetrators, and witnesses. Investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator. Investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, 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.

Provision (d)

The PAQ indicates when the quality of evidence supports 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. investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, J, states when the quality of evidence supports 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.

Provision (e)

The facility reported on the PAQ that agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not based on that individual's status as inmate or staff. The agency investigates 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. investigative staff verified this.

Provision (f)

The facility reported on the PAQ that administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse. Administrative investigations document in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, 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.

Provision (g)

The facility reported on the PAQ that criminal investigations are 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 possible. investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and

Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, 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 is criminal shall be referred for prosecution.

Provision (h)

The facility reported on the PAQ that in the past twelve months there were zero substantiated allegations of conduct that are criminal that were referred for prosecution. This was confirmed by the facility head.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, G, 1-4, states investigators shall:

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; and
4. Determine whether staff actions or failures to act contributed to the abuse and shall be documented in the reports.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, H, 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 is 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.

Provision (i)

The facility reported on the PAQ that the agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. This was verified by the Director of PREA Compliance (DPC).

The policy which addresses this provision is West Virginia Division of Corrections and

Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, 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 (5) years.

Provision (j)

The facility reported on the PAQ that the agency ensures that the departure of an alleged abuser or victim from employment or control of the agency does not provide a basis for terminating an investigation. This was verified by the Director of PREA Compliance (DPC).

Provision (k)

Auditors are not required to audit this provision.

Provision (l)

The facility reported on the PAQ that when outside agencies investigate sexual abuse, the facility will cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigation. The agency conducts all administrative investigations within the facility/agency. The West Virginia State Police conduct all criminal investigations. The investigative staff verified this during the interview process.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 19, 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 the Office of PREA Compliance throughout the investigative process.

CONCLUSION:

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding criminal and administrative agency investigations.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<u>DOCUMENT REVIEW:</u>

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Investigative Staff

Through the interview process investigative staff reported during an investigation, all available evidence is collected (from the victim, from the perpetrator, from the scene; interviews; etc.). Additionally, no standard higher than a preponderance of the evidence is used in determining whether allegations of sexual abuse or sexual harassment are substantiated.

PROVISIONS

Provision (a)

The PAQ indicates 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. Investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, VIII, 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.

CONCLUSION:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding evidentiary standard for administrative investigations.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. Random Sample of PREA Investigation Records 4. PREA Chart

INTERVIEWS

Investigative Staff

During the interview process investigative staff indicated the last step of the investigation process takes place after all findings have been determined. At the conclusion of any PREA investigation the investigator drafts an investigative report with details of how the decision was made regarding the outcome. This report is provided to the facility. The facility is then responsible for notifying the inmate of the outcome of the investigation. If it is a Criminal investigation the Criminal OPS Division is responsible for notifying the inmate and the Facility head.

Facility Head

Through the interview process the Facility Head acknowledged when an inmate alleges that a staff member has committed sexual abuse against an inmate, if the allegation is substantiated, we will inform the inmate whenever:

1. The staff member is no longer in the inmate's housing unit;
2. The staff member is no longer employed at the facility;
3. The Department learns that the staff member has been arrested on a charge related to sexual abuse within the facility; or
4. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
5. All allegations against staff in the past twelve months have been unfounded.
6. When there is a substantiated inmate-on-inmate allegation of sexual abuse, we notify the inmate (victim) when the inmate (abuser) has been indicted, charged, or convicted or sexual abuse.

Inmates Who Reported Sexual Abuse

At the time of the on-site audit, there were zero inmates house who had reported sexual abuse in the past 12 months. Consequently no one from this category was interviewed.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency has a policy requiring that any inmate who alleges suffering sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The Facility Head verified this.

The facility reported on the PAQ that there were four criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months. All allegations were unsubstantiated.

According to the PAQ, zero of these inmates were notified, because they had all been released from the facility before the investigation was completed. All allegations were deemed unsubstantiated. The auditor reviewed PREA allegation record of every sexual abuse allegations. In each of the completed cases the victim was released from the facility prior to the end of the investigation.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20. VIII, 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 to inform the offender. Information given to the offender shall be documented.

Provision (b)

According to the PAQ, there were zero investigations of alleged inmate sexual abuse in the facility that were completed by an outside agency in the past 12 months. Investigative staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20. VIII, 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 is 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.

Provision (c)

The facility reported on the PAQ that following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the facility shall subsequently inform the inmate (unless the allegation has been determined to be unfounded or unsubstantiated) whenever:

1. The staff member is no longer in the inmate's housing unit;
2. The staff member is no longer employed at the facility; the Department learns that the staff member has been arrested on a charge related to sexual abuse within the facility; or
3. The Department learns that the staff member has been convicted on a charge

- related to sexual abuse within the facility. The Facility Head verified this.
4. The facility reported on the PAQ that there were zero substantiated or unsubstantiated complaints of sexual abuse committed by a staff member against an inmate in the past 12 months. The Facility Head verified this.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 20, VIII, M, 1-2, 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.

As previously stated in provision (a), upon completion of this investigation, the facility will also be responsible for notifying the inmate(s) regarding the outcome of the investigation.

According to the PAQ 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:

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

The Facility Head verified this.

Provision (d)

As is the case in provision (c) with a staff-on-inmate allegation, when there is an inmate-on-inmate allegation, the victim will be notified when:

The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or

The alleged assailant has been convicted on a charge related to sexual abuse within the unit. The Facility Head Designee confirmed this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 21, VIII, M, 3-4, 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; and/or
4. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Provision (e)

The facility reported on the PAQ that in the past twelve months zero inmates were provided notification, in writing, of the outcome of sexual abuse investigations and five inmates were provided notification, in writing, of sexual harassment investigation outcomes. All inmates had been released from the facility prior to the completion of the investigation. All investigations deemed the allegations to be unsubstantiated. The Facility Head confirmed this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 21. VIII, O. states all notifications or attempted notifications shall be documented and sent to the offender's 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.

Provision (f)

The Auditor is not required to audit this provision.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding reporting to inmates.

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<u>DOCUMENT REVIEW</u>
	1. Pre-Audit Questionnaire (PAQ) and supporting documentation.

2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Facility Head

Through the interview process the Facility Head indicated:

1. All staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment or sexual misconduct policies.
2. In the past twelve months, there were zero staff who have violated agency sexual abuse or sexual harassment or sexual misconduct policies.
3. In the previous twelve months there had been zero terminations or resignations of staff for violation of the agency's sexual abuse or sexual harassment or sexual misconduct policies.
4. The presumptive disciplinary sanction for staff who have engaged in sexual abuse is termination.

PROVISIONS

Provision (a)

The facility reported on the PAQ that facility staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 21 IX, A, 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 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.

Provision (b)

The facility reported on the PAQ that in the past 12 months, there were zero staff from

the facility who have violated agency sexual abuse or sexual harassment policies. In the past twelve months there have been zero staff been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies. Termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

The Facility Head verified this.

See Provision (a) for policy details.

Provision (c)

The facility reported on the PAQ that the disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Additionally, in the past 12 months there were zero staff from the facility who were disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than engaging in sexual abuse). The Facility Head verified this.

See Provision (a) for policy details.

Provision (d)

The facility reported on the PAQ that all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies (unless the activity was clearly not criminal) and to any relevant licensing bodies. Additionally, in the past 12 months, there were zero staff members from the facility who were reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies. The Facility Head verified this.

See Provision (a) for policy details.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding disciplinary sanctions for staff.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

DOCUMENT REVIEW:

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEW**Facility Head**

Through the interview process the Facility Head disclosed when an issue is brought to light, the matter is immediately referred for investigation and follow-up. During this time, the contractor or volunteer are not allowed access to the facility pending investigation and review of the matter.

PROVISION**Provision (a)**

The facility reported on the PAQ that the agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. Further any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates. However, in the past twelve months zero contractors and zero volunteers have been reported to law enforcement agencies and/or relevant licensing bodies for engaging in sexual abuse of inmates. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 2,\IX, 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 knowingly condones sexual abuse or sexual harassment of an offender shall be subject to appropriate disciplinary action. Retaliatory action against any individual who reports or engages in a sexual abuse or sexual harassment investigation is 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.

Provision (b)

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

According to the PAQ the facility has had no remedial measures against a contractor or a volunteer to prohibit further contact with inmates due to a violation of agency sexual abuse or harassment policies, in the past twelve months. The Facility Head verified this.

	<p>See provision (a) for policy details.</p> <p><u>CONCLUSION:</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding corrective action for contractors and volunteers.</p>
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115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW:</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Facility Head</p> <p>Through the interview process the Facility Head indicated inmate discipline is based on the level of the violation. Penalties are imposed comparable to other inmates' penalties. Penalties might include change of housing assignment, loss of good time credit, and prosecution, when appropriate.</p> <p>Through the interview process the Facility Head indicated if the inmate has a mental history, mental health staff will be involved in assisting in determining appropriate sanctions.</p> <p>Through the interview with the Facility Head confirmed in the past twelve months there had not been any disciplinary action taken against any inmate(s) for a report of sexual abuse made in good faith.</p> <p>Medical Staff</p> <p>Through the interview process medical staff confirmed they can make recommendations for referrals for inmates for therapy, counseling, or other interventions to address underlying issues related to abuse. The inmate's issues would be addressed during regular counseling sessions or group counseling sessions. Participation in interventions is not a condition for access to other programming or benefits.</p> <p><u>PROVISIONS</u></p>

Provision (a)

The facility reported on the PAQ that:

1. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse.
2. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse.
3. In the past 12 months, there were zero administrative findings of inmate-on-inmate sexual abuse that occurred at the facility.
4. In the past 12 months, there have been zero criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility.

The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, IX, 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. Offenders 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 his/her 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.

Provision (b)

The facility reported on the PAQ that 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, inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process. The sanctions are 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. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, IX, C, states in part that 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.

Provision (c)

The facility reported on the PAQ that when determining what types of sanction, if any, should be imposed, the disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, IX, C, states in part that The disciplinary process shall consider whether an offender's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.

Provision (d)

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

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, X, A, states when an adult 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 offender to participate in such interventions as a condition of access to programming or other benefits.

Provision (e)

The facility reported on the PAQ that the agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, IX, C, states in part 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.

Provision (f)

The PAQ indicates the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish sufficient evidence to substantiate the

allegation. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, X, C, 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.

Provision (g)

The PAQ indicates the agency prohibits all sexual activity between inmates and deems such activity to constitute sexual abuse only if it determines that the activity is coerced. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, IX, C, states in part that 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.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding disciplinary sanctions for inmates.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none">1. Pre-Audit Questionnaire (PAQ) and supporting documentation.2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Medical and Mental Health Staff</p> <p>Through the interview process medical and mental health staff indicated if the risk screening indicates an inmate is at elevated risk for victimization, aggressiveness or has a history of victimization, that inmate is offered a follow-up meeting with a</p>

mental health professional, within 14-days of intake.

Risk Screening Staff

Through the interview process risk screening staff confirmed all medical and mental health records are contained in a separate and secure database. This database is accessed only through medical or mental health staff, and information is only shared with classification and high-level staff on a need-to-know basis.

Inmates who Disclosed Prior Victimization

At the time of the on-site audit, there were zero inmates in house who had disclosed prior sexual victimization. Consequently, no one in this category was interviewed for this standard.

PROVISIONS

Provision (a)

The PAQ indicates that in the past 12 months zero inmates disclosed prior victimization during screening. The risk screening staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 13, V, J, 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 fourteen (14) days of the risk screening.

Provision (b)

The PAQ indicates that in the past 12 months zero inmates disclosed previously perpetrated sexual abuse. The risk screening staff verified this.

See provision (a) for policy details.

Provision (c)

The PAQ indicates that in the past 12 months zero inmates disclosed prior victimization during screening. The risk screening staff verified this.

See provision (a) for policy details.

Provision (d)

The PAQ indicates information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to medical and mental health practitioners. The risk screening staff as well as medical and mental health staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and

Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, XI, A, states in part that 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.

Provision (e)

The PAQ indicates 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. The medical and mental health staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 22, XI, A, states in part that 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 eighteen.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding medical and mental health screenings; history of sexual abuse.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Medical Staff</p> <p>Through the interview process, medical staff reported that upon arriving at medical after a report of sexual assault, an inmate receives a cursory examination by the</p>

physician to provide feedback for use of SART or if the inmate should be immediately transported to a hospital due to the nature of his injuries. If the SART is utilized, before leaving the facility, the nurse will provide 'recommendations' for treatment and care. The facility physician will complete the orders. As part of the process, the inmate receives information about sexually transmitted infection prophylaxis and other necessary care information.

Mental Health Staff

Through the interview process mental health staff reported treatment is provided immediately and is based on their professional judgment. Medical and mental health staff work together to ensure the inmate receives the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

First Responders (Security and Non-Security)

During the interview process security first responders indicated that their primary responsibility is to protect the victim, notify the appropriate medical and mental health practitioners and preserve evidence.

During the interview process the non-security first responders said that their primary responsibility was to protect the victim, notify security first responders and stay with the victim until the security first responders arrived.

Inmates who Reported Abuse

At the time of the on-site audit, there were zero inmates in house who had reported abuse in the past 12 months. Consequently, no one in this category was interviewed for this standard.

PROVISIONS

Provision (a)

The PAQ indicates 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. Medical and mental health staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, B, states in part that 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 an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible. Offenders who may require

SAFE/SANE exam may not refuse such exams at the facility level. The DCR shall document efforts to provide a SAFE or SANE, if one is not available, other qualified medical practitioners can perform the examination.

Provision (b)

The PAQ indicates if no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, security staff first responders take preliminary steps to protect the victim. Then security staff first responders immediately notify the appropriate medical and mental health practitioners. Security staff first responders verified this.

Provision (c)

The PAQ indicates 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. Medical staff verified this.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, C, states the facility will use the list of local hospitals that employ a SANE, 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.

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI E, states that 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 sexually abusive vaginal penetration while incarcerated, such victims will receive timely and comprehensive information about access to all lawful pregnancy related medical services.

Provision (d)

The PAQ indicates 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. Medical staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, B, states in part that treatment shall be provided to the victim without financial cost and regardless of whether the victim names the abuser

	<p>or cooperates with any investigation arising out of the incident. The facility shall maintain a SAFE/SANE log document when these services are attempted or utilized.</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding access to emergency medical and mental health services.</p>
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<p>115.83</p>	<p>Ongoing medical and mental health care for sexual abuse victims and abusers</p>
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. <p><u>INTERVIEWS</u></p> <p>Medical and Mental Health Staff</p> <p>During the interview process medical and mental health staff indicated;</p> <ol style="list-style-type: none"> 1. Immediate Treatment: Treatment is provided immediately to inmates who have been victimized by sexual abuse. 2. Professional Judgment: Treatment is based on the professional judgment of medical and mental health staff. 3. No Cost to Victims: Treatment services are provided to victims without any financial cost. 4. Community-Level Care: Medical and mental health services are provided consistent with community-level care standards. 5. Confidentiality: The victim's identity is protected, and information about the abuse is not shared with the public or other inmates without their consent. 6. Emergency Contraception and STD Prophylaxis: Information about and access to emergency contraception and sexually transmitted diseases prophylaxis are offered in accordance with professionally accepted standards of care and where medically appropriate. 7. Follow-up and Referral Services: Medical and mental health staff support compliance in evaluation, follow-up, treatment plans, and referral services. 8. Mental Health Evaluation of Abusers: A mental health evaluation of known inmate-on-inmate abusers is attempted within 60 days of learning of

such abuse history.

9. **Treatment for Abusers:** Treatment is offered when deemed appropriate and beneficial for inmate-on-inmate abusers.
10. **Medical Testing for Victims:** Inmates who have been victimized by sexual abuse are offered tests for sexually transmitted infections as medically appropriate.

These key points suggest that the institution prioritizes the well-being and safety of inmates who have been victimized by sexual abuse, providing them with immediate access to medical and mental health services without any financial cost or judgment.

PREA Compliance Manager (PCM)

During the interview process, the PCM indicated all treatment services are provided to alleged victims without financial cost, regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.

Inmates who Reported Abuse

At the time of the on-site audit, there were zero inmates in house who had reported abuse in the past 12 months. Consequently, no one in this category was interviewed for this standard.

PROVISIONS

Provision (a)

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

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 23-24, XI, F, states in part the 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.

Provision (b)

The PAQ indicates 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. Medical and mental health staff confirmed this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 23-24, XI, F, states in part 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.

Provision (c)

The PAQ indicates the facility provides such victims with medical and mental health services consistent with the community level of care. Medical and mental health staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 23-24, XI, F, states in part the offenders will be offered follow-up medical and mental health services consistent with community level care as well as access to outside victim advocates for emotional support services related to sexual abuse.

Provision (d)

The PAQ indicates inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. Medical staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, 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.

Provision (e)

The PAQ indicates 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. Medical staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, E, states in part if pregnancy results due to sexually abusive vaginal penetration while incarcerated such victims shall receive timely and comprehensive information about access to all lawful pregnancy related medical services.

Provision (f)

The PAQ indicates inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Medical staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated

October 7, 2022, p. 23, XI, 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.

Provision (g)

The PAQ indicates that treatment services should 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. Medical staff verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 23, XI, 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 an outside facility, such examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible. Offenders who may require SAFE/SANE exam may not refuse such exams at the facility level. The DCR shall document efforts to provide a SAFE or SANE, if one is not available, other qualified medical practitioners can perform the examination. 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. The facility shall maintain a SAFE/SANE log document when these services are attempted or utilized.

Provision (h)

The PAQ indicates the facility attempts to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. Mental health staff verified this.

The policies which address this provision are:

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 24, XI, states the facility shall attempt to conduct a mental health evaluation of all known offender on-offender abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. 115.83 (h)

West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 15, V, J, 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 fourteen (14) days of the

intake screening.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding ongoing medical and mental health care for sexual abuse victims.

115.86 Sexual abuse incident reviews

Auditor Overall Determination: Meets Standard

Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.

INTERVIEWS

Facility Head

During the interview process the Facility Head confirmed the composition of the review team as upper-level management officials. The Facility Head also confirmed the review team welcomed input from line supervisors, investigators, and medical or mental health practitioners. Additionally, the facility's commitment to consider and incorporate recommendations from team members.

PREA Compliance Manager (PCM)

During the interview process the PCM indicated the report from the Sexual Abuse Incident Review team is submitted to the PCM and the Facility Head.

Incident Review Team (IRT)

During the interview process an Incident Review Team Member confirmed the make-up of the Incident Review Team is made up of upper-level management officials, with line supervisors, investigators, and medical or mental health practitioners giving professional input based on their expertise. Further, an Incident Review Team Member reported that the team considers all criteria listed above, as required by PREA policy. The report from the Sexual Abuse Incident Review team is submitted to the Facility Head and the PCM.

PROVISIONS

Provision (a)

The PAQ indicates the facility conducts 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. The Facility Head verified this.

The facility reported on the PAQ that in the past 12 months, there were 5 criminal and/or administrative investigations of alleged sexual abuse completed, excluding only "unfounded" incidents. However, during the documentation review, it was revealed the facility had a TOTAL of 5 allegations of sexual abuse in the past 12 months. Four of those allegations were investigated to completion and were deemed unsubstantiated. One allegation investigation remained open at the time of the on-site audit. Consequently, there were four investigations of alleged sexual abuse completed, excluding "unfounded" incidents.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 24, XII, A, states the Office of PREA Compliance, in collaboration with the facility PCM shall conduct a Sexual Abuse Incident Review within thirty (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.

Provision (b)

The facility reported on the PAQ that a sexual abuse incident review ordinarily occurs within 30 days of the conclusion of the investigation. The Facility Head verified this.

The facility reported on the PAQ that in the past 12 months there were five 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 "unfounded" incidents. However, during the documentation review, it was revealed the facility had a TOTAL of 5 allegations of sexual abuse in the past 12 months. Four of those allegations were investigated to completion and were deemed unsubstantiated. One allegation investigation remained open at the time of the on-site audit. Consequently, there were four investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding "unfounded" incidents.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022p. 24, XII, A, states in part the Office of PREA Compliance, in collaboration with the facility PCM shall conduct a Sexual Abuse Incident Review within thirty (30) days of the conclusion of every sexual abuse investigation where the allegation was substantiated, or unsubstantiated.

Provision (c)

The PAQ indicates the review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 24, XII, A, states in part the review team shall include upper-level facility staff, with input from line supervisors, investigators, and medical or mental health practitioners.

Provision (d)

The PAQ indicates the Sexual Abuse Incident Review team considers:

1. whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
2. 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.
3. the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
4. the adequacy of staffing levels in that area during different shifts
5. whether monitoring technology should be deployed or augmented to supplement supervision by staff

The Facility Head verified this.

The PAQ indicates the Sexual Abuse Incident Review team prepares a report of findings including any recommendations for improvement and submits said report to the facility head and PREA compliance manager. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 24, XII, B, states the review committee shall:

1. Consider whether the allegation or investigation indicates the 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; and
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Provision (e)

	<p>The PAQ indicates the facility implements recommendations for improvement or documents the reasons for not doing so. The Facility Head verified this.</p> <p>The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 24, XII, C, states the facility shall document the recommendations for improvement or reasons for not doing so at the conclusion of the Sexual Abuse Incident Review.</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding sexual abuse incident reviews.</p>
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115.87	Data collection
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p><u>DOCUMENT REVIEW:</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. 2024 Agency Annual PREA Report posted at dcr.wv.gov, <p><u>INTERVIEWS</u></p> <p>Facility Head</p> <p>Through the interview process the Facility Head indicated the agency/facility aggregates the incident-based sexual abuse data at least annually.</p> <p>PREA Compliance Manager (PCM)</p> <p>Through the interview process the PCM acknowledged being responsible for ensuring accurate information is collected for every allegation of offender-on-offender sexual abuse and staff-on-offender sexual misconduct that occurs within the facility monthly.</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p> <p>The PAQ indicates the agency/facility collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The Facility Head verified this.</p>

A review of the most recent annual PREA report confirms this provision has been met.

The Auditor reviewed the most recent annual report at dcr.wv.gov,

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 24-25, E, states in part that 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 his/her facility. Incident-based data reports shall be generated each month. The data collected shall include at a minimum.

Provision (b)

The PAQ indicates the agency/facility aggregates incident-based sexual abuse data at least annually. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, 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.

Provision (c)

The PAQ indicates the incident-based data includes, 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. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, pp. 24-25, E, 1-5, states in part that the Incident based data reports that are generated each month shall include a minimum of:

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; and
4. 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.

Provision (d)

The PAQ indicates the agency/facility maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. The Facility Head verified this.

Provision (e)

The PAQ indicates the agency also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. The Facility Head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, E, 4 states the DCR also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders.

Provision (f)

The PAQ indicates the agency/facility provides the Department of Justice (DOJ) with data from the previous calendar year upon request. The Facility Head verified this.

See provision (b) for policy details.

CONCLUSION

Based upon the review and analysis of all the available evidence, the Auditor has determined the facility meets every provision of the standard regarding data collection.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

DOCUMENT REVIEW

1. Pre-Audit Questionnaire (PAQ) and supporting documentation.
2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022.
3. West Virginia Division of Corrections and Rehabilitation website view dcr.wv.gov and <https://dcr.wv.gov/resources/Pages/prea.aspx>

INTERVIEWS

Facility Head

The Facility Head asserts if the incident-based sexual abuse data shows patterns, such as LGBTI inmates being targeted or a substantial number of assaults occurring in a particular area of an institution, then policies, procedures or training may be modified.

Through the interview process the Facility Head acknowledged all PREA Annual Reports are reviewed before placement on the agency website.

Through the interview process, the Facility Head acknowledged the facility reviews data collected to assess and improve the effectiveness of the sexual abuse prevention, detection and response policies, procedures, and training by; identifying problematic issues; taking corrective action on an ongoing basis; and preparing annual reports of findings and corrective action, if applicable.

PREA Compliance Manager (PCM)

As part of the interview process the PCM indicated the agency/facility reviews data collected and assesses the effectiveness of the sexual abuse prevention, detection and response policies, practices, and training. The agency/facility prepares an annual report and posts the information on the website.

PROVISIONS

Provision (a)

The facility reported on the PAQ that the agency reviews data collected and aggregated to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, practices, and training, including by:

1. Identifying problem area
2. Taking corrective action on an ongoing basis
3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole

The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and

Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, G states all sexual abuse data shall be securely retained for at least ten (10) years after the date of the initial collection.

Provision (b)

The facility reported on the PAQ that the agency's annual report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse. The facility head verified this.

The Auditor reviewed the most recent annual report and found it to follow the PREA standards, including a comparison to the findings in previous reports to assess progress in addressing sexual abuse.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, H states in part that 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.

Provision (c)

The facility reported on the PAQ that the agency's annual report was approved and made readily available to the public through its website. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, H states in part the annual report shall be approved by the DCR Commissioner and made readily available to the public annually through the DCR website.

Provision (c)

As required by standard, the facility places all annual reports on its website, accessible for public view dcr.wv.gov, allows access to the facility PREA webpage, which contains the most recent annual report. The facility head verified this.

Provision (d)

The PAQ indicates 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. The facility head verified this.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, H states in part the DCR may redact personal identifiers or other specific material from the reports when publication would present a clear and

	<p>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><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the facility meets every provision of the standard regarding data review for corrective action.</p>
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115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW:</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. West Virginia Division of Corrections and Rehabilitation website https://dcr.wv.gov/resources/Pages/prea.aspx <p><u>INTERVIEWS</u></p> <p>PREA Coordinator (PC) OR Director of PREA Compliance (DPC)</p> <p>During the interview, the DPC shared that data is stored securely, with local Risk Management Systems limiting access to staff with a need to know. Data is also retained at the agency level for the completion of the SSV-2 and on the WVDCR website for public access. The agency reviews data collected under 115.87, and the only information redacted from the agency report is personal identifying details.</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p> <p>The facility confirmed on the PAQ that the agency securely retains both incident-based and aggregate data. This was verified by the DPC.</p> <p>Agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. https://dcr.wv.gov/resources/Pages/prea.aspx</p> <p>The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated</p>

October 7, 2022, p. 25, XII, G, states all sexual abuse data shall be securely retained for at least ten (10) years after the date of the initial collection.

Provision (b)

The PAQ indicates the agency makes 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 <https://dcr.wv.gov/resources/Pages/prea.aspx> This was verified by the DPC.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, 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.

Provision (c)

The PAQ indicates the agency removes all personal identifiers before making aggregated sexual abuse data publicly available. This process was verified by the DPC.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, H, states in part 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.

Provision (d)

The PAQ indicates the agency maintains 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. This practice was confirmed by the DPC.

The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 25, XII, G, states all sexual abuse data shall be securely retained for at least ten (10) years after the date of the initial collection.

CONCLUSION:

Based upon the review and analysis of all the available evidence, the Auditor has determined the facility meets every provision of the standard regarding data storage, publication, and destruction.

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. West Virginia Division of Corrections and Rehabilitation website https://dc-r.wv.gov/resources/Pages/prea.aspx <p><u>INTERVIEWS</u></p> <p>Agency Head</p> <p>During the interview process the AH reported each facility within the WVDCR had been audited within the previous three (3) year audit cycle.</p> <p>During the interview process the AH reported copies of all audit reports are on the WVDCR website for public information and review. WVDCR PREA webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at: https://dcr.wv.gov/resources/Pages/prea.aspx</p> <p><u>PROVISIONS</u></p> <p>Provision (a)</p> <p>The PAQ indicates during the prior three-year audit period, the agency ensured that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once.</p> <p>The policy which addresses this provision is West Virginia Division of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022, p. 26, XIII, 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>

Provision (b)

See Provision (a) for policy details.

Provision (c)

N/A

Provision (d)

N/A

Provision (e)

N/A

Provision (f)

N/A

Provision (g)

N/A

Provision (h)

During the on-site portion of the audit, the Auditor had complete, unimpeded access to every area of the facility. Throughout the on-site portion of the audit agency and facility personnel were available to offer any assistance needed to facilitate the audit.

Provision (i)

At all times throughout the audit process, agency and facility staff provided the Auditor with requested information in a timely and complete manner.

Provision (j)

N/A

Provision (k)

N/A

Provision (l)

N/A

Provision (m)

The Auditor was provided with a secure, private space to conduct all interviews during the on-site portion of the audit.

Provision (n)

	<p>Through the interview process the inmates reported they were provided the opportunity to send out confidential mail or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.</p> <p>Provision (o)</p> <p>N/A</p> <p><u>CONCLUSION</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding frequency and scope of audits.</p>
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115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p><u>DOCUMENT REVIEW</u></p> <ol style="list-style-type: none"> 1. Pre-Audit Questionnaire (PAQ) and supporting documentation. 2. West Virginia Division Of Corrections and Rehabilitation, Policy 430.00, Prison Rape Elimination Act (PREA) Compliance, dated October 7, 2022. 3. West Virginia Division Of Corrections and Rehabilitation website https://dcr.wv.gov/resources/Pages/prea.aspx <p><u>PROVISIONS</u></p> <p>Provision (f)</p> <p>The agency webpage provides the most recent annual report relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at: https://dcr.wv.gov/resources/Pages/prea.aspx</p> <p><u>CONCLUSION:</u></p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets the standard regarding audit contents and findings.</p>

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	yes

	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.)	
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 video monitoring, does the staffing plan take into	yes

	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.)	yes
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	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	yes

	facility does not have female inmates.)	
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)?	yes
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 aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	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	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who	yes

	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?	
	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.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (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.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b) Policies to ensure referrals of allegations for investigations		
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c) Policies to ensure referrals of allegations for investigations		
	If a separate entity is responsible for conducting criminal investigations, does 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?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received 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	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	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	yes

	suspicious 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.)	
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	yes

	screening instrument?	
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)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
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?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
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	yes

	present management or security problems?	
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	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
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	yes

	anonymous upon request?	
	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	yes

	this standard.)	
	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,	na

	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.)	
	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	yes

	abuse or sexual harassment or retaliation?	
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	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of 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	yes

	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?	
	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	yes

	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).)	
	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	yes

	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?	
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	yes

	evidence sufficient to substantiate the allegation?	
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.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (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	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
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.)	yes
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.)	yes
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	yes

	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?	
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.)	yes
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.)	no
	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.)	yes
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	<p>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.)</p>	yes