

Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

☐ Interim ☒ Final

Date of Report March 29, 2020

Auditor Information

Name: Sharon Ray Shaver	Email: SharonRShaver@gmail.com
Company Name: SRS Professional Services (American Correctional Association Consultant)	
Mailing Address: P.O. Box 1183	City, State, Zip: Mableton, GA 30126
Telephone: 478-454-7433	Date of Facility Visit: February 11-13, 2020

Agency Information

Name of Agency: New York State Department of Corrections and Community Supervision		Governing Authority or Parent Agency (If Applicable):	
Physical Address: 1220 Washington Ave		City, State, Zip: Albany, NY, 12226-2050	
Mailing Address:		City, State, Zip:	
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Agency Website with PREA Information: http://www.doccs.ny.gov/PREA			

Agency Chief Executive Officer

Name: Anthony J. Annucci	
Email: commissioner@doccs.ny.gov	Telephone: (518) 457-8134

Agency-Wide PREA Coordinator

Name: Jason D. Effman	
Email: Jason.Effman@doccs.ny.gov	Telephone: (518) 457-3955
PREA Coordinator Reports to: Anthony J. Annucci, Commissioner	Number of Compliance Managers who report to the PREA Coordinator 16

Facility Information

Name of Facility: Clinton Correctional Facility			
Physical Address: 1156 State Route 374		City, State, Zip: Dannemora, NY 12929	
Mailing Address (if different from above):		City, State, Zip:	
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Facility Website with PREA Information: http://www.doccs.ny.gov/location/clinton-correctional-facility			
Has the facility been accredited within the past 3 years? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years): <input checked="" type="checkbox"/> ACA <input type="checkbox"/> NCCHC <input type="checkbox"/> CALEA <input type="checkbox"/> Other (please name or describe: <input type="checkbox"/> N/A			
If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:			
Warden/Jail Administrator/Sheriff/Director			
Name: Earl Bell, Superintendent			
Email: earl.bell@doccs.ny.gov		Telephone: 618-492-2511 (ext. 2000)	
Facility PREA Compliance Manager			
Name: Amy S. Sweeney			
Email: amy.sweeney@doccs.ny.gov		Telephone: 618-492-2511 (ext. 2160)	
Facility Health Service Administrator <input type="checkbox"/> N/A			
Name: Dr. Anita Bodrogi			
Email: anita.bodrogi@doccs.ny.gov		Telephone: 618-492-2511 (ext.6000)	

Facility Characteristics	
Designated Facility Capacity:	2852
Current Population of Facility:	2248
Average daily population for the past 12 months:	2377
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males
Age range of population:	18-84
Average length of stay or time under supervision:	770 days
Facility security levels/inmate custody levels:	Maximum A and Maximum B
Number of inmates admitted to facility during the past 12 months:	3405
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	2748
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	1895
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	<input checked="" type="checkbox"/> N/A
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: <input checked="" type="checkbox"/> N/A
Number of staff currently employed by the facility who may have contact with inmates:	1352
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	46

Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	23
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	26
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	47
Physical Plant	
Number of buildings: Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.	197
Number of inmate housing units: Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.	33
Number of single cell housing units:	11
Number of multiple occupancy cell housing units:	1
Number of open bay/dorm housing units:	20
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	48
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Medical and Mental Health Services and Forensic Medical Exams	
Are medical services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are mental health services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Where are sexual assault forensic medical exams provided? Select all that apply.	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)
Investigations	
Criminal Investigations	
Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	31
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe:) <input checked="" type="checkbox"/> N/A
Administrative Investigations	
Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	31
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe:) <input checked="" type="checkbox"/> N/A

Audit Findings

Audit Narrative

PHASE ONE: PRE-ON-SITE

Audit Planning and Logistics: The Prison Rape Elimination Act (PREA) Site Review of the Clinton Correctional Facility, located in Dannemora, New York, was conducted February 11-13, 2020. Clinton is an adult male prison operated under the authority of the New York State Department of Corrections and Community Supervision (NYSDOCCS).

This facility was audited through a contractual agreement between the NYSDOCCS and the American Correctional Association (ACA). As a function of that contractual agreement, on January 8, 2020 the ACA assigned the Clinton Correctional Facility PREA audit to Sharon Ray Shaver as Lead Auditor. Two additional auditors were assigned to assist: Valerie Wolfe Mahfood, PhD and Amy Fairbanks. All three assigned auditors possess current Department of Justice (DOJ) certifications for conducting PREA audits in adult facilities. The collective body of these three auditors may be referred within this report as "Audit Team". On January 8, 2020, the ACA also provided Clinton Correctional Facility with PREA Audit notifications to post throughout the facility. It should be noted that customarily the ACA makes audit assignments approximately 8 weeks out. This audit was previously assigned to another auditor who was unable to meet the assignment due to unforeseen circumstances. Preliminary Pre-Audit Questionnaire instructions and audit instructions were distributed before the January 8, 2020 assignment to the facility prior to this lead auditor assignment and the facility had already begun preparation of necessary data for the upcoming audit.

Clinton Correctional Facility received its initial PREA audit February 1-3, 2017 with a final report issued on March 2, 2017. The initial PREA audit results found Clinton exceeded 3 and met 38 of the 43 possible standards, with the remaining 2 standards being not applicable to the facility. Standards 115.12 and 115.14 were found non-applicable to the facility due to Clinton having no contracts with other entities for the confinement of inmates and not housing youthful offenders. The current audit will reflect that both standards (115.12 and 115.14) are applicable due to a more comprehensive interpretation of these standards and guidance provided by DOJ.

The official beginning of the current audit began with correspondence between the lead auditor and the New York State Department of Corrections and Community Supervision Agency-Wide PREA Coordinator, Jason Effman, which occurred on January 8, 2020 shortly after the assignment was made. Additional correspondence ensued between the Assistant Deputy Superintendent/PREA Compliance Manager, Amy S. Sweeney and the audit team beginning on January 13, 2020 and continued frequently and as needed up to the on-site portion of the audit. A schedule of the on-site portion of the audit was established as well as a timeline for completion and delivery of the PAQ and supporting documents. Travel arrangements were secured by each individual auditor in coordination with the facility PREA Compliance Manager.

Goals, purpose, and processes of the PREA audit were established during the pre-audit phase and the role of the PREA auditor(s) within areas were discussed. A plan for conducting interviews and for the facility tour was developed in advance. The facility PREA Compliance Manager and the Superintendent were amenable to providing unfettered access to all areas of the facility, staff, and offenders, as verified during telephone conversation with the lead auditor prior to the on-site visit. Further discussion included

corrective action expectations for any non-compliance identified by the audit team and timelines for after the site visit.

The PREA Pre-Audit Questionnaire and supporting documents were completed on January 21, 2020 and delivered to the lead auditor on a secured flash drive via USPS Priority Mail Express on January 24, 2020. The lead auditor confirmed that a copy of the PAQ had been received by the remainder of the audit team by email. Once received, the lead auditor began to review the PAQ and documents using the PREA Compliance Audit Instrument and the Checklist of Policies/Procedures and other documents to create a log of additional information to be requested of the facility. As needed, the lead auditor submitted written requests to the PREA Compliance Manager for additional documents and/or clarification of the documents provided. All requests for additional information were responded to promptly and comprehensively.

Posting Notice of the Audit: On January 13, 2020 the lead auditor was provided photographs as documented proof of the PREA Audit Notice being posted throughout the facility on January 8, 2020 which was the date revised notifications were received by facility with the updated auditor information. Due to the change in lead auditors at four weeks prior to the audit, the new notices were not posted for a full six weeks prior to the on-site visit. Lead auditor requested that the notices remain at least two weeks beyond the on-site visit. Approximately 120 PREA Audit Notices were printed and posted throughout the facility on brightly colored paper in all common areas of the facility to include the facility entry point, staff break areas, inmate day rooms, libraries, inmate dining areas, kitchens, activities/programs/education buildings, industries buildings, other inmate work assignment areas, housing units, administration building, intake/draft area, and recreational areas. These notices, posted in both English and Spanish, contained large, bold text that provided observers with scheduled dates of the audit, purpose of the audit, name of the auditor, accurate contact information for the auditor and an explicit and factually accurate statement regarding the confidentiality of any communication and limitations to that confidentiality pursuant to mandatory reporting laws, with the PREA auditor and anyone who may respond to the notices.

Reviewing Facility Policies, Procedures, and Supporting Documentation: The lead auditor reviewed relevant New York State Department of Corrections and Community Supervision documents provided by the facility and on the agency website in addition to the PAQ and supporting documents. Using the PREA Compliance Audit Instrument and the Checklist of Documents during review of the PAQ, a list was prepared for review during the on-site portion of the audit. A combined list of documents reviewed can be found in the Post On-site Section of this report.

Correspondence Received: Prior to the on-site portion of the audit, the lead auditor received two letters from inmates assigned to Clinton Correctional Facility. No correspondence was received from employees, contractors, or other non-incarcerated persons. These two inmates were interviewed by members of the audit team and any concerns were promptly and appropriately disseminated to executive staff as needed.

Mandatory Reporting Laws: In 1996, New York State passed legislation declaring all incarcerated persons to be legally incapable of consensual sexual relations with any correctional employee. All correctional staff have a duty to report any knowledge of this felony offense as DIR#4027A and DIR#4028A collectively establish a mandatory and immediate reporting requirement of sexual abuse.

Youthful Offenders: In New York State, as of October 1, 2019, the age of responsibility was increased to 18 years of age. The RTA Legislation prohibits adolescent offenders from being treated as adults.

Rather, criminal cases against adolescent offenders are automatically referred to the Youth Parts of the Supreme and County Courts in each county. Adolescent offenders cannot be subject to incarceration within adult correctional facilities. Furthermore, neither pending nor during the trial process are adolescent offenders allowed to be placed with adults in police stations, courthouses, or detention centers. Therefore, Clinton Correctional Facility does not, and has not during the audit period, house juvenile/youthful offenders.

Outreach to Advocacy Organizations and General Web Search: Just Detention International was contacted via e-mail advising of the upcoming audit and to inquire if the organization had any information of concern for this facility. In response, Just Detention International stated that they had received one letter from an inmate who was being harassed by other inmates. Unable to disclose the name of the inmate, JDI offered to notify the inmate of the audit and suggest he reach out to the auditor directly.

Three hospitals are included in the Facility Coordinated Response Plan, with the Plattsburgh location being the primary: Champlain Valley Physician's Hospital, Plattsburgh, NY; Alice Hyde Medical Center, Malone, NY; Massena Memorial Hospital, Massena, NY. Hospitals were contacted and informed that Clinton Correctional Facility inmates will be treated, as needed, and that SAFE/SANE staff are available during scheduled hours and on call.

A web search revealed a news article about a former Clinton Correctional Facility civilian employee being arrested for inappropriate conduct with an inmate since the last audit. This news report was published October 4, 2017 and indicated that the civilian was observed by another staff correctional officer who reported the incident. Charges included sexual abuse, and after pleading guilty to 3rd degree sexual abuse charges, among others, the accused received a sentence of one year in County jail. As stated by the New York State Department of Corrections and Community Supervision Spokesperson, "this case illustrates the cultural shift that has occurred at the Clinton Correctional Facility due in large measure to changes in policy, procedures and training programs..."

Research was conducted by the lead auditor using the New York State Department of Corrections and Community Supervision website (<http://www.doccs.ny.gov/PREA/PREAinfo.html>) and found relevant PREA information. The website is easily navigated and intuitive, provides an overview of PREA to include the agency's zero-tolerance policy for sexual abuse, history of combating sexual abuse, PREA Educational videos for males and females, brochures and posters, services for survivors, and instructions for making third-party reports of sexual abuse. In addition, the website introduces partner resources such as PREA Standards, PREA Resource Center, National Institute of Corrections, Office of Justice Programs, Just Detention International, The Moss Group, Inc. Final Audit Reports for state run facilities and privately-operated Community Based Residential Programs can also be found on the website.

A review was conducted of the PREA annual reports, and the facility's last PREA final report issued on March 2, 2017. as well as the New York State Department of Corrections and Community Supervision's 2013-2016 Annual Report on Sexual Victimization. Lead auditor verified this is the most current published Annual Report as of this date due to a delay with the prior year's SSV report.

Also published to the agency website is a letter of understanding between the New York Department of Corrections and Community Supervision Office of Inspector General, Sex Crimes Unit (currently known as the Office of Special Investigations (OSI), Sex Crimes Division (SCD)) and New York's external law enforcement agency, the New York State Police (NYSP) Bureau of Criminal Investigation (BCI). The website outlines that the Office of Investigations conducts all investigations into allegations

of sexual assault, sexual abuse, and sexual harassment within the agency. The Office of Investigations is further responsible for briefing the BCI on all allegations of criminal misconduct regarding either staff-on-inmate or inmate-on-inmate sexual assault, sexual abuse, sexual harassment, and retaliation resulting from reporting such these incidents. The BCI will then determine the NYSP response.

An internet search of the *New York State Coalition Against Sexual Assault* website found that Clinton Correctional Facility is served by the *Crime Victims Treatment Center*: PREA Contact: Rachel Herzog Email: rherzog@cvtc.org Mail: 40 Exchange Place, Suite 510, New York, NY 10005 Phone: 212-523-4728 PREA Hotline: 917-960-9259. The lead auditor contacted the organization by telephone and confirmed processes are in place as explained by facility and that services are actively being provided.

No relevant litigation, no DOJ involvement, no federal consent decrees, nor local oversight were discovered during the search. Interviews with Associate Commissioner/PREA Coordinator and Superintendent confirm no consent decrees or oversight exists. Additionally, the lead auditor reviewed the most recent American Correctional Association (ACA) audit report for Clinton conducted January 30 - February 1, 2017.

On February 7, 2020 the lead auditor requested from the PREA Compliance Manager current documentation be prepared and made available on day one of the on-site: current list of inmates identified with disabilities, current list of inmates with limited English proficiency, current list of inmates who identify as LBGTI, current list of inmates assigned to isolated or segregated housing, current list of inmates who have reported prior sexual abuse, current list of inmates who have reported an allegation of sexual abuse at Clinton Correctional Facility, list of staff hired within the past 12 months, list of contracts, program and activity schedule, volunteer schedule, list of 33 housing units identified by name with description of population type, daily security supervisor reports for the dates for a specified date range, list of internal promotions within the past 90 days, list of administrative investigations, list of criminal investigations, list of closed investigations, list of grievances received in past 12 months, incoming draft lists for random specified dates, complete list of staff by name and position, complete list of all contract employees by name and position.

PHASE TWO: ON-SITE AUDIT

On February 10, 2020, an informal pre-audit meeting/dinner was attended by the audit team and Superintendent Earl Bell, Assistant Deputy Superintendent Amy S. Sweeney, First Deputy Superintendent Dennis Bradford, Associate Commissioner Jason Effman, Correctional Facility Operational Specialist Joseph Lang, and other members of the Clinton Correctional Facility executive team. This meeting provided an opportunity for introductions and relevant communications prior to the on-site audit. Plans were finalized for transportation from the hotel to the prison the following morning and a start time of 8:00 a.m. The lead auditor requested from the Assistant Deputy Superintendent/PREA Compliance Manager a current list of all inmates assigned to Clinton Correctional Facility (both by housing assignment and alphabetically), be printed and available upon arrival to the prison the following morning.

On February 11, 2020 a formal in-briefing was conducted by the audit team. Facility staff present included Superintendent Earl Bell, Assistant Deputy Superintendent/PREA Compliance Manager Amy S. Sweeney, First Deputy Superintendent Dennis Bradford, DSA Judith Blockson, DSA John LeClair, DSP Marie-Josée King, ADSCMH Karyn Langlais, DSP Tanya Demers, DSS Theodore Zerniak, SIS Joseph Dominic, Captain/PREA Point Person Kendall Matott, Captain/PREA Point Person Chris Delutis and other administrative staff. Associate Commissioner Jason Effman, and CFOS Joseph Lang from the Clinton Correctional Facility

Sexual Abuse Prevention & Education Office (SAPEO)/New York State Department of Corrections and Community Supervision Central Office were present at the conference and participated with the facility tour and information gathering during the audit.

Following this meeting, the facility tour/site review began at approximately 9:00 a.m. Due to the facility size it was decided to break into three separate inspection teams to ensure every area was observed. A minimum of two executive team members were assigned to each auditor along with an administrative staff person to assist with scribing notes and details of the site review.

During the facility site review, all areas within the facility were inspected for sexual safety concerns to include the presence of video cameras, security mirrors, blind spots, as well as the strategic placement of PREA information posters and audit notices. The bathrooms, showers, and other isolated places within inmate work, education, and program areas, were assessed. Any secluded areas within the health services department, such as examination rooms, and communal areas where inmates could be isolated were scrutinized. The audit team monitored for areas that might provide others with the opportunity to isolate an inmate from the general population and/or staff monitoring systems. Areas where inmates are routinely strip searched were examined to ensure adequate measures are in place to prevent viewing by opposite gender staff.

Audit notices were found to be posted conspicuously and amply throughout the facility. In addition to the audit team observations of appropriate posting of notices, subsequent inmate interviews confirmed their awareness of the upcoming audit by having observed the posted notices and through verbal notification by staff and other inmates.

Lead auditor Shaver and accompanying facility staff toured Clinton Main and covered the following areas: Visitation Room and Inmate Search Area, Laundry Room, Bathhouse, Mosque, A-Block, B-Block, C-Block, Vocation/Electrical Trades/State Shop, Building Maintenance, Masonry, Work Control, Work Control Office, Tailor Shop #8, Tailor Shop #7, Tailor Shop #6, Tailor Shop #5, Tailor Shop #4, Tailor Shop #3, Tailor Shop #2, Tailor Shop #1, Transitional Services, School, ASAT, Vocational Administration, Library, Law Library, Custodial Maintenance, Industry Office, Industry Stockroom. Additionally, the Kitchen, Dining Rooms, and Warehouse and North Yard areas were toured.

Auditor Fairbanks and accompanying facility staff toured Clinton Main and covered the following areas: Lobby, Mailroom, Visitation Rooms, Gym, Disciplinary Processing Area, Lower F Block, West Dining, Kitchen, East Dining, Upper F Block, Lower H Block, Upper H Block, Commissary, Chemical Supply Room, ICP Program Area, Building 23 2nd floor (currently closed), Building 23 3rd floor, APPU Tailor Shop, Hospital III Floor, Custodial Maintenance, Vocational Floor Covering, Urinalysis Collection Area, East/West Corridor, SHU, Hospital (all floors), Infirmary, OMH Crisis Stabilization, East and West Yard.

Auditor Mahfood and accompanying facility staff toured Clinton Annex (a separate entity on same campus) which consisted of the following areas: Visitation and Inmate Search Area, Mess Hall, Kitchen, 40-2 Building, Draft Office, 40-1 Building, Vocational Shops, Hub Center, Inmate Grievance Resolution Committee Room, Commissary & Store Room, Gym, Upstairs Visiting Room, 14 Building, Clinic, Program Area, Law Library, 7 Building, Tailor Shop, 4-1 Building, 3-1 Building 3-2 Building, Transitional Services, Mosque, 5-1 Building, 5-2 Building, 6 Building, 6-1 Building, 6-2 Building, 10-1 Building, 10-2 Building, 11-1 Building, 11-2 Building, 12-A1 Building, 12-1 Building, 12-2 Building, 9-1 Building, 9-2 Building.

Inmate strip search areas were found to have appropriate physical barriers and/or screens installed. Video cameras present in these areas were checked for viewing and found to be appropriate, allowing for no opposite gender viewing. Camera footage was reviewed to find that no cameras were trained directly on inmate toilets/urinals or shower areas. Pat frisks observed were found to be conducted in a professional manner and based on inmate responses, appear to be the facility standard and a matter of habit. Toilet and individual showers had appropriate screens or barriers affixed. Signs were posted on bathroom doors admitting only one inmate at a time. Privacy screens were available for exam rooms in medical sections. Libraries contained comprehensive PREA literature that was well organized and labelled. "Female on Floor" or "Female Walking" was announced either by a member of the inspection team, by the housing officer, or by an officer over the intercom and was subsequently documented in the appropriate logbook. Individual cells are equipped with toilets and audit team observed inmates are allowed to hang a sheet/blanket when changing clothes or using the restroom and required to remove it when done. While not a part of formal written policy, this practice was confirmed through inmate and staff interviews.

Area logbooks (living units and activity areas) were reviewed throughout the facility indicating all levels of supervisor rounds are made regularly and documented appropriately. All areas inspected were well-lit. Cameras were present in practically every area of the facility, to include stairwells and basements. PREA informational posters were displayed prominently throughout the Annex and in all inmate housing areas. Posters were displayed in English and Spanish. The 777 PREA Resource Posters were found displayed near living unit telephones and posted near the yard phones. PREA audit notification posters were posted using blue paper throughout the facility, to include within the housing units, program, work, and recreational areas. Security mirrors mounted in various locations, where beneficial, to provide staff with a wider view of areas with potential blind spots. Orientation is scheduled weekly on Fridays, but the lead auditor observed a portion of the orientation process that was being facilitated for one inmate by a peer education inmate under the supervision of an Offender Rehabilitation Counselor. The draft process for incoming inmates was observed at both the Main and Annex. The process was orderly and respectful, and the areas were amply staffed for the number of incoming inmates. The lead auditor sat in during the interview and screening process of four inmates and found the process to be administered appropriately.

In an effort to visit with multiple shift officers and to conduct interviews with incoming staff, the audit team made day one the late night, departing around 7:00 p.m. Prior to departure, a short briefing was held to cover progress of the day and to secure plans for the next day.

Day two consisted of document review, process and procedure observations, and interviews. Additionally, follow-up visits were made to certain sections of the facility for further inquiry. The audit team was escorted as a group to tour St. Dismas the Church of the Good Thief and was provided the history and a tour by the Chaplain. Prior to departure around 5:30 p.m., a short briefing was held to cover progress of the day and to secure plans for the next day.

Day three consisted of finalizing document review and remaining staff interviews. An out-briefing was conducted to discuss the results of the on-site phase of the audit and to explain the next phase expectations and deliverables. The facility was not provided with the compliance findings during this meeting but was told that the audit team would begin reviewing all evidence collected thus far to make a final determination. The facility was advised that additional correspondence would be forthcoming to resolve any outstanding items or facts that could aid in a comprehensive compliance review. Auditors departed prior to noon due to impending severe weather forecasts for the area.

Agency and facility staff were forthcoming with all information and document requests. The auditor was allowed unfettered access to all areas of the facility. All staff willingly engaged in the interview process.

Interviews:

Interviews began immediately after the physical plant tour was completed. Each auditor was provided a quiet, comfortable, private area to conduct interviews. Interviews were conducted in multiple locations throughout the facility due to inmate movement management and staff assignments. Each area included either office space, conference area, or interview rooms which were found suitable to the task.

Interviews were conducted over the course of the three days of the on-site audit phase. Various other staff and inmates were spoken with by the audit team and these informal interviews have not been calculated in the formal interview totals in the sections below.

Staff interviews were based on guidance from the PREA Auditor Handbook page 54-57 and PREA Compliance Audit Instrument –Interview Guide for Agency Head, Interview Guide for Facility Director, Interview Guide for PREA Coordinators, Interview Guide for A Random Sample of Staff, and Interview Guide for Specialized Staff.

There are 1,352 staff, 26 individual contractors, and 47 volunteers employed by Clinton Correctional Facility for a total of 1,425 employees who may have contact with inmates. All healthcare services, to include medical and mental health staff, is managed by the State of New York and provided by New York State employees (medical staff employed by Department of Corrections and Community Supervision and mental health staff by Office of Mental Health) with some contracted providers to supplement staffing as needed. For purposes of this section, the term employee(s) may refer any status of the collective body of employees to include contractors and volunteers. Due to the large number of staff employed at this facility and duplicative operations in place at the Main and Annex, a larger number of staff were interviewed than customary. The audit team conducted interviews with a broad and extensive selection, including all tours, civilian and security staff, supervisory staff, contract staff, and volunteers. Interviews were conducted with staff who were actively on duty at the time of the audit to avoid any unnecessary hold overs and no employee was required to report to work solely for the purpose of this interview process. All efforts were made to interview staff in areas convenient for them, as well as to provide them with privacy in speaking, otherwise they were interviewed in the designated space provide to audit team for interviews.

Interview Protocol Title	Number of Protocols Administered
Agency Head/Designee *	1
Agency Contract Administrator *	1
PREA Coordinator *	1
PREA Compliance Manager	3
Warden/Facility Director/Superintendent/Designee	2
Intermediate/Higher Level Staff Unannounced Rounds	10
Medical and Mental Health Staff	12
Administrative/Human Resources Staff	2
Volunteers & Contractors	4
Investigative Staff	2
Staff who perform risk screening	7
Staff who supervise inmates in segregated housing	4
Staff on the sexual abuse incident review team	4
Designated staff responsible for monitoring retaliation	3
First responders/Security and Non-security	6
Intake staff	4

*These protocols are not included in the narrative totals and represented separately. These protocols are answered by NYSDOCCS Central Office staff and not Clinton Correctional Facility staff.

A total of 73 employees were interviewed and a total of 63 specialized interview protocols were administered. A total of 16 specialized protocols were used (listed below in table). Random staff interview protocols were used for 32 employees and specialized interview protocols were used for 41 employees. Associate Commissioner Effman is the designee for the Agency Head, PREA Coordinator, and Agency Contract Administrator for purposes of these interview protocols*. Specialized interview protocol totals are represented in the above table on page 12.

Inmate interviews were based on guidance from the PREA Auditor Handbook page 52 and from the PREA Compliance Audit Instrument –Interview Guide for Inmates. The official assigned population on day one of on-site was 2196 (1692 in Main and 504 in Annex). The overall minimum number of inmate interviews required for this population size is 40, to include a minimum of 20 selected randomly and at least 20 selected from targeted categories. The audit team originally intended to interview at least one inmate from each of the 33 housing units. However, upon further analysis, a decision was made to select inmates by block. This decision was primarily based on the need to obtain a balanced representation of the overall population and due to the facility housing stratification plan our alternative selection process provided a broader and more comprehensive sampling. Because the inmate population is split between two separate operations of the Main and Annex, the audit team interviewed substantially more than the minimum number required with the goal of ensuring both operations were well represented. Clinton Correctional Facility houses no inmates who meet the definition of youthful offender, nor do they house any inmates in segregated housing for the purpose of being at high risk for victimization, therefore, there were no inmates to administer these two targeted protocols.† The audit team selected five additional inmates from other targeted protocol categories to compensate for the two unused protocols.

The selection process included a variety of methodology. The audit team was provided several lists of inmates which were generated on the first day of the site review to ensure that the inmates selected would be present in the facility. Lists included an alphabetically listed roster of all inmates assigned to the facility and then another roster of all inmates assigned to the facility organized by housing assignment. In addition, lists were provided for each of the targeted categories (see table). From both the master list and targeted lists, the audit team used multiple ways to choose from these lists, taking into consideration housing locations, length of incarceration, race, religion, work assignments, and housing assignments, where possible. Two inmates were selected specifically because they had written the lead auditor prior to the on-site visit.

The audit team collectively interviewed 69 inmates including 39 random and 30 targeted. A total of 71 inmates were given the opportunity for an interview and two declined. A total of 51 targeted protocols were administered. All inmates interviewed were questioned using the Random Sample of Inmates Survey. Targeted inmates were questioned using the questionnaire appropriate for their targeted group. It should also be noted that if during the interview process it became apparent that any person belonged to any other subset of targeted inmates, then additional targeted protocols were administered as appropriate.

The audit team encountered language barriers requiring interpreter services with two of the inmates selected for interview. The Language Line system was utilized and provided for effective translation services between the PREA auditor, who spoke English, and the interviewee. All inmate interviews were conducted in private settings to ensure inmates felt at liberty to express any concerns they may have had

with the facility's PREA compliance efforts or with their own personal safety. A breakdown of the targeted interview protocols administered is listed in the table below on page 14.

Targeted Inmate Protocols – Total of 40 Inmate Interviewed		
Interview Type	Number Required	Total Protocols Administered
Youthful inmates†	3	0
Inmates with physical disability, blind, deaf, or hard of hearing	1	5
Inmates who are LEP	1	6
Inmates with a cognitive disability	1	4
Inmates who identify as transgender or intersex	3	8
Inmates who identify as lesbian, gay, or bisexual	2	8
Inmates in segregated housing for high risk of sexual victimization†	2	0
Inmates who reported sexual abuse/harassment	4	5
Inmates who reported prior sexual abuse	3	5
Total	20	51
†Where no protocols were administered indicates the facility has no inmates assigned who meet this condition.		

While every inmate could not express every aspect of the facility's policy regarding sexual abuse and sexual harassment, they were all aware of the zero-tolerance policy and had a good grasp of the overall program or were knowledgeable on how to find it. All files reviewed had documentation of participation in the education program, both at their initial intake facility (if not Clinton) and upon arrival to Clinton Correctional Facility. All inmates interviewed were aware of their right to be free from sexual abuse and could explain various methods of making a report or said they know how to access the information if they needed it. Most all inmates recalled going through the screening process and remember receiving a pamphlet from the draft sergeant upon arriving. Everyone interviewed stated they were seen by medical when they arrived and met with a counselor within a few days after arrival. Most every inmate stated that opposite gender announcements are made on a regular basis and that they are afforded the opportunity to have privacy to shower, use the restroom, and change clothing without being viewed by opposite gender staff. Most every inmate was aware of the 777 Hotline.

Targeted protocols administered garnered the expected answers and more discussion, specific to these populations, is mentioned in various narratives within this report under specific standards as not to single out any particular population. Any information received during interviews that needed to be addressed by facility staff was provided to executive staff, as appropriate, and with consent the concerned inmates.

Overall, the ability of Clinton Main to offer single cell housing provides this population with a sense of safety. Many of the inmates mentioned that the extensive camera system and body cameras worn by staff makes the facility safe as well. There were no safety concerns expressed by inmates that have not been addressed by facility staff and it is evident through talking with inmates that the Assistant Deputy Superintendent/PREA Compliance Manager and Captains/PREA Point Person(s) are very responsive in their duties. Superintendent Bell was engaged with the inmate population, knew them by name, and was approachable as well as other members of the executive team, as witnessed during the facility tour.

Document Review: As part of the overall audit process, an extensive document and documentation review was conducted. Various policies, forms, contracts, and additional working documents were evaluated and triangulated against information obtained from personal interviews and observations during the site visit which were instrumental in determining agency and facility compliance. This comprehensive list is not intended to be exhaustive but outlines the core policy and procedural documents used in the evaluation process.

- 2018 Survey of Sexual Victimization Submission Confirmation, 11/26/19
- A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents, Second Edition, U.A. Department of Justice Office on Violence Against Women, April 2013, NCJ228119
- Acknowledgement of Standards of Conduct for Volunteers, Form #MFVS3087 (12/18)
- Agency Memorandum, Ending Sexual Abuse Behind the Walls: An Orientation, 10/26/15
- Agency Memorandum, New and Updated PREA Materials, 12/28/15
- Agency Memorandum, PREA Inmate Orientation DVD, 07/20/15
- Agency Memorandum, PREA Inmate Orientation Film Implementation, 06/18/15
- Agency Memorandum, Reasonable Accommodations PREA Information, 10/27/14
- Agency Memorandum, Revised Transitional Services Phase I, 03/25/16
- Agreement Between The Public Employees Federation, AFL-CIO and The State of New York, 2016-2019
- Agreement Between The State of New York and New York State Correctional Officers and Police Benevolent Association, Inc., 2009-2016
- Agreement Between The State of New York and State Law Enforcement Employees Union Council 82, AFSCME, AFL-CIO 04/01/09-03/31/16
- Albany Training Academy, Sexual Abuse Prevention and Response Class, 35029
- Ambulatory Health Record Progress Note Form
- Annual Training Bulletins, Rev. 01/08/19
- Application for Volunteer Status, Form #MFVS3080 (12/18)
- Appointment of Amy S. Sweeney ADS/PREA Compliance Manager email, 02/09/15
- Appointment of Captain K. Matott and Captain C. Delutis PREA Point Person email, 11/13/19
- Appointment of Jason Effman PREA Coordinator Memorandum, 03/14/2012
- Availability Inquiry, Correction Lieutenant, 04/09/12
- Availability Inquiry, Correction Sergeant, 04/23/14
- CBRP PREA Audit Schedule for May 2018-May 2021
- Clinton Correctional Facility FOM #602, Coordinated Response Plan to an Incident of Inmate Sexual Abuse, 10/28/19
- Clinton Correctional Facility FOM #604, PREA Risk Screening
- Clinton Correctional Facility Organization Chart
- Clinton FOM #458, Bathing – Main, 08/07/18
- Clinton FOM #458A, Bating – Annex, 08/13/19
- Clinton Inmate on Inmate, Monthly Sexual Abuse/Threat Incident Summary, August 2019
- Clinton Inmate Orientation Handbook
- Clinton Staff on Inmate, Monthly Sexual Abuse/Threat Incident Summary, August 2019
- Communicating Effectively and Professionally with LGBTI Offenders Training Roster, 04/07/15
- Contract #PS65924, Agreement by and between NYS Office of General Services and Language Line Services, Inc.
- Contract Number #C000769, Society of St. Vincent De Paul
- Contract Number #C000784, Catholic Family Center
- Contract Number #DOC01-C00006GG-3250226, Fitzgerald House Inc
- Contract Number #DOC01-C00008GG-3250226, Hudson River Housing Inc
- Contract Number #DOC01-C00009GG-3250226, Saving Grace Ministries Inc
- Contract Number #DOC01-C00010GG-3250226, Bridges of Greater NY Inc

- Contract Number #DOC01-C00011GG-3250226, Volunteers of America of Western New York Inc
- Contract Number #DOC01-C00012GG-3250226, Hope of Buffalo Inc
- Contract Number #DOC01-C00013GG-3250226, Bridges of Greater NY Inc
- Contract Number #DOC01-C00014GG-3250226, Catholic Charities of Chemung Schuyler
- Contract Number #DOC01-C00015GG-3250226, Rescue Mission of Utica
- Contract Number #DOC01-C00016GG-3250226, Westhab Inc
- Contract Number #DOC01-C00017GG-3250226, Saving Grace Ministries of Rochester Inc
- Contract Number #DOC01-C00018GG-3250226, Pathways Renewed Inc
- Contract Number #DOC01-C00019GG-3250226, Community Missions of Niagara Frontier Inc
- Course Catalog, Correction Officer Recruit Training Program, Rev. 07/10/17
- Data Dictionary (5/29/19)
- DIR #0047 Clinton Correctional Facility, 09/27/18
- DIR #0102, Rights of Departmental Employees, 01/19/17
- DIR #0700, Office of Special Investigations, 11/28/18
- DIR #2011, Report of Employee Misconduct
- DIR #2012, Release of Employee Personnel and Payroll Information, 10/07/19
- DIR #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings, 07/13/18
- DIR #2111, Report of Employee Misconduct, 01/05/16
- DIR #2112, Report of Criminal Charges, 04/10/18
- DIR #2114, Functions of the Bureau of Labor Relations, 07/17/15
- DIR #2216 Attachment A, Fingerprinting/Criminal History Inquiry – New Employees and Contractors
- DIR #2216, Fingerprinting/Criminal History Inquiry – New Employees and Contractors, 11/01/18
- DIR #2230, Guidelines for Assignment of Male and Female Correction Officers, 02/21/19
- DIR #2612, Inmates with Sensorial Disabilities, 12/27/18
- DIR #3053, Alternations/Construction Request, 06/25/18
- DIR #4001, Facility Administrative Coverage & Supervisory Rounds, 04/25/19
- DIR #4009, Minimum Provisions for Health and Morale, 06/14/18
- DIR #4021, Inmate Reception/Classification, 01/23/19
- DIR #4027A, Sexual Abuse Prevention & Intervention, Inmate-on-Inmate, 11/29/17
- DIR #4027B, Sexual Abuse Reporting & Investigation, Inmate-on-Inmate, 11/29/17
- DIR #4028A, Sexual Abuse Prevention & Intervention, Staff-on-Inmate/Staff-on-Parolee, 11/29/17
- DIR #4028B, Sexual Abuse Reporting & Investigation, Staff-on-Inmate/Staff-on-Parolee, 11/29/17
- DIR #4040, Inmate Grievance Program, 01/20/16
- DIR #4071, Guidelines for Construction Projects, 10/02/18
- DIR #4301, Mental Health Satellite Services and Commitments to CNYPC
- DIR #4401, Guidance & Counseling Services, 04/30/18
- DIR #4404, Inmate Legal Visits, 11/02/17
- DIR #4421, Privileged Correspondence, 06/02/16
- DIR #4423, Inmate Telephone Calls, 05/21/15
- DIR #4490, Cultural and Language Access Services, 08/01/19

- DIR #4750, Volunteer Services Program, 01/14/19
- DIR #4910, Control of & Search for Contraband Revisions – Updated Memorandum, 07/18/19
- DIR #4910, Control of & Search for Contraband, 06/28/19
- DIR #4932, Chapter V, Standards Behavior & Allowances, 10/02/18
- DIR #4948, Protective Custody Status, 06/29/17
- Disciplinary Incidents for Sex Codes 01/01/19 – 02/12/20
- Division of Health Services Policy 1.19, Health Appraisal, 06/11/19
- Division of Health Services Policy 1.37, Body Cavity Search, 12/29/16
- DOCCS Annual Report on Sexual Victimization (2013-2016), December 2018
- DOCCS Employee Manual, Revised 2013
- DOCCS Training Roster, All Employees, PREA Investigations 17072, 01/01/14-04/16/19
- DOJ request for DOCCS to complete Survey of Sexual Victimization for 2017, 11/07/18
- Duties Description, Assistant Deputy Superintendent/SG-25 (PREA)
- Duties Description, Associate Commissioner (PREA) Item#00901
- EIU23, Employee Investigation Unit, Personal History Questionnaire
- Employee Training Manual, Subject 7.000, 40 Hour Orientation/Initial Employee Training, 08/13/18
- Facility PREA Point Person Memorandum – Revised, 08/17/17
- Fair Chance Hiring Application Revisions and Statewide Employment Application email, 07/15/15
- For 1612, Alternations/Construction Request
- Form #3150, DOCCS Mental Health Referral (7/16)
- Form #3278-PREA (05/18) PREA Screening for Reception/Classification (5/18)
- Form 1140 CGPF, Report of Cross Gender Pat Frisk – Female Inmate
- Form 1140 CGPF-AO, Report of Cross Gender Pat Frisk – Adolescent Offender
- Form 1140 Report of Strip Search or Strip Frisk
- Form 115.33, Report of Inmate Training Participation, PREA (5/15)
- Form 115.33L, Report of Inmate Training Participation, PREA (5/15)
- Form 115.41F, PREA Risk Screening Form, Female Facility (5/19)
- Form 115.41GI, Gender Identify Interview (5/19)
- Form 115.41M, PREA Risk Screening Form, Male Facility (5/19)
- Form 115.42, 08/11/16
- Form 1253, Personal History and Interview Record
- Form 2168A (03/15), Sexual Victimization – Involuntary Protective Custody Recommendation
- Form 2170A, Protective Custody Review (6/17)
- Form 4021, F-Security Screen Form, 07/26/16
- Form 4021-A, Draft Receipt (12/12/16)
- Form 4948A, Sexual Victimization Involuntary Protective Custody
- Grievances Alleging Sexual Abuse or Sexual Harassment, Employee Training Advisement Memorandum, 05/15/19
- Guidelines for Construction Projects, Form #4071A (09/18)
- Health Services Manual Policy #1.12B, Inmate Bloodborne Pathogens Significant Exposure Protocol (10/25/17)
- Health Services Manual Policy #1.44, Health Screening of Inmates, 07/26/18
- Health Services Manual Policy #1.60, Sexual Assault, 10/25/17
- Hearing Officer Reference Book, 04/01/17

- Help for Victims of Sexual Abuse in Prison, Victim Support Pamphlet, English, DC132EC 4/19
- Help for Victims of Sexual Abuse in Prison, Victim Support Pamphlet, Spanish, DC132DC 4/19
- Implementation of Statewide PREA Rape Crisis Hotline, 12/12/18
- Individual Security Post Description, Clinton Correctional/Main, Bathhouse #1, 04/05/19
- Inmate Education & Orientation Film, Facilitator Guide, The Moss Group, Inc.
- Inmate Grievance Summary Printout 02/01/19-01/31/20
- Inmate Orientation Handbook
- Inmate Sexual Assault Post Exposure Protocol/PREA, Training Presentation 08/9/16
- Investigating Physical and Sexual Abuse in Institutional Settings Syllabus, 11/16/16
- Jail Administrators 2018 Listing
- Labor Contracts: Administrative Services Unit, 2016-2021
- Labor Contracts: Institutional Services Unit, 2016-2021
- Labor Contracts: Operational Services Unit. 2016-2021
- Language Access Plan for LEP Individuals, 01/01/15
- McKinney's Public Health Law, Section 2807-c
- Memoranda of Understanding: Prison Rape Elimination Act Procedural Enhancement, 05/09/14
- Memorandum to Associate Commissioner Effman from Deputy Commissioner and Counsel Czajka, Division of Criminal Justice Services, 08/18/15
- Memorandum, Agency Protection Against Retaliation, PREA Standard 115.67/267/367, 04/18/19
- Memorandum, Grievance Complaint Alleging Sexual Abuse or Sexual Harassment, Inmate Notification Form
- Memorandum, Grievance Complaint Alleging Sexual Abuse or Sexual Harassment, Watch Commander Notification Form
- Monthly Report NYSCOBAC Contract Memorandum from Acting Executive Deputy Commissioner, 12/12/19
- MOU between DOCCS and OMH
- MOU between NY State Office of Mental Health and DOCCS, 09/14/16
- New York State Coalition Against Sexual Assault Contracts with various subcontractors to provide services, 04/01/19-03/31/20
- New York State Commission of Correction Memorandum to NYSDOCCS, third-party written complaints, 05/24/17
- New York State Office for the Prevention of Domestic Violence PREA Hotline Expansion Project, M10861, 10/01/18-09/30/20
- NIC Investigating Sexual Abuse in a Confinement Setting Course Overview
- Notification of Investigation Determination to Inmates or Parolee/Residents Memorandum, 05/17/18
- NY Correction Law § 77 Adolescent offender facilities, 04/10/17
- NY Correction Law §121
- NY Public Health Law, Section 2807-c, General Hospital Inpatient Reimbursement
- NY State Law, Criminal Procedure, Section 160.45, Prohibition against polygraph tests
- NYSDOCCS Inmate Orientation Film Facilitator Training, May 2015, revised 10/02/18
- NYS Governor's Office of Employee Relations List of State-Union Contracts
- NYSDOCCS Central Office Organization Chart, 07/17/18
- NYSP Implementation of the PREA Standards, 05/02/14

- Office of Program Planning Research and Evaluation PREA Date Collection, Review, Retention, and Publication Manual, 08/18/15
- Office of Special Investigations Policy Manual Chapter 5, Sex Crimes Division, 08/15/19
- OSI Closed Case Files for audit period
- OSI Report of Training Form Roster for Investigating Physical and Sexual Abuse in Institutional Settings, 11/16/16
- OSI, Sex Crimes Division, Investigations Training PowerPoint, 08/18/18
- Personnel Procedure #407 – Civilian Promotions Memorandum, 04/30/14
- Personnel Procedure Manual, #406A Recruitment Process, 04/08/16
- Personnel Procedure Manual, #406A.1 Recruitment Process Checklist, 04/08/16
- Personnel Procedure Manual, #406A.2 Employment Telephone Verification, 04/08/16
- Policies and Standards Generally Applicable to All Employees Memorandum, 07/11/18
- Policy on the Prevention of Sexual Abuse and Sexual Harassment memorandum, 09/04/18
- PREA – Sexual Abuse Prevention Inmate Orientation Outline, 06/28/19
- PREA Coordinated Response Plan PREA Standard 115.65/265 Memorandum, 01/21/16
- PREA Monitoring, Protection from Retaliation Spreadsheet (Inmate/Staff Tabs)
- PREA Pocket Card, DC159, September 2015
- PREA Presumptive Disciplinary Sanction for Staff Sexual Misconduct, 02/05/16
- PREA Sexual Abuse Incident Reviews Form
- PREA Standard 115.63 Report of Sexual Abuse Form Letter
- PREA Victim Services Poster, English & Spanish, DC144L (02-18)
- Prevention of Sexual Abuse in Prison, What Inmates Need to Know Available Brochure Language Guide, Female and Male, (Chinese, Haitian-Creole, Italian, Korean, Polish, Russian, English, & Spanish) Brochure
- Promotion of Jason Effman Associate Commissioner/PREA Coordinator Email, 04/23/13
- Report of PREA Risk Screening Information Memorandum, 08/11/16
- Report of Training Form, 17078, Sexual Abuse Prevention and Response PREA Refresher
- Report of Training Form, 35029, Sexual Abuse Prevention and Response PREA
- Report of Training Form, PREA Training for Medical and Mental Health Providers
- Report of Training Form, Preventing Sexual Abuse, 06/19/14
- Reporting to Other Confinement Facilities (Revised), PREA Standard 115.63/263 Memorandum, 02/12/16
- RFA CBRP, 08/30/16
- SAFE-SANE hospital list updated 03/15/17
- Section 75 of the New York Civil Service Law
- Sex Offender Counseling and Treatment Program (SOCTP) Guidelines, April 2018
- Sexual Abuse Incident Review Checklist, 07/21/17
- Sexual Abuse Incident Review Recommendation Tracking Sheet
- Sexual Abuse Prevention and Response Lesson Plan, Albany Training Academy, SAPEO
- Sexual Abuse Prevention and Response Refresher Lesson Plan (Female Facilities), 01/05/18
- Sexual Abuse Prevention and Response Refresher Lesson Plan (Male Facilities), 01/05/18
- Sexual Abuse Prevention and Response Training Memorandum, 04/08/15
- Sexual Abuse Response and Containment Checklist, 01/21/16
- SOAP Notes for Nurses
- Standards of Conduct for Volunteers within the New York State Department of Corrections and Community Supervision, Form #4750C (12/18)

- State of New York Master Contract for Grants Face Page, Services to Incarcerated Victims of Sexual Assault Project, OVS01-C10702GG-1080200, 04/01/2018-03/31/2021
- Statement of Compliance 115.12/212 Contracting with other entities for confinement, 11/01/18
- Statement of Compliance, 115.21/221 Evidence protocol and forensic medical examinations, 03/21/19 and 09/10/18
- Statement of Compliance, 115.61
- Statement of Compliance, 115.71/271 Criminal and Administrative Agency Investigations, 09/10/18
- Statement of Compliance, Corrective action for contractors and volunteers
- Statement of Compliance, Disciplinary Sanctions for Staff, 09/10/18
- Statement of Compliance, Evidence protocol and forensic examinations, 12/22/17
- Statement of Compliance, Evidentiary Standards for Administrative Investigations, 09/10/18
- Statement of Compliance, Frequency and Scope of Audits, 11/01/18
- Statement of Compliance, Inmate Reporting, 12/18/17
- Statement of Compliance, PREA Specialized Training, Investigations, 11/20/18
- Statement of Compliance, PREA Standards 115.403 Audit contents and findings, 11/01/18
- Training Certificates for OSI Trained Evidence Technicians
- Training Manual, 0.100, Frequency Training Chart and Training Bulletins, 12/03/18
- Training Manual, 7.000, 40 Hour Orientation/Initial Employee Training 08/13/18
- Training Manual, 7.100, Employee Familiarization, 07/10/17
- Training Report, Contraband & Frisk, 01/01/17 through 10/17/19
- Training Report, Preventing Sexual Abuse, 01/01/15 through 11/12/19
- Transitional Services, Phase I Program Manual, Female Facility, 2016
- Transitional Services, Phase I Program Manual, Male Facility, 2016
- Union Contracts, Continuation After Expiration Section 75 of the New York Civil Service Law

PHASE THREE: POST-ON-SITE AUDIT

Each member of the audit team collected notes and documentation during the on-site portion of the audit to capture their individual and collective observations. All forms that were completed were given to the lead auditor at conclusion of the on-site and prior to departure. The lead auditor received detailed notes from the remainder of the audit team over the next few weeks which outlined their observations and results of interviews they conducted. Additional correspondence was necessary and facilitated by email to clarify some observations. Lead auditor provided both auditors with a draft of the Final Report for review, comment, and input prior to final publication.

Various correspondence ensued between lead auditor and Assistant Deputy Superintendent/PREA Compliance Manager and Associate Commissioner/PREA Coordinator during the course of the post-on-site evaluation phase which involved clarification of processes and to request additional documentation where found to be needed. Lead auditor corresponded by telephone with the investigator to obtain policy clarification. All information requested was provide in an expeditious manner. During all phases of the auditing process: the pre-on-site audit, on-site audit, and post-on-site audit reviews, the auditor did not experience any barriers to completing the audit as required.

Facility Characteristics

Clinton Correctional Facility

Clinton Correctional Facility is located at 1156 State Route 374, Dannemora, New York. Clinton Correctional Facility is the largest, and third oldest, of the 52 facilities which comprise the New York State Department of Corrections and Community Supervision. The facility was originally built in 1845 and has continuously served as a maximum security, multipurpose facility. Statutory authority is received from the Laws of New York State.

The Village of Dannemora, in Clinton County is home to Clinton Correctional Facility. Clinton county is the most northeastern in New York State and borders the Province of Quebec in Canada. Dannemora is 13 miles from Plattsburgh, New York (approximate population of 20,000) and 75 miles from Montreal, Canada. Being in the northern most area of New York and in the Adirondack Mountains, Clinton County is known to have long and often harsh winter weather.

Brief History: On June 3, 1845, the first 50 inmates arrived to begin construction of the original wooden stockade fences and quarters for Clinton Correctional Facility (known at that time as Clinton Prison) to support a state iron mining operation. By 1852 the mining venture was failing but the prison could not close because other prisons were too crowded to absorb Clinton's inmates. In 1859 the prison was expanded with the addition of 154 new cells bringing the capacity to 544. The wooden wall was replaced with a stone wall in 1887 after 3 years and \$20,000. Death Row was present at Clinton in the basement of the old hospital with the last execution being performed in 1913. Dannemora State Hospital for Insane Criminals began construction in 1896 with involvement of Clinton Prison inmates. This hospital was built adjacent to the prison and was constructed of massive Adirondack granite which was quarried and cut on property. Clinton was the site for tuberculosis treatment for many years.

Present Operation: The facility is one of the largest employers in Clinton County with a 2018/19 operating budget of \$91,394,212. The facility is comprised of approximately 65 acres and consists of two compounds with separate housing and programs but sharing staff and administration. Clinton Main has approximately 37.5 acres within the wall and Clinton Annex has approximately 27.5 acres within its perimeter. Both Clinton Main and Clinton Annex house general population, maximum security male inmates 18 years of age and older. Clinton Correctional Facility also serves as an intake center for males 18 years of age or older at the time of sentencing for 11 northern counties.

At maximum capacity, the population consists of a total of 2,852 inmates (2,018/Main and 834/Annex) and has an average daily population of 2,285. Current population at time of audit is 2,196. The average daily number of inmates since the last PREA audit is 2,546. Inmate composition is comprised of Maximum A and Maximum B security, male general population. Average length of stay varies among the different programs: Clinton Main General, 5.9 years; Clinton Annex General 4.5 years; APPU 7.6 years; ICP 4.1 years, SOP 5.0 years; SNU 4.3.

Clinton Main is a walled maximum-security institution, which is comprised of nine large, open tiered cell blocks. The only variations in the cell blocks are their numbers and configurations of galleries. Clinton Main also houses a 48-cell disciplinary Special Housing Unit (SHU). The hospital complex has 24 infirmary beds, 12 Residential Crisis Treatment Program (RCTP) cells and 4 dormitory beds at the Office of Mental Health (OMH). All cells within Clinton Main provide single cell occupancy. The industrial building has four floors plus the basement and contains various vocational shops, industry, state shop, general and law libraries, academic school, guidance, ASAT, and Tri-ICP.

Clinton Correctional Facility Main contains a total of 11 living units with the following population designations: A Block, B Block, C Block, UF Block, and UH Block, all housing general population inmates; D Block, housing ICP, TR-ICP, TR-SNU, keep-lock; E Block, housing long-term keep-lock, Clinton Correctional Facility

Protective Custody, and ICP; LF Block, housing general population and draft; LH Block, housing APPU and SNU; Unit 14, housing SHU; Infirmary, housing hospital patients.

ICP is an Intermediate Care Program for inmates with serious mental illness; Transitional (TR) ICP is for inmates with serious mental illness who are transitioning to general population; TR-SNU is a Transitional Special Needs Unit for inmates with intellectual deficits who are transitioning to general population. APPU is an assessment Preparation Preparedness Unit which offers alternatives to Protective Custody (PC) program for inmates who have been determined vulnerable (often due to the nature of their crime). All cell blocks at Clinton Main are single occupancy cells.

Clinton Correctional Facility Annex contains a total of 22 living units with the following population designations: 3-1/4-1, housing general population in single room, double room, or dormitory setting; 3-2/4-2, housing Veterans Program inmates in single room, double room, dormitory setting; 5-1, housing general population in single room or double room setting; 5-2, 12A-1 and 12A-2 housing general population in single room, double room, or dormitory setting; 6-1, housing Sex Offender Counseling and Treatment Program inmates in a dormitory setting; 6-2, 11-1, 11-2, 12-1, 12-2, 40-1 and 40-2 housing general population in a dormitory setting; 7-2, housing earned housing general population inmates in single rooms; 9-1 and 9-2, housing general population inmates in dormitory setting; 10-1, housing Alcohol and Substance Abuse Treatment program inmates in single room, double room, dormitory setting; 10-2, housing Network Program inmates in single room, double room, dormitory setting; 11A-1 and 11A-2, housing keep-lock inmates; 14-1, housing general population and draft inmates in dormitory setting.

Clinton Correctional Facility's is led by the Superintendent and his Executive Team comprised of: First Deputy Superintendent (1), Deputy Superintendent for Security (1), Deputy Superintendent for Programs (2), Deputy Superintendent for Administration (2), Assistant Deputy Superintendent/PREA (1), Assistant Deputy Superintendent for Programs/Mental Health (1), Industries Superintendent (1), and Captain (2). There are 1,352 staff, 26 individual contractors, and 47 volunteers employed by the facility for a total of 1,425 employees who may have contact with inmates. Security staffing is currently at 1002 positions (930 Correction Officers, 50 Sergeants, 17 Lieutenants, 3 Captains, and 2 Deputy Superintendent for Security Services) providing coverage on a 24-hour/7days per week basis. Facility Administration and Union representatives provide input into staffing development and review. The security department staff members work a variety of different shifts in order to provide maximum coverage throughout the facility. Officers and supervisors select positions by seniority and may work at the Main or the Annex. Inmate movement is controlled by staff escorts and scheduled movement times.

Clinton Correctional Facility staffing is augmented by video surveillance to assist in the monitoring of inmate movement. Throughout the facility there are 2,756 fixed cameras that are recorded in a secure room. There are also fixed cameras installed that are not recordable and instead are monitored in areas close to where the cameras are placed. Body-worn cameras are also used on designated posts throughout the main unit to monitor interactions between staff and inmates. Rounds Tracker system is used in all inmate housing including the Special Housing Unit and Residential Crisis Treatment Program as an additional means to track rounds by correction officers and security supervisors. Ample numbers of convex mirrors are installed in areas without cameras where additional direct line of sight was not available but needed.

Cell blocks in Clinton Main have showers on the tiers which are primarily used for medically permitted showers. The majority inmates shower in the bathhouse (50 at a time) on a rotating schedule. Clinton Annex has 22 housing units comprised primarily of rooms and dormitory style living space. Each Clinton Correctional Facility

housing unit has a television room, shower room, and a bathroom. Clinton Annex also has 32 cells consisting of two housing units with 16 cells each.

Both Clinton Main and Clinton Annex maintain a full-service food preparation area. There are 14 food service staff and 193 inmate workers in the Main and 93 inmate workers in the Annex. The trays for satellite feeding are prepared in the main kitchen and transported via heated carts. Clinton Main maintains two dining halls, each seating 432 inmates. The Annex maintains one dining hall which seats 326.

Physical Health Services: Medical staff is on site 24/7 at the Main Hospital and at the Annex medical clinic. A four-story contemporary Hospital at Clinton Main covers square footage of 63,000 and is equipped with secure holding areas, pharmacy, Mental Health Unit, digital X-Ray, Infirmary (24 bed), Physical Therapy Services, Dental Department, and Optometry Unit. The facility serves as the HUB medical facility with in-transit inmates utilizing on-site available medical services and appointment with health care providers. The infirmary consists of 6 rooms for respiratory isolation and 2 are dry cells. Medical staffing is comprised of: Deputy Superintendent for Health (1), Physicians (2), Nurse Practitioners (2), Nurse Administrators (2), RN (23), X-Ray Technician (1), Lab Technician (1), Pharmacists (3), Pharmacy Tech (1), Dentist (1), Dental Hygienist (1), Dental Assistants (2), Office Assistants (4). New York State Department of Corrections and Community Supervision does not impose inmate co-pays for sick call or medications. Inmates access sick call through a request system. Boxes for sick call requests are located throughout the facility and the medication nurse picks up requests during evening rounds and then they are triaged. The night shift RN schedules the inmates for sick call based on the triage. Emergency sick call is available at any time and those requesting such services are seen immediately by medical staff. Medications are distributed multiple times throughout the day and evening. Telemedicine services are utilized when no primary care provider is on site. Local EMS has a 20-minutes response time. In emergencies, inmates are taken to the Champlain Valley Physician's Hospital in Plattsburgh, New York for treatment and triaged for more serious injuries/illnesses that may require transport to Albany Medical Center. Forensic examinations are not conducted by Clinton Correctional Facility medical staff. SAFE/SANE examinations will be provided at any of the following: 1) Champlain Valley Physician's Hospital (CVPH), 75 Beekman Street, Plattsburgh, NY 12901; 2) Alice Hyde Medical Center, 133 Park St., Malone, NY 12953; 3) Massena Memorial Hospital, 1 Hospital Drive, Massena, NY 13662.

Mental Health Services: Central New York Psychiatric Center, under the umbrella of the Office of Mental Health, oversees all corrections based mental health operation for New York State Department of Corrections and Community Supervision. Clinton Correctional Facility's Mental Health Satellite Unit (MHSU) is an OMH level 1 facility that consists of a 12-bed Residential Crisis Treatment Program (RCTP) with an additional 4-bed dormitory. In addition to providing individual counseling services to the Clinton population, Clinton MHSU is responsible for multiple treatment programs to include a 70 bed Intermediate Care Program (ICP), an 18 bed Transitional Care Program (TR-ICP), a Group Therapy Program (GTP) in the Special Housing Unit and a day clinic program and crisis services for its catchment area that consists of 8 other prisons in the Northern New York region. In addition to Clinton Main, Mental Health services are directly provided to Clinton APPU and Clinton Annex.

The mental health staff consists of: Unit Chief (1), Psychiatrists (2.5), Clerical positions (3), RN (8), Social Workers (3), Rehabilitation Counselors (12), Nurse Administrator (1), and RN3 (1). There are currently 676 active mental health patients between Clinton Main, Annex and APPU with approximately 75% of patients receiving psychiatric medications. There are currently 169 SMI designated patients receiving services through Clinton MHSU. The OMH nursing staff at Clinton continue to pass Clinton Correctional Facility

medications directly to housing and program areas monitoring medication compliance and daily functioning of patients. The mental health staff at Clinton are also involved in providing tier testimony, Mental Status Reports for Community Supervision, and participating in Pre-release case management services.

Religious Programming: Clinton Correctional Facility offers a full-service religious program for the inmate population. There are 3 full-time religious leaders for the major faith groups, seven inmate workers, and 34 registered volunteers who serve the Main and Annex populations. Places of worship are available for all faiths. The facility boasts its St. Dismas, the Church of the Good Thief which was built in the 1940's by Clinton Prison inmates and is now listed on both the State and National Registers of Historic Buildings. The church is 150 feet long and 52 feet wide, with a tower that rises 106 feet and holds up to 1,200 inmates. The Annex has a small chapel with a rotating altar that serves as a place of worship for many faiths. There are 3 mosques (Main, Annex and APPU) available for the Muslim inmates. Other programs include Kairos, Jehovah Witness, Bible Study Prison Ministry, Full Gospel, Businessman's Fellowship, Lubavitch, 7th Day Adventist, Protestant, Catholic, and Rastafarians.

Inmate Work Programs: Clinton Correctional Facility reports 1,709 jobs available for inmates at a pay rate of \$.075 to \$.65 per hour. An additional 700 jobs are available for academic, vocational, and therapeutic programming. Inmate work includes all traditional areas such as maintenance, food service, laundry, grounds maintenance, painters, barber, and sanitation. The facility also has a recycling program and an Industrial Asbestos Abatement program. Corcraft is the trade name of the Division of Correctional Industries, the manufacturing division of the Department of Corrections and Community Supervision. Corcraft operates garment shops at Clinton Correctional Facility. They currently employ over 400 inmates at three work locations and have the capability to employ approximately 510 inmates at full capacity. Inmates employed by Corcraft earn hourly wages ranging from \$0.16 to \$0.65 depending on the job titles and time in grade. An inmate's work shift is typically six hours per day, five days per week. An Industries Superintendent position has recently been created to provide additional supervision and oversight to the large industries operation at the facility.

Academic Programming is offered at Clinton Main, Clinton Annex, APPU and in the Special Needs Unit (SNU). These programs are staffed by Academic Supervisor (1), Teachers (13), and one half-time office assistant. The academic programs include: ABE (Adult Basic Education), Pre-HSE (Pre-High School Equivalency), HSE, ESL (English as a Second Language), Cell Study, and Life Skills Transitional Study. College correspondence courses are available to inmates at their own expense.

Vocational Programming is also offered at Clinton Main, Clinton Annex, APPU and SNU. It is staffed by Vocational Supervisor (1), Vocational Instructors (12), and one half-time office assistant. Vocational program offerings include: Custodial Maintenance, Print Shop, Electrical Trades, Building Maintenance, Masonry, Floor Covering, Horticulture, Computer Operator, Painting & Decorating, Barbering, and General Business. Several Vocational Programs provide an opportunity for students to achieve Industry recognized standards through such programs as the NCCER (National Center for Construction Education and Research) or the NYS DOL Apprenticeship Programs.

Guidance Units for the Main and the Annex are comprised of Deputy Superintendent of Programs (2), Supervising Offender Rehabilitation Coordinators (6), Offender Rehabilitation Coordinators (25), ASAT Program Assistant (2), ASAT Program Assistant Trainee (1), ASAT Offender Rehabilitation Coordinators (3), Medicaid Clerk (1), Licensed Master Social Workers (3), and office assistants (12). The Guidance Unit provides comprehensive counseling to inmates so that they may become aware that there are alternatives they may choose in order to take responsibility for their lives. A program plan that Clinton Correctional Facility

encompasses the inmates' strengths, needs and interests is developed for each and reviewed quarterly in order to advise and prescribe programming options available at the facility.

If the inmate is eligible for earned eligibility program, completion of the program plan provides them with the opportunity for early release consideration. The facility offers a wide range of therapeutic programs to include: Alcohol and Substance Abuse Treatment (ASAT), which assists chemically dependent inmates in understanding addiction and maintaining abstinence, and is offered in both the Main, APPU, and the Annex. The Aggression Replacement Training (ART), which is an eight-week program designed to address aggression and conflict management issues, and is offered at both the Main, APPU, and the Annex

Transitional Services is a three-phase re-entry program that is provided, in phases, throughout the inmate's incarceration. Phase I is the Introductory Phase designed to assist inmates to begin planning for their transition to the community. Phase II consists of the program Thinking for a Change designed to provide the inmate with the cognitive and behavior changing tools necessary to lead successful and crime-free lives. And then Phase III is the Transitional Phase which is designed to assist inmates in their final preparation for release to the community. Transitional services are offered in the Main, APPU, and the Annex. There is a 41-bed Sex Offender Counseling and Treatment Program providing services to low, medium, and high-risk sex offenders at Clinton Annex. The Veterans Residential Therapeutic Program houses 45 inmate veterans for a 6-month therapeutic program ran by a LMSW. Clinton Annex is the only maximum-security facility with this program. The program focuses on personal growth with a focus on military service, and issues specific to veterans. Staff also assist the inmate veterans with post release plans, and outside agencies involving veterans also assist with benefit planning and release.

Specialized Programs: There are a variety of specialized Mental Health programs that are overseen by an Assistant Deputy Superintendent of Correctional Mental Health. The following programs are available at Clinton Main:

- The Intermediate Care Program (ICP), houses 70 inmates and is operated in conjunction with the Office of Mental Health. The program is designed for the treatment, habilitation, and rehabilitation of inmates with mental illness' that impair their functioning in the general prison population. This fully staffed unit provides services seven days a week.
- The Transitional Intermediate Care Program (TR-ICP), which is operated in conjunction with OMH, is comprised of 18 inmates diagnosed with serious mental illness. The purpose is to try to increase the inmate's functionality in the least restrictive environment while reducing the impact that symptoms of mental illness and behavioral instability have on their adjustment while incarcerated. The treatment team provides group and individual interventions.
- The Special Needs Unit (SNU) is a therapeutic community that provides short and long term habilitative and rehabilitative services to 31 inmates who have been identified as developmentally disabled or who possess significant intellectual and adaptive behavior deficits that impair independent functioning in the general prison population.
- The Transitional Special Needs Unit (TR-SNU) is comprised of 18 inmates who are identified as developmentally disabled or who possess intellectual and adaptive behavior deficits in the least restrictive environment while assisting in managing their transition to general population. Both group and individual counseling are provided by the SNU ORC.
- The Assessment and Program Preparation Unit (APPU), located at Clinton Main, currently houses 191 inmates. This program is an alternative to protective custody and provides an environment for those inmates who are considered victim prone and thus are not permitted exposure to the general population. This is a fully functioning program that has self-contained

Industrial Programming, Education and Vocational Programming, Transitional Services, Sex Offender Counseling and Treatment Program, ASAT, ART, Recreation, Religious Services, Library and Law Library.

- In conjunction with OMH, there is a Group Therapy Program (GTP) for up to 6 inmates in SHU which provides services to a population of inmates who are seriously mentally ill and have demonstrated that they pose substantial risk to the safety and security of staff, other inmates, and/or the facility. The GTP offers each participant two hours per day, five days a week, of out-of-cell, structured, therapeutic programming in addition to recreation.

Visitation: Inmate visitation is offered seven days a week from 8:45 am to 3:15 pm at Clinton Main. At Clinton Annex, visiting is from 8:45 am–3:15 pm Monday–Friday, and from 8:30am–3:15pm on weekends. Each inmate is allowed up to four visitors daily. There is appropriate and adequate room for both contact and secure non-contact visiting available. Special and legal visits are arranged per the inmate regulations. For inmates meeting specified criteria, a family visiting modular program is available for overnight visits. This program is a privilege opportunity and inmates must be without disciplinary violations for 60 days. There is a Video Visitation program available in the Annex, which connects children with their incarcerated parent through videoconferencing. This service is provided by the Osbourne Association, specifically for inmates with families in the five boroughs of New York City.

Library Services: Three general and three law libraries are available for inmates at Clinton Correctional Facility. The General Libraries are located at the Main, Annex and APPU. The libraries in the Main, Annex and APPU serve the entire inmate population, including those who are in Keep-lock/SHU areas, and for those who do not speak English. The General Libraries are utilized by Academic programs, Vocational programs and Guidance, as well as call outs for those who wish to just check-out books or read magazines and newspapers. Library Services subscribes to approximately 33 magazines and six newspapers at the Annex, 50 magazines and six newspapers at the Main, and 13 magazines and six newspapers in APPU. There are ample book selections for all reading preferences, which are obtained through facility purchases as well as Interlibrary Loans through the Clinton, Essex, Franklin Library System. The general library in the Main is open Monday through Friday and a library cart is available in the gym on weekends. The Annex general library is open all seven days of the week. There are library carts supplementing services to special housing units in both the Main and Annex. Electronic law libraries have been installed in the Main, APPU, and the Annex. The law libraries are open seven days a week and have inmate legal assistants assigned. The inmates in segregation unit make written requests for services and materials which are distributed by the Law Library Officers.

Laundry Services at both the main and annex are provided Monday through Friday. Laundry is sent to the laundry by inmates utilizing net bags. Laundry detergent and bleach are automatically dispensed into washers. Inmates may send clothing and linens to the central laundries on a regular basis.

Recreation: A staff of four and several inmate workers provide the recreational opportunities. The programs include an indoor gymnasium, weights, outdoor yards, and table games. Team sports offered include flag football, soccer, softball, basketball, and handball. The gymnasium has weight equipment and a floor large enough to run two full-court basketball games simultaneously. Seating areas and showers are also available in the gym. The facility uses a rotational recreation schedule to minimize the number of inmates in any one location.

The north yard has terraced hill slopes, which are used as courts and has a maximum capacity of 450 inmates. Within the yard there are 225 individual courtyards and 36 phones. The facility or the Inmate Benefit Fund provides firewood monthly and inmates are permitted to use food from packages or Clinton Correctional Facility

commissary for cooking outdoors. Up to six inmates can use the courts at once. The inmates visit and cook on the wood fire stove in each court. In the summer months, they can grow gardens. It is a privilege based on good behavior and will be lost for any type of disciplinary issues.

There are outdoor recreation areas for the special housing units to use one hour per day. There are also separate yards for Assessment and Program Preparation Unit (APPU) inmates and for inmates housed in protective custody. The Annex has a large gymnasium equipped with weights, cardio equipment, ping-pong, and a floor large enough to run two full-court basketball games simultaneously and three recreation yards.

Summary of Audit Findings

Based on triangulation of evidence, interviews and observations during site visit, the audit team deemed three standards in need of additional action in order to meet compliance. These areas are listed below along with the prescribed corrective action. The facility took prompt and decisive action to correct these deficiencies.

115.15 (d): During the tour of the Clinton Annex Hub Center auditor observed one inmate bathroom without any privacy shield or screen. A recommendation was made to frost the glass as a privacy shield.

Corrective Action: The facility did not have material to frost the glass, instead the window was painted to the same end with the intent of frosting glass when material is purchased. This was completed prior to the conclusion of the on-site portion of the audit.

115.16 (b): Nine (9) randomly selected Draft Receipts were reviewed during the inmate file review. Of these, 3 were properly completed with the appropriate language brochure circled and 6 did not indicate the language of brochure that was provided to the inmate. While the auditor has no reason to believe that the printed literature was not provided in an appropriate language to all incoming inmates, the incomplete documentation does not support it happened. Recommendation was made to retrain Draft Sergeants on ensuring that inmates are provided information in a language of understanding and thoroughly completing 4021-A, Draft Receipt. Auditor requested completed 4021-A, Draft Receipts for drafts between February 14-March 25, 2020 to ensure procedure and practice has been implemented and is well established.

Corrective Action: Assistant Deputy Superintendent/PREA Compliance Manager provided a memorandum evidencing retraining of Draft Sergeants to properly document which language version brochure an inmate is given. In addition, six completed draft forms were provided for the period requested by auditor. All forms received were found to indicate the language preference of brochure provided to the incoming draft inmates. Facility has produced satisfactory evidence that the procedure is implemented and well-established requiring no further action to meet requirements of this standard.

115.86 (b): A review of 14 incident reviews found that 7 were conducted within 30 days. Due to finding 50% of the incident reviews being conducted beyond 30 days after the close of the investigation auditor requested a corrective action plan to ensure future reviews are completed timely.

Corrective Action: Assistant Deputy Superintendent/PREA Compliance Manager has implemented several controls that will aid the review team in completing reviews timely. These measures include: 1) gather documents (particularly mental health and medical) closer to the time of the allegation so they

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will be readily available when the case is closed; 2) maintain a copy of the risk re-screening document post allegation in the Assistant Deputy Superintendent/PREA Compliance Manager's office so they will be readily available when the case is closed; 3) implement a standing monthly meeting of SAIR Team for reviewing all cases closed for the prior 30 days; and 4) conduct reviews on cases that were initiated prior to implementation of this procedure, even if all local information has not been gathered and then follow up with an amended review if additional information becomes available. Three cases were closed since January 2020 and the facility provided copies of the SAIR Checklist for auditor review. All three incident reviews were conducted within 30 days.

Statement for Non-Compliant Findings: The audit team is satisfied the actions taken by the facility to correct the deficiencies identified and that corrective procedures are implemented and established in a manner of sustainability. No further corrective action is required of the facility to meet compliance with standards 115.15, 115.16, 115.86.

Overall Summary: A review of all available documentation reflects that the New York State Department of Corrections and Community Services has developed agency wide policies in compliance with both the spirit and letter of the Prison Rape Elimination Act (PREA) standards. The Clinton Correctional Facility has incorporated these policies into its local practices, programs, and services. While conducting a site review of the complex, the audit team observed routine adherence to PREA standards by both staff and inmates. Inmate reactions to staff adherence to these policies reflected the institutionalization of common practice. The audit team found the entire facility to be in very good repair with exceptional sanitation standards, especially taking into consideration the age of the structures. Staff were exceptionally helpful and cooperative throughout the visit. Audit team collectively agreed there was no tension felt in the facility among staff or inmates and felt a sense of calm vigilance among all. The audit team collectively agree that safety is paramount in the Clinton Correctional Facility culture.

Standards Exceeded

Number of Standards Exceeded: 11

List of Standards Exceeded: 115.11, 115.13, 115.14, 115.17, 115.18, 115.21, 115.34, 115.42, 115.53, 115.67, 115.403

Standards Met

Number of Standards Met: 34

Standards Not Met

Number of Standards Not Met: 0

List of Standards Not Met: NA

PREVENTION PLANNING

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

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? ☒ Yes ☐ No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? ☒ Yes ☐ No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? ☒ Yes ☐ No
- 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 ☐ No

115.11 (c)

- 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 ☐ No ☐ NA
- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.11(a): New York State Department of Corrections and Community Supervision has two written policies mandating zero-tolerance toward all forms of sexual abuse and sexual harassment: DIR #4027A, Sexual Abuse Prevention & Intervention – Inmate on Inmates and DIR #4028A, Sexual Abuse Prevention & Intervention – Staff on Inmate/Staff on Parolee). These two policies collectively outline the agency's approach to preventing, detecting, and responding to sexual abuse, sexual harassment, and sexual threats. Policies assert sexual abuse and sexual harassment violate agency rules and threaten security and that all allegations of sexual abuse, sexual harassment, or retaliation for reporting such an

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incident of participating in an investigation will be thoroughly investigated. Policies further state that perpetrators will be dealt with severely through discipline or prosecution to the fullest extent permitted by law. Policy provides definitions consistent with those found in Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. §15609. Under § 130.05 of New York State Penal Law, it is a crime for staff to engage in a sexual act with an inmate or parolee. Strategies for prevention and response include training, a duty to report, requirements, and enforcement of discipline and prosecution for those who offend. Clinton Facility Operations Manual (FOM) #602, PREA Coordinated Response Plan to an Incident of Inmate Sexual Abuse, provides written direction of mandating a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. It also outlines the agency's approach to preventing, detecting, and responding to such conduct.

115.11(b): Associate Commissioner Jason Effman currently serves as PREA Coordinator for the New York State Department of Corrections and Community Supervision, as designated through memorandum dated April 23, 2013 from Brian Fischer, presiding Commissioner. The PREA Coordinator is an upper level position in the agency hierarchy and reports directly to the Agency Head as indicated by New York State Department of Corrections and Community Supervision Central Office Organization Chart and interviews with PREA Coordinator. The Associate Commissioner/PREA Coordinator is a dedicated position. Agency website displays that "Associate Commissioner Effman is the Department's PREA Coordinator, a member of the agency's Executive Team, and is responsible for developing and implementing policy and overseeing agency's compliance with the National PREA Standard. He leads a team of professionals within the Sexual Abuse Prevention & Education Office (SAPEO), both in Central Office and in the facilities. SAPEO strives to maintain full compliance with the PREA Standards, implement evolving best practices for the prevention of sexual abuse and sexual harassment, and facilitate support for incarcerated individuals who have been victimized."

Auditor's interview with Associate Commissioner Effman confirmed that his time is almost exclusively devoted to overseeing the agency's efforts to develop, implement and oversee agency efforts to comply with PREA standards in all his facilities and he has sufficient time and authority to do so. He further manages this with assistance of two Correctional Facility Operational Specialists and through regular and direct coordination with 16 Assistant Deputy Superintendent/ PREA Compliance Managers who are instrumental in PREA coordination and execution at the facility level. Associate Commissioner Effman also communicated to the auditor his actual and implied authority and his ability to carry out duties without impediment and receiving support from the agency head.

115.11(c): The designated PREA Compliance Manager for Clinton Correctional Facility is Amy S. Sweeney who also serves for Altona & Adirondack Correctional Facilities. She was promoted to this position effective February 12, 2015. The Assistant Deputy Superintendent/PREA Compliance Manager is an upper level position at the facility and reports directly to the facility Superintendent with joint reporting to Agency Associate Commissioner for PREA. Document titled *Duties Description for the Assistant Deputy Superintendent/SG-25 (PREA)* outlines the specific responsibilities of this position. Memorandum dated August 17, 2017, subject Facility PREA Point Person, from Deputy Commissioner for Correctional Facilities and Associate Commissioner for PREA designates the Assistant Deputy Superintendent as the facility compliance manager and directs each facility to identify and designate a PREA Point Person to assist the facility compliance manager in efforts to comply with PREA standards. Additionally, this directive outlines specific responsibilities of these local positions. These responsibilities include maintaining a direct and open line of communication with the ADS/PREA compliance manager, assisting with monitoring retaliation, ensuring response to allegations, and serves as a member of the incident review team. Clinton Correctional Facility designates a PREA Point Person for the Main and Annex separately: Captain Kendall Matott for Main and Captain Chris Delutis for Clinton Correctional Facility

Annex, both appointed on 11/13/19. Information obtained through auditor's personal observations during site visit, auditor's interviews with ADS Sweeney, Captain Matott, and Captain Delutis and auditor's review of available documentation support that designated staff have sufficient time and authority to coordinate the facility's efforts to comply with the established sexual safety program.

Based on auditor's analysis of related policy, review of executive memorandums, review of agency and facility organization charts, and formal staff interviews, it is determined that Clinton Correctional Facility satisfies all elements required of this standard. In addition, the designation of a PREA Compliance Manager and a Point Person for every facility adds an extra layer of supervision sexual safety efforts and is above and beyond the minimum requirements, therefore, New York State Department of Corrections and Community Supervision and Clinton Correctional Facility is found to not only meet but exceed provisions of this standard.

Standard 115.12: Contracts with other entities for the confinement of inmates

115.12 (a)

- 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 ☐ No ☐ NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.12(a)(b): New York State Department of Corrections and Community Supervision maintains no contracts for confinement of inmates. According to New York State Correction Law section 121, New York State Department of Corrections and Community Supervision is not permitted to enter into contracts for the confinement of inmates; therefore, no private prisons are operated on behalf of the agency. However, New York State Department of Corrections and Community Supervision holds 15 contracts for confinement of Parolees in Community Based Residential Programs.

A review of all contracts in place with Community Based Residential Programs (noted in Documentation Review section of this report) does ensure that the contractor adopts and complies with the PREA standards for Community Confinement Facilities.

As evidenced by the Community Based Residential Programs PREA Audit Schedule dated 03/25/2019, all programs are routinely audited for their compliance with the PREA standards.

Based on auditor's review of contracts and interviews with Associate Commissioner, Clinton Correctional Facility through New York State Department of Corrections and Community Supervision's compliance, meets all provisions of this standard.

Standard 115.13: Supervision and monitoring

115.13 (a)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No ☐ NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? ☒ Yes ☐ No

- 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 ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? ☒ Yes ☐ No

115.13 (b)

- 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 ☐ No ☐ NA

115.13 (c)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

115.13 (d)

- 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 ☐ No
- Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No
- 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 ☐ No

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.13(a): New York State Department of Corrections and Community Supervision ensures that each facility has developed and documented a staffing plan that provides for adequate levels of staffing. A comprehensive and extensive staffing plan is developed and established through the New York State Department of Corrections and Community Supervision Security Information Staffing Unit. The Chart and Staffing memo dated September 19, 2019 indicates a formal review of the established Clinton Correctional Facility Chart and Staffing Plan was conducted for the period of September 1, 2018-August 31, 2019.

The staffing plan for Clinton Correctional Facility takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring. The plan is predicated on a maximum population of 2,852 inmates (2,018/Main and 834/Annex) and an average daily population of 2,285. Current population at time of audit is 2,196. The average daily number of inmates since the last PREA audit is 2,546. Inmate composition is comprised of Maximum A and Maximum B security, male general population.

The current plan calls for 1002 security staffing positions (930 Correction Officers, 50 Sergeants, 17 Lieutenants, 3 Captains, and 2 Deputy Superintendent for Security Services). Facility Administration and Union representatives also provide input to the plan development and review. The plan takes into consideration staff utilization, post closures, additional services usage, preplanning practices, leave policies and schedules, local agreements, supervisory charts, and job descriptions in addition to each of the categories required by this standard to provide for adequate levels of staffing. Information obtained through personal review of documents noted, interview with Superintendent, PREA Coordinator, Compliance Manager, and Deputy Superintendent for Security.

Clinton Correctional Facility staffing is augmented by video surveillance to assist in the monitoring of inmate movement. Throughout the facility there are 2,756 fixed cameras that are recorded in a secure room and can be reviewed by facility supervisors. First Deputy Superintendent produced a sampling of documents indicating a well-established system of weekly review of video footage systematically selected for random and targeted dates/times/locations.

There are also fixed cameras installed that are not recordable and instead are monitored in areas close to where the cameras are placed. Body-worn cameras are also used on designated posts throughout the main unit to monitor interactions between staff and inmates. Footage is available for supervisory review following an incident or complaint, or as otherwise deemed appropriate by the facility administration or agency investigators. Rounds Tracker system is used in all inmate housing including the Special Housing Unit and Residential Crisis Treatment Program as an additional means to track rounds by correction officers and security supervisors. Ample numbers of convex mirrors were observed installed in areas without cameras where additional direct line of sight was not available but needed. As this standard has no specific requirement for video surveillance, Clinton Correctional Facility is found to exceed due to the extensive resources allocated to electronic surveillance through video cameras (recordable and live view), body cameras, Rounds Tracker, and regular/infrequent staff and supervisory rounds to deter any form of sexual abuse and other misconduct.

The current staffing plan notes there are no judicial findings of inadequacy, no findings of inadequacy from federal investigative agencies, no recorded findings of inadequacy from internal or external oversight bodies. The staffing plan indicates the facility operates in accordance with all applicable laws, agency directives, ACA accreditation standards, and Prison Rape Elimination Act standards, with no legal mandate for any specific staffing ratios. Additionally, the plan indicates a review of the

substantiated and unsubstantiated incidents during the prior 12 months and determined that no changes to staffing levels or video monitoring were necessary at the time of the review.

115.13(b): Circumstances where the staffing plan is not complied with are documented directly into the database in the Post Closure Report using codes from the Post Closure Key. Any deviations from the staffing plan are documented and justified. The Chart Sergeant for each of the three tours is responsible for the scheduling of staff to ensure posts are covered. When a deviation from the Plot Plan is necessary the Watch Commander is notified, the closure and reason for deviation is noted on the post tracking grid, and then entered into the database. Reports from all three tours is collected daily and submitted to the Staffing Lieutenant who reviews, then reports are routed to the Captain, Deputy Superintendent for Security, First Deputy Superintendent, and then Superintendent. The most common reasons for deviating from staffing plan were stated as program closures, post function ceased, area/building closure, no trips scheduled, holiday schedule, civilian programs closure. Interviews with Superintendent, Deputy Superintendent for Security and Watch Commanders, Chart Lieutenant and First Deputy Superintendent indicate deviations from staffing plan are consistently and thoroughly documented.

Clinton Correctional Facility provides various programs and services which are scheduled at various times throughout the week and staffing levels are heightened to ensure these programs take place in a safe environment. Programs are generally scheduled within four daily time period also known as Modules/Mods. Video monitoring is utilized to enhance the supervision of these activities. Programs that are offered in both Main and Annex include:

- Alcohol and Substance Abuse Treatment (ASAT)
- Aggression Replacement Training (ART)
- Academic Education (ABE, ESL, Pre-HSE, HSE, College Correspondence, Cell Study, Computer Lab)
- Vocational Education (Main: Electrical Trades, Building Maintenance, Masonry, Printing, Custodial Maintenance and Painting & Decorating; Annex: Custodial Maintenance, Floor Covering, Computer Operator, Horticulture, Painting & Decorating, General Business and Barbering)
- Industrial Programs Tailoring and Asbestos Abatement-Annex
- Religious Services
- Intermediate Care Program (ICP)
- Transitional Intermediate Care Program (Tr-ICP)
- Special Needs Unit (SNU)
- Transitional Special Needs Unit (Tr-SNU)
- Assessment Program and Preparation Unit (APPU) – Main
- Sex Offender Counseling and Treatment Program (SOCTP) – Annex, APPU, SNU
- Veterans Residential Treatment Program – Annex
- Recreation Programs
- General Library
- Law Library
- Transitional Services
- Work Programs, i.e. Mess Hall, Maintenance, Inmate Program Associate, Porters, Clerks, etc.

115.13(c): The most recent staffing plan review was conducted by Superintendent Earl Bell dated September 19, 2019, as evidenced by memorandum reference subject Clinton Correctional Facility Annual Supervision and Monitoring Plan Review. The review concluded that the facility's current staffing plan and monitoring infrastructure is adequate, and that the available security staffing resources are sufficient to meet the staffing plan. As indicated in the referenced memorandum, the review included Clinton Correctional Facility

generally accepted detention and correctional practices, any judicial finding of inadequacy (none), any findings of inadequacy from federal investigative agencies (none), findings of inadequacy from internal or external oversight bodies (none), all components of the physical plant, composition of inmate population, number and placement of supervisory staff, institution programs occurring on a particular shift, applicable State or local laws, regulations or standards (Agency Directives, ACA & PREA), prevalence of substantiated and unsubstantiated incidents of sexual abuse. The annual review is a collaborative effort between the facility Superintendent, PREA Compliance Manager, and PREA Coordinator. Information verified through personal observation, review of documents cited, interviews with Superintendent, PREA Coordinator, and Compliance Manager.

115.13(d): DIR #4001, Facility Administrative Coverage & Supervisory Rounds outline the policy governing practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Security rounds are made a minimum of twice per hour during which time inmates are physically viewed by staff. Inmates are prohibited from creating any obstruction or inhibiting any line of sight. Rounds are documented in the respective area logbooks, on the Weekly Administrative Activity Report, and on the Daily Security Supervisor Report, Form #4001B. The Weekly Administrative Activity Report, Form #4001A, is completed and forwarded to the Superintendent for the Executive Team and Designated Division Heads rounds to ensure Executive Team members make rounds in areas not necessarily under their direct responsibility. The staffing plan review report indicates supervisory placement: Tour I consists of 1 Lieutenant for the Main, 1 Lieutenant for the Annex; 2 Sergeants for the Main and 1 Sergeant for the Annex. Tour II consists of one Deputy Superintendent for Security, one Captain, 5 Lieutenants and 10 Sergeants. Tour III consists of 5 Lieutenants for the Main, 2 Lieutenants for the Annex; 19 Sergeants for the Main and 6 Sergeants for the Annex, Tour III consists of 2 Lieutenants for the Main, 1 Lieutenant for the Annex; 8 Sergeants for the Main and 4 Sergeants for the Annex. Auditor selected six random dates over the past 12 months and requested to review the Administrative Activity Report and the Daily Security Supervisor Report for a variety of shifts, and times and cross referenced with log book entries finding evidence that rounds are conducted and documented by upper-level staff in all areas of the prison. Audit Team observed unannounced rounds conducted during site review, reviewed building entry logs in housing locations during the initial site review randomly. Based on the documentation review, it is evident intermediate and higher-level supervisory staff make frequent, irregular rounds throughout the facility for all times, shifts, and days of the week. Interviews with line staff and inmates confirm all levels of supervisory staff and facility leadership regularly make rounds through the facility.

The current staffing plan includes language that unannounced and irregular supervisory rounds are to be used to deter incidents of sexual abuse. Such rounds are made on all days and on all shifts. Further, the facility Executive Team members use a rotation to ensure an extended presence including evenings and weekends. These rounds are logged and documented in accordance with agency policy. Auditor reviewed Security Supervisor Daily Reports for randomly selected dates of 01/13/20, 11/23/19, 10/16/19, 12/14/19, 11/28/19, 02/01/20 for historical review and audit team observed logbook entries during on-site tour and found a well-established system of documenting rounds.

Policy prohibits employees from alerting other employees that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. Prohibition of alerting other employees that supervisory rounds are occurring is further reinforced in the Conduct and Activities section of the Employees' Handbook which is provided to all employees upon hire. A review of the policies noted, Employees' Manual, and interviews with supervisory and line staff indicates compliance with this element of the standard. Interviews with random staff indicate they are aware

making notifications of supervisory rounds to other staff is prohibited and will result in disciplinary action if discovered.

Auditor's review of all documentation cited in above narrative and related policy combined with personal observations of the audit team during site visit plus interviews with all noted staff and Superintendent, and interviews with inmates, concludes Clinton Correctional Facility meets all provisions; However, the facility has demonstrated the ability to provide constant direct and/or indirect supervision of inmates because of single cell occupancy in the Main, maintaining adequate staffing, staff knowledge and adherence to policies, and the use of extensive electronic monitoring systems which collectively exceed provisions of this standard.

Standard 115.14: Youthful inmates

115.14 (a)

- 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].) ☒ Yes ☐ No ☐ NA

115.14 (b)

- 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].) ☒ Yes ☐ No ☐ 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].) ☒ Yes ☐ No ☐ NA

115.14 (c)

- 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].) ☒ Yes ☐ No ☐ 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].) ☒ Yes ☐ No ☐ 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].) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.14(a-c): State of New York Executive Order No.150 dated December 22, 2015 established separate correctional facilities within the New York State Department of Corrections and Community Supervision exclusively for youth. In 2018, the State of New York passed a “Raise the Age Law” which is being implemented in two phases starting in October 2018. Correction Law § 77, enacted effective April 10, 2017, required the state to establish one or more facilities to serve “adolescent offenders” sentenced to the Department of Corrections and Community Supervision. DIR #0047 states the facility is used for general confinement of males 18 years of age or older. The daily population reports for past 12 months indicate no inmates under the age of 18 have been housed at Clinton Correctional Facility. This fact was further confirmed during interviews with Superintendent, Associate Commissioner/PREA Coordinator, and DDS/PREA Compliance Manager. As Clinton Correctional Facility is an adult facility and has housed no juveniles and that New York State Department of Corrections and Community Supervision has legal statute prohibiting housing of these juvenile offenders with adults, the audit team concludes the agency not only meets, but exceeds the provisions of this standard.

Standard 115.15: Limits to cross-gender viewing and searches

115.15 (a)

- 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 ☐ No

115.15 (b)

- 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 ☐ No ☒ NA
- Does the facility always refrain from restricting female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) ☐ Yes ☐ No ☒ NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? ☒ Yes ☐ No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) ☐ Yes ☐ No ☒ NA

115.15 (d)

- 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 ☐ No

- 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 ☐ No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? ☒ Yes ☐ No

115.15 (e)

- 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 ☐ No
- 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 ☐ No

115.15 (f)

- 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 ☐ No
- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.15(a): DIR #4910, Control of and Search for Contraband policy, governs frisk searches, strip searches, and body cavity searches involving both same gender and opposite gender inmates, and cross gender viewing. Division of Health Services Policy #1.37, Body Cavity Search directs Health Care Services on body cavity searches. Body cavity searches are only conducted by a primary care provider and in circumstances when there is imminent danger to an inmate's health or facility safety and requires prior authorization. Documentation of a body cavity search is made in the inmate's Ambulatory Health Record Progress Notes, Form 3105. In addition, the Primary Care Provider must document the authorization from the Deputy Commissioner/Chief Medical Officer. Cross-gender strip searches are prohibited by DIR #4910. Local procedure FOM #1.11, Cross Gender Searches establishes the limits to cross gender viewing and searches at Clinton Correctional Facility. There has been no cross-gender strip search nor visual body cavity search of an inmate documented at Clinton Correctional Facility for the past 12 months nor reported by staff. All 69 inmates interviewed noted that they had not, nor had witnessed any other inmate, being stripped or body cavity searched by a staff member of the opposite gender.

115.15(b) is not applicable to this facility because Clinton Correctional Facility is a male facility. However, agency policy DIR #4910 requires exigent circumstances for a cross-gender pat frisk of female inmates. In situations of exigent circumstances, Form #1140CGPF, Report of Cross Gender Pat Frisk – Female Inmate must be completed.

115.15(c): DIR #4910, DIR #2230, Guidelines for Assignment of Male and Female Correction Officers, and FOM #1.11, Cross Gender Searches, prohibit cross-gender strip searches and if necessary, will be conducted by Primary Care Provider in accordance with Health Services Policy #1.37 Body Cavity Search. Form 1140 is required to be used in the event of cross gender strip searches under exigent circumstances. No incidents of cross-gender strip searches and visual body cavity searches have occurred therefore no documentation was available for review.

115.15(d): DIR #2230, Guidelines for Assignment of Male and Female Correction Officers, governs duties and responsibilities of opposite gender staff to ensure adequate privacy is provided to inmates and security protocols are balanced. Opaque shower curtains of sufficient length to cover the bodies of inmates and extend to the floor are provided for individual shower stalls. Auditor observed opaque shower curtains, clean and in good repair, installed on every shower stall located on housing units. Local procedure allows inmates to hang a privacy barrier on their cell bars when they are changing clothing or using the toilet. The barrier must not be permanently affixed. This practice was observed by audit team during on-site tour. Clinton Main is equipped with a bathhouse which allows for a total of 50 inmates to shower at one time. Showers are run by block according to established schedule. Traffic in this area is controlled by a locked door and this is a gender specific post for males only which prevents incidents of opposite gender viewing.

DIR #2230 requires staff of the opposite gender to verbally announce their arrival on a housing unit to avoid unnecessary viewing of inmates of the opposite gender, unless emergency conditions dictate otherwise. An announcement is required when the gender-supervision on a housing unit changes from exclusively same gender, to mixed or cross-gender supervision. The announcement(s) by staff is required to be accomplished in a manner that is easily heard and/or understood by all inmates on the unit and to be recorded in the unit logbook. All staff interviewed confirmed announcements are made as directed in policy. Inmate interviews indicated cross-gender announcements as a well-established practiced.

Area of Deficiency: During the tour of the Clinton Annex Hub Center auditor observed one inmate bathroom without any privacy shield or screen. A recommendation was made to frost the glass as a privacy shield. **Corrective Action:** The facility did not have material to frost the glass, instead the window was painted to the same end with the intent of frosting glass when material is purchased. This was completed prior to the conclusion of the on-site portion of the audit. Audit team agree corrective action is satisfactory to meet this provision and no further action is required for compliance.

115.15(e): As directed by Health Services Policy #1.19, Health Appraisal, staff is prohibited, and the facility always refrains from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status. Should a determination be necessary it is obtained through communications with the inmate, a review of medical records, or as part of a broader medical examination conducted in private by a medical practitioner. This policy further prohibits a physical exam of an inmate at the direction of the facility's security or administration for the sole purpose of determining the inmate's genital status. The facility indicates no searches of this nature have occurred in the past 12 months. Compliance with this practice was confirmed through interviews with Clinton Correctional Facility

executive staff, security supervisors, and healthcare staff. Auditors' interviews with inmates indicates no reports of searches for sole purpose of determining gender.

115.15(f): Memorandum dated July 18, 2019 to all Superintendents from the Deputy Commissioner for Correctional Facilities and Associate Commissioner/PREA Coordinator, jointly, updates and clarifies DIR #4910, Control of & Search for Contraband. This memorandum specifically addresses conducting searches of inmates who are transgender and intersex. DIR #4910 requires that the employee conducting a personal search must assure its thoroughness and not offend the dignity of the inmate being searched. Additionally, staff must refrain from demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, and obscene language or gestures during these searches as well as during other encounters with inmates. All security staff have received training on conducting cross-gender pat searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. Auditor reviewed training records dated 01/01/17 – 10/17/19 for Clinton Correctional Facility and found 197 officers received Contraband & Frisk training during this period. Reviewed training records dated 01/01/15-11/12/19 and found 94 Supervisors, 973 Correction Officers, and 339 Civilians received Preventing Sexual Abuse training. All new correctional officers receive training on conducting proper searches during their mandated basic training prior to assuming duties at the facility and refresher during annual in-service. Training is well regulated and non-compliance reports are monitored by Training Lieutenant to ensure all required training is completed.

Auditor's analysis of information obtained from review of related policies and training records, and results of audit team's interviews with staff and inmates concludes Clinton Correctional Facility meets all provisions of this standard.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

115.16 (a)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

- 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 ☐ No
- 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 ☐ No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- 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 ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No

115.16 (b)

- 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 ☐ No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

115.16 (c)

- 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 ☐ No

Auditor Overall Compliance Determination

☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)

- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.16(a): New York State Department of Corrections and Community Supervision DIR #2612, Inmates With Sensorial Disabilities, establishes policy to ensure compliance with Title II (Subtitle A) of the Americans with Disabilities Act (ADA). The programs and services provided to inmates must ensure accessibility and usability by qualified inmates in the most integrated settings. A sign language interpreter certified by the National Registry of Interpreters for the Deaf or other National or New York State credentialing authority, or a sign-language interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. The Agency has a Language Access Coordinator to oversee these efforts. The Inmate Education & Orientation Film Facilitator's Guide and Facilitator Training curriculum instructs that PREA education will be provided in formats accessible to all inmates including those with Limited English Proficiency (LEP), deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. If an inmate has difficulty understanding the written material due to a disability or limited reading skills, appropriate staff shall provide assistance. Four facilities within the New York State Department of Corrections and Community Supervision have been identified to provide comprehensive accommodations to inmates with serious sensory, physical, hearing, visual, and cognitive impairments. Clinton Correctional Facility is not a designated facility.

Interviews with PREA Coordinator, Compliance Manager and healthcare, security and counseling staff indicate appropriate assistance is provided when needed. When interviewing staff, all employees indicated their knowledge of the Language Assistance Line, as well as their willingness to engage the process if needed. During the inmate interview process, the Language Assistance Line was effectively used to translate for two inmates with Limited English Proficiency (LEP) and an authorized staff interpreter was used for one Spanish speaking. When speaking with inmates who have LEP, these inmates stated that their inability to speak English has not affected their ability to participate in any facility-based services, to include the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Additionally, inmates with hearing, vision, speech, and other physical and/or intellectual disabilities were interviewed. These inmates all stated that the facility staff has made accommodations for their disabilities or that their disabilities did not prevent them from participating in any facility-based services, to include the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. In conducting the site review, staff were observed making concentrated efforts to facilitate communication between themselves and inmates assigned.

115.16(b): New York State Department of Corrections and Community Supervision DIR #4490, Cultural and Language Access Services, establishes policy and procedures to ensure that all individuals with LEP have meaningful access to programs, services, and benefits. Contract #PS65924 secures services interpreting services are available through Language Line Services, Inc. Agency policy requires that for all interpretation or translation services provided to an inmate, it is to be tracked on the Language Access Plan Compliance Report, Form #4490D. Interview with an Offender Rehabilitation Counselor who facilitates orientation confirmed this process and a completed Form#4490C was produced showing the language services was recently used to translate for a Russian speaking inmate for a guidance session. Reviewed reports for most recent two months and found that interpretation services

were used 21 times in February and 16 time in January which provides evidence interpretation services are regularly used by staff.

A list of inmates identified as LEP was provided and the audit team randomly selected six for interview. All six inmates were offered translation services and three accepted. Auditors, being able to communicate effectively with these inmates during the interview, determined these inmates were provided the educational information and screening in a manner of their understanding. Auditor observed zero-tolerance posters visible in both English and Spanish in the housing units and other common areas accessed by inmates. PREA Education Film “Ending Sexual Abuse Behind the Walls: An Orientation” is provided in DVD format appropriate to the gender classification of facility and with tracks and captioning in English, Haitian Creole, Italian, Korean, Mandarin Chinese, Polish, Russian, and Spanish. The PREA Sexual Abuse Brochures are available in each of these languages and gender specific. Upon an inmate’s arrival at each facility upon transfer, procedure is to document by circling on the Draft Receipt which language of brochure an inmate receives. PREA Notices, as well as other advisement notices, were posted in languages spoken by significant portions of the inmate population. Nine randomly selected Draft Receipts were reviewed during the inmate file review. Of these, three were properly completed with the appropriate language brochure circled and six did not indicate the language of brochure that was provided to the inmate.

Area of Deficiency: Based on auditor’s review of the evidence where 66% of the Draft Receipts were not completed properly, a recommendation was made to retrain Draft Sergeants on ensuring that inmates are provided information in a language of understanding and thoroughly completing documentation on 4021-A, Draft Receipt. Auditor requested completed 4021-A, Draft Receipts for drafts between February 14-March 25, 2020 to ensure procedure and practice has been implemented.

Corrective Action: Assistant Deputy Superintendent/PREA Compliance Manager provided a memorandum evidencing retraining of Draft Sergeants to properly document which language version an inmate is given. In addition, six completed draft forms were provided for the period requested by auditor. All six forms received were found to indicate the language preference of brochure provided to the incoming draft inmates. Facility has produced sufficient evidence the procedure is implemented and well-established requiring no further action to meet requirements of this standard.

115.16(c): The agency refrains from use of inmate interpreters, inmate readers, or inmate assistance barring exigent circumstances such as when a delay could compromise an inmate’s safety, performance of first-response duties, or the investigation of the inmate’s allegation. The facility reports there were no instances where inmate interpreters, readers, or other types of inmate assistants have been used in the performance of first response duties, which was verified through interviews with PREA Compliance Manager and various staff and inmates.

Auditor’s analysis of documented interpretive services, contracts, and interviews with staff and inmates concludes Clinton Correctional Facility meets provisions of this standard.

Standard 115.17: Hiring and promotion decisions

115.17 (a)

- 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 ☐ No

- 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 ☐ No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 question immediately above? ☒ Yes ☐ No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? ☒ Yes ☐ No
- 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 ☐ No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? ☒ Yes ☐ No
- 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 ☐ No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (e)

- 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 ☐ No

115.17 (f)

- 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 ☐ No
- 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 ☐ No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes ☐ No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? ☒ Yes ☐ No

115.17 (h)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.17(a): DIR# 2216, Fingerprinting/Criminal History Inquiry – New Employees and Contractors, Personnel Procedure Manual #407, Civilian Promotions, and #407A, Security Promotions, direct that candidates for employment and contractors will be bypassed and not considered for hiring or promotion if they have engaged in any activity delineated in the five subsections of element (a) of this standard, thereby prohibiting the enlistment of services of any candidate who meets the criteria. New York State Civil Service regulates hiring procedures for all state agencies. Security positions are hired from the Civil Service registry and processed through a structured, centralized protocol by the agency's Employee Investigation Unit (EIU).

115.17(b): Any incidents of sexual harassment will be considered in determining whether to hire an individual or to enlist the services of a contractor who may have contact with inmates as directed by Personnel Procedures Manual #407, Civilian Promotions and #407A, Security Promotions. The Director of Personnel will review requests to promote a candidate who have engaged in an incident of sexual harassment and subsequently determine if it is in the best interest of the Department to promote the candidate.

115.17(c): Personnel Procedure Manual #406A, Recruitment Process, establishes policy for contacting the former institutional employer for candidates who have been previously employed by a prison, jail, lockup, community confinement facility or juvenile facility. Each facility is required to complete a Recruitment Process Checklist (406A1) upon recommending a vacant position be filled and thereby attesting to have contacted all prior institutional employers regarding substantiated allegations of sexual abuse or resignations during a pending investigation of an allegation of sexual abuse and to have sent emails to ODM, Office of Special Investigations and Labor Relations for inquiries on current employees considered for promotion. Interview with Human Resources Manager and review of local personnel files indicates this checklist is completed on all civilian employee hires. Applications cannot be submitted for onboarding without documentation that prior institutional employers have been contacted. Criminal background checks were conducted on a total of 46 staff in the past 12 months for either new hire or promotions.

115.17(d): The facility reports that criminal background checks were conducted on all staff for a total of 23 contracts. Random sample of four records selected and reviewed by auditor finds facility in compliance with requirements.

115.17(e): DIR# 2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors, establishes the policy that all employees and contractors of the New York State Department of Corrections and Community Supervision will be subjected to a criminal history inquiry in order to obtain background information pertinent to the security of operations, to verify data on employment applications, and to receive notification when Department employees are arrested. Criminal history inquiries are conducted by the Department's Employee Investigation Unit (EIU) and must be completed prior to the first date of employment. Criminal background records checks are not conducted after an employee's initial hire as the Agency has a system in place to capture this information on an ongoing basis.

115.17(f): DIR #2112, Report of Criminal Charges, creates policy to require employees to report when they are charged with the commission of a felony or misdemeanor. Each employee is required to complete a Personal History Questionnaire, Form EIU23. This questionnaire requires yes/no responses to the following questions: 1) "Have you ever been the subject of disciplinary action in connection with any employment? This would include, but is not limited to: suspension, termination, written warning, verbal warning, or formal counseling."; 2) Have you ever been named in any allegations of sexual abuse (i.e., engaging in or attempting to engage in any form of sexual activity with a person by force, overt or implied threats of force, or coercion; without the person's consent, or when the victim was unable to consent) or sexual harassment?"; 3) Have you ever been asked to resign from any employment in lieu of termination or resigned during a pending investigation?"; 4) Have you ever been convicted of a crime where you engaged in or attempted 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 if the victim was unable to consent?"; 5) Have you ever been civilly or administratively adjudicated to have engaged in or attempted 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 if the victim was unable to consent?"; 6) Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. DIR# 2112, Report of Criminal Charges, imposes upon employees a continuing affirmative duty to disclose any of the above misconduct.

115.17(g): Personal History Questionnaire, Form EIU23, informs every applicant for employment that material omissions regarding misconduct or the provision of materially false information are grounds for Clinton Correctional Facility

rejection for appointment and termination. Staff interviews indicates awareness of this requirement and subsequent consequences.

115.17(h): Agency policy #2012, Release of Employee Personnel and Payroll, citing that information about a former employee's reason for leaving employment may be provided to State agencies without authorization from the employee but shall not be provided to parties other than State agencies without written authorization of the employee. This policy is in accordance with the Personal Privacy Protection Law. Upon receipt of proper authorization by the prior employee, this information is provided.

Evidence of these processes was observed through a review of eight civilian personnel files (6 civilian new hire packets, and 2 internal promotion packets) and four contractor files, all randomly selected by auditor. Of these records, two contained evidence of the documentation required when derogatory information is found during a criminal background check. Additionally, background check verifications were obtained from the EIU for 11 more employees (4 civilian, 5 correction officers, 2 security supervisors). Documentation noted dates background conducted, fingerprinting captured, date of notification by EIU of clearance, and date of hire (or indication employee was not hired). Example of a notification by EIU of an employee's arrest was provided for Auditor's review to support the ongoing criminal history check for all employees. Contractors are fingerprinted and subject to the same live criminal history monitoring as employees. The Head Personnel Clerk assisted auditor with document review and verified the hiring procedures are in place according to agency directives.

Interviews conducted with Associate Commissioner, Superintendent, Head Personnel Clerk combined with the body of documents reviewed validate the protocols identified in above narrative are followed at Clinton Correctional Facility. In addition to meeting the minimum requirements, the agency exceeds provisions of this standard by: 1) the fingerprinting of all staff and contractors which provides a real-time notification of any criminal activity; and 2) criminal background checks being run on all volunteers where it is not required.

Standard 115.18: Upgrades to facilities and technologies

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
☒ Yes ☐ No ☐ NA

115.18 (b)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

Clinton Correctional Facility

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.18(a): Clinton Correctional Facility has not acquired a new facility or made a substantial expansion to the facility since the last PREA audit. However, DIR #3053, Alterations/ Construction Request establishes policy that requires consideration of the effect of the design, acquisition, or modification upon the agency's ability to protect inmates from sexual abuse when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities. Form 1612, Alterations/Construction Request, contains section for Superintendent to indicate if alteration/modifications will enhance, have no impact, or have negative impact on the facility's ability to protect inmates from sexual abuse. The last PREA audit was completed March 2, 2017.

One Alteration/Construction Request was submitted on 01/22/2019 to replace the cement block bathroom partitions with Corcraft plastic partitions. This request was initiated to enhance the facility's ability to protect inmates from sexual abuse. The project has been conditionally approved and awaiting completion.

115.18(b): DIR #3053, Alterations/Construction Request establishes policy that requires consideration of how such technology may enhance the agency's ability to protect inmates from sexual abuse when installing or updating electronic monitoring technology. Review of the Staffing Plan indicates of use of electronic surveillance is a consideration when the annual reviews are conducted. A comprehensive fixed video monitoring system was installed in December 2018 with 984 cameras installed in Clinton Annex and 1,772 cameras installed in Clinton Main. These cameras are recorded in a secure Loronix room and can be reviewed by facility supervisors. Video surveillance is also used to assist staff in the monitoring of inmate movement in the 1:1 Contraband Watches at Clinton Main and in the North Yards in both the Main and Annex. The monitoring of this video surveillance is accomplished through the Watch Commander's office which is staffed around the clock. There are also fixed cameras installed that are not recordable and instead are monitored in an area close to where the cameras are placed. The facility also has 150 body-worn cameras that are assigned to specific jobs in Clinton Main to further enhance supervision.

Compliance with this standard was determined from evaluation of information obtained through policy review, interviews with Associate Commissioner, Superintendent, PREA Compliance Manager, Watch Commanders, and personal observations during site visit. Due to the extensive deployment of electronic monitoring and demonstration to enhances the ability to protect inmates from sexual abuse, Clinton Correctional Facility exceeds requirements of this standard.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

115.21 (a)

- 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 ☐ No ☐ NA

115.21 (b)

- 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 ☐ No ☒ NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (c)

- 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 ☐ No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? ☒ Yes ☐ No
- 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 ☐ No
- Has the agency documented its efforts to provide SAFEs or SANEs? ☒ Yes ☐ No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? ☒ Yes ☐ No
- 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 ☐ No ☐ NA

- Has the agency documented its efforts to secure services from rape crisis centers?
☒ Yes ☐ No

115.21 (e)

- 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 ☐ No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? ☐ Yes ☒ No

115.21 (f)

- 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 ☐ No ☒ NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.21(a): The Agency is responsible for investigating allegations of sexual abuse and follows uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions, as directed by DIR #0700, Office of Special Investigations. This directive states the Sex Crimes Division of the Office of Special Investigations conducts investigations involving sexual misconduct between inmates or parolees and Departmental staff, as well as inmate-on-inmate sexual abuse, and assists outside law enforcement in the development of cases for criminal

prosecution. In accordance with Office of Investigations Manual Chapter 5, all Office of Investigations/Sex Crimes Division Investigators are trained in evidence collection that includes methods of documenting, collecting, and preserving physical evidence to ensure the best analysis results. In addition, Office of Investigations/Sex Crimes Division Investigators are required to know the content of HSPM 1.60. The agency utilizes community hospitals that follow the National Protocol for Sexual Assault Medical Forensic Examinations for evidence protocols and forensic medical examinations. Interviews with Office of Special Investigations/Sex Crimes Division investigators confirm these uniform evidence protocols are in place and followed.

115.21(b): DIR #4027B, Sexual Abuse Reporting and Investigation – Inmate-on-Inmate, and DIR #4028B, Sexual Abuse Reporting and Investigation – Staff-on-Inmate/Staff-on-Probationer, outlines evidence protocols for administrative proceeding and criminal prosecutions. New York State Department of Corrections and Community Supervision is responsible for criminal and administrative investigations. The Department’s Office of Special Investigations/Sex Crimes Division conducts the investigations. The Department has a working agreement with the New York State Police (NYSP) Bureau of Criminal Investigation (NYBCI) to work cooperatively in the investigations of reports of Staff on Inmate and Inmate on Inmate sexual assault cases that may involve criminal conduct. The Department utilizes community hospitals that follow the National Protocol for Sexual Assault Medical Forensic Examinations for evidence protocols and forensic medical examinations. Interviews were conducted with investigators of the Office of Special Investigations/Sex Crimes Division. The interviews confirmed the practices for PREA investigations and both investigators were very knowledgeable of the investigation process, the uniform evidence protocol, and the use of the Sexual Abuse Checklist.

115.21(c): Health Services Policy #1.60, Sexual Assault, provides for cases occurring within 120 hours involving penile, finger or foreign body penetration into the vagina, anus or mouth, and/or oral contact with the vulva, urethra, penis or anus, the facility Health Services Director or on call physician will be notified and expeditious transportation will be coordinated with the Watch Commander to take the inmate victim to an outside hospital emergency department staffed with a certified Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE). The policy further directs that all inmate allegations of sexual assault be addressed consistent with community standards for handling allegations of sexual assault.

All victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentially or medically appropriate. Inmate 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.

Health Services maintains a list of SAFE/SANE hospitals and is responsible for confirming that a SANE/SAFE and a Victim Advocate are available to provide services prior to transporting. The inmate may be transported to a closer or more appropriate hospital if health staff determine the inmate’s priority medical needs are such that require immediate or specialized care (e.g., the inmate victim is suffering from traumatic injuries that require a level of care beyond what the certified SAFE/SANE hospital can provide). Admission to the facility infirmary and expedited follow-up assessment by a primary care provider is required upon the inmate victim’s return from an outside hospital emergency department. The primary care provider will continue any appropriate post exposure prophylactic medications initiated at the outside hospital or at the facility. For all involved inmates, immediate completion and submission of a Mental Health Referral Form 3150, to Mental Health staff is required.

SAFE/SANE examinations will be provided at any of the following: 1) Champlain Valley Physician's Hospital (CVPH), 75 Beekman Street, Plattsburgh, NY 12901, (518) 561-2000; 2) Alice Hyde Medical Center, 133 Park St., Malone, NY 12953, (518) 483-3000; 3) Massena Memorial Hospital, 1 Hospital Drive, Massena, NY 13662, (315) 764-1711. The New York Public Health Law section 2807-c states that no general hospital shall refuse to provide hospital services to a person presented or proposed to be presented for admission to such general hospital by a representative of a correctional facility based solely on the grounds such person is an inmate of such correctional facility. No general hospital may demand or request any charge for hospital services provided to such person in addition to the charges or rates authorized in accordance with this article, except for charges for identifiable additional hospital costs associated with or reasonable additional charges associated with security arrangements for such person.

No incident occurred at Clinton Correctional Facility in the last 12 months requiring a forensic medical examination. This was further evidenced through auditor's review of investigation case files and interviews with investigators, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, and healthcare staff.

115.21(d): New York Public Health §2807-c., General hospital inpatient reimbursement and, Division Health Services, Policy #1.60, Sexual Assault, Section: Health Care Services, provides that victims of sexual abuse shall be afforded access to crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Health care staff will ensure that a Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE) and a Victim Advocate are available to provide services prior to transport. Interviews with the Deputy Superintendent for Health, Facility Investigators, Assistant Deputy Superintendent/PREA Compliance Manager and PREA Facility Point Person confirmed inmates would quickly be provided victim's advocate and/or rape crisis center services.

In addition, a Memorandum of Agreement by and Between The New York State Office of Victim Services (OVS) for the OPDV Prison Rape Elimination Act (PREA) Hotline Expansion Project provides telephone hotline accessibility from the inmate phone system for inmate victims of sexual assault at no cost. Auditor tested the hotline available to all Clinton Correctional Facility inmates and confirmed that confidential victim services are provided at no cost to the inmate.

115.21(e): In addition, the bilateral contract entered into between the New York State Coalition Against Sexual Assault (NYSCASA), hereto referred to as Contractor, and Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital, dated 2-14-17 is in place to provide outside advocacy services to inmates. The determination of the need for medical assessment, treatment, transport and follow-up treatment shall be at the sole discretion of medical staff pursuant to HSPM #1.60. Office of Special Investigations/Sex Crimes Division Investigators shall not interfere with or make decisions regarding medical treatment. An advocate shall be afforded to the inmate at this time and upon the inmate's request the advocate shall see the inmate prior to discharge from the hospital. Inmates are given this information upon arrival to Clinton Correctional Facility in person and in writing. Advocacy services will be provided during the investigative process if requested by the inmates and will be arranged by the Supervising Offender Rehabilitation Coordinator, Assistant Deputy Superintendent/PREA Compliance Manager, Deputy Superintendent for Security or PREA Point Person, as needed.

115.21(f): This provision is not applicable to Clinton Correctional Facility. The agency is responsible for investigating allegations of sexual abuse.

115.21(h): This provision is not applicable to Clinton Correctional Facility as a victim advocate is available at the local hospital for SANE/SAFE examinations and is available through the hotline provided, although, a qualified staff member may be used as a victim's advocate in the event that no other rape crisis center advocate can be located. In this event, only a qualified agency member, who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general, may service in this capacity. There has been no requirement for this service within the audit period.

Based on policy review, interviews with Associate Commissioner, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), Investigators, Watch Commanders, outside victim advocates, medical and mental health staff and inmates combined with document review as noted in narrative above, auditor finds Clinton Correctional Facility meets requirements of this standard. In addition, auditor's evaluation of the above evidence finds the Agency exceeds requirements of this standard due to having dedicated sex crimes investigators and the extensive and ongoing training requirements for these investigators in addition to the Agency's use of SAFE/SANE hospitals providing community standard of care and its partnership with a community victim assistance program for advocacy.

Standard 115.22: Policies to ensure referrals of allegations for investigations

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes ☐ No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes ☐ No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? ☒ Yes ☐ No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? ☒ Yes ☐ No
- Does the agency document all such referrals? ☒ Yes ☐ No

115.22 (c)

- 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 ☐ No ☐ NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.22(a): Through adherence to established policy: DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate, DIR #4027B, Sexual Abuse Reporting & Investigation – Inmate-on-Inmate, DIR #4028A Sexual Abuse Prevention & Intervention – Staff on Inmate/Staff on Parolee, and DIR #4028B, Sexual Abuse Reporting & Investigation – Staff on Inmate/Staff on Parolee, the Agency ensures an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Within the last 12 months, Clinton has received a total of 21 sexual abuse or sexual harassment allegations and all have been referred for investigation. Of those, 13 were referred for criminal investigation and 8 resulted in an administrative investigation. Auditor reviewed printed list of all allegations referred to Office of Investigations between 12/01/18-11/30/19, and an updated list between 11/30/19-01/31/20. Five additional cases were included on the updated report bringing the total for the period of 12/01/18-01/31/20 to 26 total allegations referred to Office of Investigations. Allegations include: 4-Harassment by Inmate; 1-Non-consensual Sex Act by Inmate; 15-Staff Misconduct; 6-Staff Harassment.

115.22(b): DIR #0700, Office of Special Investigations, authorizes and designates the Office of Special Investigations as the official investigative body for all administrative and criminal investigations for the New York State Department of Corrections and Community Supervision under Section 112 of the Correction Law. The Office of Special Investigations is further charged with ensuring that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. All complaints and information received by Office of Special Investigations relative to possible investigations are documented, reviewed, and processed. Office of Special Investigation Sex Crime Unit has the authority to refer cases to New York Bureau of Criminal Investigations, when appropriate, and works in conjunction with the local District Attorney's Office for prosecutions. Interviews with the Senior Investigator and the Acting Assistant Deputy Chief Investigator of the Office of Special Investigations/Sex Crimes Division confirmed procedures are well established and followed. The 20 closed investigations reviewed by auditor were found to be investigated by the Office of Special Investigations in accordance with related agency policy.

DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate and DIR, and #4028A Sexual Abuse Prevention & Intervention - Staff-on-Inmate/Staff-on-Parolee, are published on the Agency's public website at <http://www.doccs.ny.gov/PREA/PREAinfo.html>. Both policies explain the policy and practice to ensure allegations are reported to the Office of Special Investigations. Auditor reviewed the New York State Department of Corrections and Community Supervision website which is complete and thorough and contains the above noted policies. Further interviews with the PREA Compliance Manager, Facility Point Person(s), and Watch Commanders and Office of Investigations Investigators confirmed that all PREA allegations are considered serious in nature and are handled appropriately and timely.

115.22(c): A separate entity is not responsible for conducting investigation therefore this element of the standard is not applicable; however, Office of Investigations works cooperatively with New York State Police (NYSP), Bureau of Criminal Investigations (BCI) in the investigations of reported incidents of staff-on-inmate and inmate-on-inmate sexual abuse that may involve criminal conduct. The agency has not relinquished this authority to any separate entity.

Auditor's analysis of information obtained from policy review, investigative file review, interviews with Associate Commissioner, Superintendent, PREA Compliance Manager, PREA Point Person(s), Watch Commanders, and Investigators concludes Clinton Correctional Facility meets the provisions of this standard.

TRAINING AND EDUCATION

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No
- 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 ☐ No

- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? ☒ Yes ☐ No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☒ Yes ☐ No

115.31 (c)

- Have all current employees who may have contact with inmates received such training?
☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.31(a): New York State Department of Corrections and Community Supervision's body of directives clearly expresses zero-tolerance for sexual abuse. The Agency Employees' Manual Section 2.19, along with Directives #4027A and #4028A, set forth the Department's zero-tolerance policy for sexual abuse.

Clinton Correctional Facility trains all employees who may have contact with inmates on 1) its zero-tolerance policy for sexual abuse and sexual harassment; 2) on 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) 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; and 10) on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

These topics are covered in the curriculum: Sexual Abuse Prevention and Response - PREA-NYSDOCCS - August 2015, code 35029, developed by the Albany Training Academy and the Sexual Abuse Prevention & Education Office. This training is a three (3) hour course for all employees. Prior to teaching this curriculum the Instructor is required to read and be familiar with: Prison Rape Elimination Act of 2003 (PREA); National Standards to Prevent, Detect, and Respond to Prison Rape (standards for Prisons and Jails and for Community Confinement Facilities), May 2012; New York State Department of Corrections and Community Supervision Directives 4027A, 4027B, 4028A, and 4028B; NIC's "Addressing Staff Sexual Misconduct with Offenders"; New York State Department of Corrections and Community Supervision Lesson Plans – "Avoiding Inappropriate Behavior" & "Ethics Awareness"; and New York State Department of Corrections and Community Supervision informational brochure, "The Prevention of Sexual Abuse in Prison: What Inmates Need to Know."

The Employees' Manual also sets forth the Agency's zero-tolerance policy for sexual abuse and sexual harassment and applicability to all staff, further defining staff as all employees, contractors, and volunteers. Receipt of this manual is acknowledged through signature by all staff upon hire and is comprehensively inclusive in the expectations of staff regarding PREA prevention, detection, responding and reporting. New York State Department of Corrections and Community Supervision Training Manual, Subject: 7.000, 40 Hour Orientation/Initial Employee Training, dated 8-13-18 establishes guidelines for civilian employees' mandatory initial training. This training curricula is mandatory for all civilian employees and includes the 3-hour course noted in paragraph two above, code 35029. Rosters were viewed for a period of 02/01/17-10/31/19 covering a total of 1288 employees (civilian-291, correction officers-933, uniformed supervisors-64) indicating training is conducted, recorded, and tracked. Twenty (20) individual randomly selected employee training records and three randomly selected training rosters were reviewed. Training procedures and documentation was further verified through interview with Training Lieutenant.

For additional reinforcement, a memorandum from Acting Commissioner dated July 11, 2018, directs that to effectively carry out the Department's mission, all employees of the New York State Department of Corrections and Community Supervision are expected to comply with the applicable laws, regulations, policies and standards as outlined below in performing their assigned duties, and in their daily professional conduct; namely Prevention of Sexual Abuse of Inmates (see also DIR #4027 A, "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate," and #4028A, "Sexual Abuse Prevention & Intervention -Staff on Inmate").

115.31(b): New York State Department of Corrections and Community Supervision Training Manual, Subject: 7.000, 40 Hour Orientation/Initial Employee Training further requires all employees who transfer from one facility to another to receive familiarization on compliance with PREA and the Clinton Correctional Facility

Department's Sexual Abuse Prevention and Response procedures. Such familiarization training is tailored to the gender of the inmates at the facility, including addressing gender dynamics for staff who are transferring from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. Also, Job Specific training is conducted by the Immediate Supervisor once an employee is assigned and reports to a work area. This three (3) day orientation to the employee's specific job includes a review of the Policy on the Prevention of Sexual Abuse of Offenders (September 4, 2013).

New York State Department of Corrections and Community Supervision Training Manual Subject: 7.100, Employee Familiarization, is established as a 16-hour facility familiarization program throughout the Agency and is required of all staff transferring to a different facility. Attachment A titled Familiarization Form for Facilities requires a signature verifying the person has received and understands the program. Reviewed documentation (7.100 attachment A) confirming facility familiarization training was received by two employees transferring into Clinton Correctional Facility within the past 12 months. Interviews with Superintendent and Training Lieutenant further confirm that employees transferring from another facility receive site specific training before assuming post.

115.31(c): New York State Department of Corrections and Community Supervision Training Manual, Subject 0.100, Frequency Training Chart and Training Bulletins, dated 12/03/18 designates a frequency schedule for conducting in-service training programs. For Security/Peace Officers, Maintaining Professional Boundaries - Video - Code (17055), once each year; Sexual Abuse Prevention and Response Refresher - Code (17078) 1-hour, every two years. Required training for civilians/non-peace officers fall under the same requirements.

The agency provides PREA refresher every two years (PREA INTRO/REFR, 17078) during in-service. Employees are kept updated on these policies through pre-shift briefings and annual in-service according to records reviews and interviews. All staff interviewed (formally & informally), and not just those who may have contact with inmates, were knowledgeable about all 10 elements enumerated in section (a) as discovered by the audit team during staff interviews. Non-security staff were as well versed in explaining these elements as were the security staff. The Agency created a pocket PREA Reference Card for employees to keep with them and use when necessary and many Clinton Correctional Facility employees had this in their possession.

Course 17078 Roster for 1288 employees (291 civilian, 933 correction officers, 64 uniformed supervisors) for the period of 02/01/17-10/31/19 was viewed by auditor to indicate this refresher is conducted, recorded, and tracked. Twenty (20) individual randomly selected employee training records and three randomly selected training rosters were reviewed. Current in-service period is still underway. The auditor reviewed none randomly selected employee training records, reviewed agency rosters for the initial 3-hour training and the 1-hour refresher and found supporting evidence that the training discussed during interviews is conducted and documented. Auditor observations, interviews, and document review supports the facility has met these requirements.

115.31(d): Clinton Correctional Facility staff sign rosters for the PREA three-hour initial training which includes the acknowledgment statement to verify the staff person has received and understands the training. It then is added to the individual training record of each staff person. DIR #7.000, 40 Hour Orientation/Initial Employee Training, dated 08/13/18, for Civilian (non-peace officer) Employees Mandatory Initial Training (IET) establishes guidelines for all new, full and part-time, civilian (non-peace officer) employees' mandatory initial training. New employees attending the IET sign two Report of Training Forms (RTF): one for the full 80 hours of IET (code 27018) and a second for Sexual Abuse Clinton Correctional Facility

Prevention and Response class for which separate hours will not be credited (copy must be forwarded to the appropriate PREA Compliance Manager(s)).

Employees who complete PREA Training sign the Report of Training Form - Sexual Abuse Prevention and Response form which includes acknowledgement statement indicating the employee confirms he/she has participated in the Prevention of Sexual Abuse – PREA training program and that he/she understands the training that received. The facility reports 1,352 (100%) staff employed by the facility have been trained or retrained on the PREA requirements and printed training records indicate this is accurate and training continues to be on-going.

Clinton Correctional Facility has robust resources to ensure staff are educated on PREA Awareness and all other provisions of this standard. These resources were reviewed by the audit team as noted in the above narrative. Audit team collectively observed a high level of staff knowledge which conveyed they have received meaningful training and understand their responsibilities as custodians and clearly implement these into their daily duties. Staff attitude toward these policies was found to be positive. Based on analysis of information obtained from documentation review, interviews, and personal observations as indicated in the above narrative, Clinton Correctional Facility meets all requirements of this standard.

Standard 115.32: Volunteer and contractor training

115.32 (a)

- 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 ☐ No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? ☒ Yes ☐ No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.32(a): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, designates that all contractors and contract employees, volunteers, and interns shall receive orientation and periodic in-service training consistent with their level of inmate contact relating to the prevention, detection, and response to sexual abuse and sexual harassment. DIR #4750, Volunteer Services Program, directs that during orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with inmates to include visiting, corresponding, and accepting phone calls and that volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an inmate. For purposes of applicability, Penal Law section 130.05 states an employee also includes any person, including a volunteer, providing direct services to inmates in a State correctional facility pursuant to a contractual arrangement or written agreement with the Agency, thereby inclusive of volunteers providing services to inmates. All volunteer applicants must read the most updated version of the Policy on the Prevention of Sexual Abuse of Inmates and acknowledge that they understand the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents. All volunteers are provided with training and policies: DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate, and DIR #4028A, Sexual Abuse Prevention and Intervention - Staff on Inmate. All volunteer applicants must acknowledge receipt in writing that they will be held accountable for and act in accordance with the policy and the law. This job specific training is delivered by the volunteer's staff supervisor.

Interviews with two volunteers and review of seven randomly selected training records indicate delivery, recording, and tracking of training has occurred for volunteers. Based on documentation review and interview with Volunteer Coordinator, it is evident Clinton Correctional Facility has a well-established process of managing volunteers.

DIR #4071A, Guidelines for Construction Projects, includes procedures for contractor training on PREA and directs each contract worker to be issued a copy of Form #4071A which is a seven page handout that includes a section covering: PREA Policy on Zero Tolerance, What is sexual abuse, What is sexual harassment, Duty to Report, Confidentiality, and Acknowledgement Statement with a place for signature of both the contractor and the New York State Department of Corrections and Community Supervision employee who reviewed the procedures with the contractor. DIR #4750 states it is a crime for any employee to engage in sexual conduct or sexual contact with an inmate and for purposes of Penal Law section 130.05, an employee also includes any person providing direct services to inmates in a State correctional facility pursuant to a contractual arrangement with the Department pursuant to a contractual agreement or, in the case of a volunteer, a written agreement with the Department. Review of six randomly selected training records indicate delivery, recording, and tracking of training has occurred for contractors.

115.32(b): Per DIR #4760, Volunteer Services Program, directs the job-specific training for the volunteer to be given by the volunteer's Staff Supervisor. Form #4750D, Required Training for Various Categories of Volunteers. DIR #4071A, Guidelines for Construction Projects, directs the contractor training to be delivered by a New York State Department of Corrections and Community Supervision employee. Memo from Acting Commissioner regarding the Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised) September 4, 2018, pertains to All Employees, Contractors, Volunteers and Interns. This memorandum reinforces the zero-tolerance policy and provides an explanation of the terms sexual abuse and sexual harassment and the duty to report for all employees, contractors, volunteers and interns. The facility reports a total of 73 (100%) volunteers who have contact with inmates and who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response. No contractor enters the facility
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without signing the notification of zero-tolerance policy form as discussed in narrative above. Auditor's review of a random sample of training documents indicates this procedure is well-established.

115.32(c): The Agency maintains documentation confirming that volunteers and contractors understand the training they have received as noted in the above two paragraphs. Auditor's review of training records for contract staff and volunteers found compliance with all provisions of this standard. Further, interviews with contract and volunteer staff, as well as observations on the facility tour, provided verification that all were knowledgeable about the agency's zero-tolerance policy and on their responsibilities with reporting and how to detect and respond to signs of sexual abuse. They also were able to explain how to maintain professional relationships with inmates.

The facility reports 47 volunteers and 26 contractors are authorized and have been trained to enter facility. Review of related policies, observations during the tour, formal and informal interviews with contract employees and volunteers, and observation of the training records and training curriculum, auditor finds Clinton Correctional Facility meets requirements of this standard.

Standard 115.33: Inmate education

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? ☒ Yes ☐ No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? ☒ Yes ☐ No
- 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 ☐ No

115.33 (d)

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- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? ☒ Yes ☐ No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? ☒ Yes ☐ No

115.33 (f)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.33(a): DIR #4021, Inmate Reception/Classification, provides that upon arrival at the facility, each inmate receives a gender-specific pamphlet “The Prevention of Sexual Abuse in Prison”, Form #DC055. This information explains the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment, and addresses prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling. This information is provided in formats accessible to all inmates. The brochures and handbooks are available in English, Spanish, Haitian-Creole, Russian, Polish, Italian, Chinese, and Korean.

115.33(b): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, ensures that inmates receive during orientation information which addresses sexual abuse and sexual harassment and the information is to be communicated orally and in writing, in a language clearly understood by the inmates. Each inmate receives an Inmate Orientation Manual that includes PREA information and Audio education is available to the visually impaired through CDs and cassette tapes. Facility staff, the Office

of Cultural and Language Access Services staff interpreters, and a Language Line Service is available to the facility for interpretation services when needed.

DIR #4021, Inmate Reception/Classification, provides for a comprehensive, gender specific PREA education to be delivered to the inmate population beginning at reception into the agency. The document, PREA-Sexual Abuse Prevention Inmate Orientation Outline, was reviewed by auditor. This information is a general outline of background information needed to conduct the Sexual Abuse Prevention Inmate Orientation for staff members who will be presenting educational programming. It is available to assist with information necessary to answer questions that may be asked during the presentation. The outline includes for the presenter: 1) Introduction and history, explains the role and duties of PREA Coordinator, the role and duties of the Assistant Deputy Superintendent/PREA Compliance Manager, and explains multiple ways to make a report; 2) defines PREA; 3) defines the Agency's zero-tolerance policy; 4) explains the right of every inmate to be free from sexual abuse or sexual harassment and what that means; 5) explains the inmate behavior expectations and defines sexual abuse and sexual harassment; 6) explains what to do if abused; 7) explains how and to whom to report, including 3rd party and anonymous reports; 8) covers the consequences of a false report; 9) explains availability of Victim Services; 9) explains the difference between an authorized Pat Frisk and sexual abuse; 10) covers confidentiality; 11) explains the requirement of opposite gender staff to announce presence on housing unit and why it is done; 12) provides for a questions and answer period.

During the orientation process and within the first week of arrival, inmates view the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation" which is facilitated by staff. This video is available in English, Spanish, Haitian-Creole, Russian, Polish, Italian, Chinese, Korean, and closed caption and is gender specific. This video covers the agency's zero-tolerance policy; prevention; self-protection; how to report sexual abuse suspicions, assaults, and harassment; and how to utilize the PREA hotline for emotional support. The video is impactful by using actual inmates providing testimonies and input on how to stay safe in the correctional setting. Staff conducting the training expands on the previous information provided in the handbook and pamphlet using the PREA-Sexual Abuse Prevention Inmate Orientation Outline, as discussed in previous paragraph.

In addition to addressing PREA during facility orientation for all inmates at Clinton, inmates who are assigned to Clinton as their first general confinement facility out of a reception center participate in Transitional Services Phase 1. The Phase 1 program is a comprehensive overview to assist inmates to transition into prison. It includes four modules: Making a Change; Pro-Social Development; Personal Development; and Prison Rape Elimination Act. Phase 1 is taught over one week and the PREA Module is delivered on the last day (approximately three hours of instruction). The PREA Module is co-facilitated by Transitional Services staff and Inmate Program Associates (peer educators) who have been carefully selected and trained to deliver the curriculum. The PREA Module includes a guided discussion defining sexual abuse and sexual harassment; an additional viewing of the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation" followed by a detailed guided discussion; overview of reporting mechanisms, barriers and responses; and avenues to obtain victim support. The training relies on several scenarios to engage the participants in discussion. Of the 69 inmates interviewed, all recalled receiving the comprehensive training at his first general confinement facility.

115.33(c): Auditor's review of 12 selected inmate files from the incoming draft lists provided indicated each of them had received the initial comprehensive education at the appropriate facility within the designated time frame as evidenced by documentation in the inmate's file. PREA training delivered at Clinton Correctional Facility is documented through signatures of the inmates on the Report of Inmate PREA Training Participation Form 115.33.

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DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, ensures that inmates receive during orientation at their permanent facility after transfer, information which addresses sexual abuse and sexual harassment and the information is to be communicated orally and in writing, in a language clearly understood by the inmates. This information addresses prevention, self-protection (situation avoidance), reporting sexual abuse and sexual harassment, and the availability of treatment and counseling.

All inmates transferred to Clinton Correctional Facility receive a PREA pamphlet in preferred language upon arrival, explaining the agency's and facility's zero-tolerance policy regarding sexual abuse and sexual harassment and explaining how to report incidents or suspicions of sexual abuse or sexual harassment. The PREA Pamphlet is provided in the new arrival packet as confirmed during the interview with the Draft Sergeant. Lead auditor observed the draft process at both Main and Annex during the site visit and found process working as required by policy. Review of draft receipts for 14 randomly selected inmates triangulated with inmate interviews further validate this process regularly and consistently takes place.

All incoming transfers also receive PREA orientation facilitated by trained staff, which includes viewing the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation" and education on policies and procedures specific to Clinton Correctional Facility within 10 days. This education is delivered in a classroom setting and is documented through signatures of the inmates on the Report of Inmate PREA Training Participation Form 115.33. Auditor's review of the documented training indicates the orientation takes place generally within five days, but at least within one week of arrival. During facility tour, an orientation session was attended by the lead auditor. Inmate training records (12) selected from the draft lists and randomly selected two rosters containing signatures of 31 inmates indicate all have received orientation according to procedures stated above.

Any inmates who were admitted to the facility prior to August 20, 2012 were provided the comprehensive PREA education between July 13-31, 2015. The video "Ending Sexual Abuse Behind the Walls" was shown and training facilitated by ICP SORC to all inmates in the gym for inmates assigned to Main; was played in the TV rooms with ORC present for those assigned to the Annex; was played twice on each tier of the block by the ADS PREA for Protective Custody and Keep-Lock; was played and facilitated for inmates in Special Housing Unit by ORC. Random inmates interviewed and during discussion on the facility tour all acknowledged they have received PREA information upon arrival at the facility and that it is reinforced and readily available through staff interaction and information posted in the housing areas. They were able to explain how to report an incident and were aware of the zero-tolerance policy. Auditors observed a variety of culturally diverse, informative PREA posters posted in English and Spanish throughout the facility. Some of these posters address the zero-tolerance, other indicate how to access victim advocacy services and a third poster specifically for reporting includes: "Report Sexual Abuse" in large lettering with a paragraph about reporting on the left in English and the right in Spanish and "Report Sexual Abuse" translated in Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian across the bottom.

115.33(d): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, directs that the PREA information and education shall be communicated orally and in writing, in a language clearly understood by the inmates. This information addresses prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling. Educational information is provided in formats accessible to all inmates. The brochures *The Prevention* Clinton Correctional Facility

of Sexual Abuse in Prison - What Inmates Need to Know and Help for Victims of Sexual Abuse in Prison-Victim Support and handbooks are available in English, Spanish, Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian. Audio education is available to the visually impaired through CDs and cassette tapes. Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service is available to the facility for interpretation services when needed. A list of inmates identified as Limited English Proficient (LEP) was provided and the audit team randomly selected six for interview. All six inmates were offered translation services and three accepted. Auditors determined these inmates were provided the educational information in a manner of their understanding. Inmates with extreme disabilities hampering communication skills, to include those who are deaf and visually impaired, would be housed at a different facility.

115.33(e): Inmate receipt of the PREA pamphlet is captured on Form #4021A, Draft Receipt at both the intake facility and at the permanently assigned facility upon transfer. Intake training is documented through a signature of each inmate on the Form #115.33, Report of Inmate PREA Training Participation at both the intake facility and at the permanently assigned facility upon delivery.

Clinton provided several documents verifying that all inmates have received and understand the training by inmate signatures. Samples of this documentation were reviewed as indicated in the above narrative which satisfies recording of the inmate's attendance and receipt of training forms 115.33 and 115.33L. These records indicate delivery of the orientation process is well established at Clinton Correctional Facility.

115.33(f): In addition to providing the above discussed education, the agency ensures that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats as directed through DIR #4027A. Offenders are provided an Inmate Handbook containing PREA information and provided instructions on reporting methods, and what to do if an inmate feels threats to his/her safety. Handbooks are available in English and Spanish. Zero-Tolerance Policy posters (English and Spanish) are placed throughout the living units, employee break rooms, inmate and employee dining areas, law library, general library, inmate housing areas, inmate work and educational areas, and multi-purpose areas and visitation. Inmate Handbook in both English and Spanish is available in the Law Library. Audit team observed a thorough display of posters and accessibility of the Inmate Handbook.

According to the PAQ, Clinton Correctional Facility reports that 3,405 inmates who were admitted during the past 12 months received information on the agency's zero-tolerance policy and how to report incidents. Of these, 1,895 received comprehensive education on their rights, and other required information as outlined in the above narrative of this standard. Audit team found during interviews that inmates were knowledgeable on the zero-tolerance policy and knew how to make a report. They were able to explain their right to be free from sexual abuse and sexual harassment, and their right to be free from retaliation for making a report. Most inmates were aware they could make a report on behalf of another inmate and were aware that a report could be made on their behalf by a third-party. Inmates responded they would most likely make a report to medical/mental health staff or a counselor but understand they can report an incident to any staff member. Some inmates referenced being able to look in the handbook or get information from the posters displayed throughout the facility. The inmates interviewed expressed feeling safe at Clinton Correctional, that the single cell arrangement along with the extensive camera system was beneficial to all. More than half of the inmates interviewed said they knew the outside advocacy services are available but that they didn't need it.

New York State Department of Corrections and Community Supervision provides a comprehensive PREA education to the inmate population beginning at reception into the agency. Clinton Correctional Facility clearly adheres to the requirements and ensures all inmates receive the education and information as required by agency policies and procedures. Based on personal observations, facility tour, documentation review, training records review, review of handbook and pamphlets, inmate education curriculum review, inmate interviews, and interviews with various staff, Clinton Correctional Facility meets requirements of this standard.

Standard 115.34: Specialized training: Investigations

115.34 (a)

- 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 ☐ No ☐ NA

115.34 (b)

- 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 ☐ No ☐ NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
- 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 ☐ No ☐ NA
- 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 ☐ No ☐ NA

115.34 (c)

- 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 ☐ No ☐ NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.34(a): In accordance with Office of Special Investigations Policy Manual Chapter 5, in addition to the general training provided to all employees and discussed in 115.31, the agency ensures its investigators receive training in conducting sexual abuse investigations in confinement settings. All new Office of Special Investigations Sex Crimes Division Investigators attend Basic Office of Special Investigations Investigator School which includes the following curricula: New York State Department of Corrections and Community Supervision *Office of Special Investigations Overview Training*, NIC PREA course *Investigating Sexual Abuse in a Confinement Setting* initial and advanced, and *Communicating Effectively and Professionally with LGBTI Offenders*. Office of Special Investigations specific training is documented utilizing the RTF-PREA submitted to and maintained by the Office of Special Investigations Training Coordinator. Annually all Office of Investigations/Sex Crimes Division Investigators complete the *Sexual Abuse Investigations and PREA Update* and evidence collection training.

115.34(b): Auditor's review of the specialized training curricula discussed in section (a) above reveals instruction for 1) conducting sexual abuse investigations in confinement settings; 2) techniques for interviewing sexual abuse victims; 3) proper use of Miranda and Garrity warnings; 4) sexual abuse evidence collection in confinement settings; 5) criteria and evidence required to substantiate a case for administrative action or prosecution referral. consistent with requirements of this standard.

115.34(c): New York State Department of Corrections and Community Supervision maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations through participation rosters and hours entered into the training database upon completion. Training records are maintained by the Office of Special Investigations Training Coordinator. There are 31 investigators state-wide in the Agency. Auditor interviewed during the on-site portion of the audit who are responsible for investigations for Clinton Correctional Facility.

The assigned Assistant Deputy Chief and Investigator were interviewed by the lead auditor and they were both found to be very knowledgeable and well trained in conducting investigations. They articulated the required steps covered in the training materials and agency policies. Cases are assigned to the designated investigator and once the investigator completes a case, it is presented to the Assistant Deputy Chief who works with New York State Police BCI and the local District Attorney in making the final disposition on assigning for a criminal investigation. All completed investigations are reviewed by the Assistant Deputy Chief prior to the case being submitted for closure.

Training records were provided for 31 investigators to provide evidence of the general and specialized training. All Office of Special Investigations/Sex Crimes Division investigators have had the training required by the PREA Standards through internal trainings, outside interview trainings, and online NIC Investigations trainings. The Investigating Sexual Abuse in a Confinement Setting course is taken as part of every investigator's initial training. At a subsequent date and after they have gained substantial

investigative experience, each investigator takes PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations.

In addition to the in-house training, investigators also receive outside interview training provided by other law enforcement entities, and training to become certified evidence collectors, “Police Crime Scene and Evidence Specialists”. There are currently 13 certified evidence collectors, with the assigned Investigator being one of the certified. These training records were provided for review. Assistant Deputy Chief is on record as an Office of Investigations trainer and was able to speak to the rigid requirements of all Office of Investigations Investigators as she frequently serves the Sex Crimes Division in a training capacity.

Based on analysis of information obtained from interviews, document review, investigator’s training records and certifications, and policy review, and the stringent training requirements of the Sex Crimes Division over and beyond the requirement of this standard, New York State Department of Corrections and Community Supervision and by extension, Clinton Correctional Facility exceeds requirements of this standard.

Standard 115.35: Specialized training: Medical and mental health care

115.35 (a)

- 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 ☐ No ☐ NA
- 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 ☐ No ☐ NA
- 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 ☒ No ☐ NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) ☒ Yes ☐ No ☒ NA

115.35 (c)

- 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 ☐ No ☐ NA

115.35 (d)

- 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 ☐ No ☐ NA
- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.35(a): According to the Memorandum of Understanding between the New York State Office of Mental Health and the New York State Department of Corrections and Community Supervision dated 09/14/16, New York State Department of Corrections and Community Supervision provides a standardized orientation to all new Office of Mental Health employees working in correctional facilities. All full and part time Office of Mental Health employees working in any New York State Department of Corrections and Community Supervision facility participate in this training as required by the Prison Rape Elimination Act (PREA). Additionally, all full and part time mental health care practitioners (a mental health professional who, by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice) shall participate in specialized training provided by New York State Department of Corrections and Community Supervision as required by PREA, 28 C.F.R. § 115.35.

Medical and mental health providers receive Inmate Sexual Assault Post Exposure Protocol/PREA, published by the New York State Department of Corrections and Community Supervision Infection Control Unit which includes: (1) How to detect and access signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; ;and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This specialized training curriculum

was reviewed by auditor, finding it inclusive of all stated objectives above and consistent with 115.35 requirements. In addition, this lesson covers related agency medical and investigative policy and procedures and encourages a collaborative, victim centered approach to assessing sexual abuse incidents. This program is designed to increase the employee's knowledge of this protocol so that he/she can adopt work practices which will maintain a high level of care for the inmate population.

115.35(b): Facility medical staff performs no forensic examinations for the agency; inmates are taken to nearest hospital for this service, as supported by agency policy and interviews with Health Services Administrator, Deputy Superintendent for Health, Superintendent.

115.35(c): A review of the New York State Department of Corrections and Community Supervision Course Completion Records for Course 17083, PREA Training for Medical and Mental Health Providers, all 37 health care practitioners have received the training as of 12/02/19.

115.35(d): Training Manual, Subject: 7.000, 40 Hour Orientation/Initial Employee Training, dated 08/13/18, dictates all full and part-time medical and mental health employees are required to attend the civilian (non-peace officer) training. This training consists of the Initial Employee Training Program (code 27018) including the following classes: 35029 Sexual Abuse Prevention and Response (3 Hours) Job Specific – Immediate Supervisor: Policy on the Prevention of Sexual Abuse of Offenders (September 4, 2013). All employees receive training on New York State Department of Corrections and Community Supervision Zero Tolerance Policy for sexual abuse and harassment, and how to fulfill responsibilities required. No employee can begin their work assignment without first completing this mandatory training. Refresher training is provided every other year and each year refresher information training is provided via training bulletin and the Commissioner's policy statement on the Prevention of Sexual Abuse of Incarcerated Individuals and Parolees.

Auditors interviewed 6 health services practitioners (4 medical and 2 mental health). All staff were found to be knowledgeable about the training received and they all confirmed having received the general training upon hire and then annually at in-service as well as the and specialized training for mental health and medical personnel. A review of their training documentation provides evidence the training has been delivered and the participants understand the training and requirements of PREA. Based on interviews, training and personnel documentation, curricula and policy review, Clinton Correctional Facility meets requirements of this standard.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

115.41 (a)

- 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 ☐ No
- 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 ☐ No

115.41 (b)

Clinton Correctional Facility

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
☒ Yes ☐ No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
☒ Yes ☐ No

115.41 (d)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? ☒ Yes ☐ No

115.41 (e)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

115.41 (f)

- 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 ☐ No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to a request? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? ☒ Yes ☐ No
- 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 ☐ No

115.41 (h)

- 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 ☐ No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.41(a): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, outlines the protocols for facilities operated by New York State Department of Corrections and Community Supervision to conduct risk screening for inmates. Clinton Correctional Facility local operating procedure FOM #604 dated 01/23/19, PREA Risk Screening outlines the protocols for conducting risk screening at the local facility. An initial assessment is conducted of all inmates arriving at a Reception Center to determinate an inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates. PREA Risk Screening Form# 115.41M is used to conduct these screenings. Upon transfer to another facility each inmate will be screened upon arrival using the same form. Clinton Correctional Facility (both Main and Annex) designates initial screening responsibilities to the Draft Sergeant; for inmates transferring directly into the Special Housing Unit (SHU), the SHU Sergeant is designated to conduct the screening. The facility reports 1,895 inmates entering the facility within the past 12 months were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility. A file review was conducted for 26 randomly selected inmates which provided evidence of a well-established system of risk screening.

115.41(b): As evidenced by FOM #604, PREA Risk Screening, it is the policy of Clinton Correctional Facility, that all inmates transferring in shall be screened by a Sergeant or above within 24 hours, (but no more than 48 hours when unusual circumstances warrant), of arrival at the facility. Inmates who are temporarily housed at the facility will be screened if their stay is anticipated to be for 72 hours. Auditor's observation of intake procedures and inmate file reviews indicate inmates are routinely screened on day one of arrival (within 24 hours).

115.41(c): The New York State Department of Corrections and Community Supervision PREA Risk Screening Form #115.41M is a comprehensive, fact-finding and objective instrument. The instrument allows for recording the responses of the inmate. Auditor's analysis of the instrument determines it to be a factual based and objective instrument.

115.41(d): The New York State Department of Corrections and Community Supervision PREA Risk Screening Form #115.41M includes questions for all criteria found in 1-9 of the elements stated in this provision of the standard to be considered during screening. Element 10 is not assessed because New York State Department of Corrections and Community Supervision does not hold inmates solely for civil immigration purposes, although this is captured on each risk screening instrument.

115.41(e): The New York State Department of Corrections and Community Supervision PREA Risk Screening Form #115.41M includes questions to collect data for assessing sexual abusive behavior risk and considers: a) convictions of a crime related to sexual abuse of another inmate, detainee, or resident; b) known history of committing institutional sexual abuse; c) convictions of a violent offense; and d) known history of committing institutional violence.

115.41(f): Clinton Correctional Facility local operating procedure FOM #604, PREA Risk Screening directs reassessment of each inmate within 14 days of arrival by updating the original screening based upon a review of records and any additional available relevant information by the inmate's assigned Offender Rehabilitation Coordinator. The PREA Risk Screening Form contains a column for the Offender Rehabilitation Coordinator to document the reassessment. Once completed, the form is forwarded to the Assistant Deputy Superintendent/PREA Compliance Manager who will complete a final risk assessment within 30 days of the inmate's arrival at the facility to be documented on the original form.

115.41(g): Clinton Correctional Facility local operating procedure FOM #604, PREA Risk Screening directs each inmate to be reassessed if at any time additional information is received 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. These assessments are conducted by the Assistant Deputy Superintendent/PREA Compliance Manager or the Captain/PREA Point Person.

115.41(h): Clinton Correctional Facility local operating procedure FOM #604, PREA Risk Screening directs that inmates are not to be disciplined for refusing to answer or for not disclosing complete information in response to questions asked pursuant to the PREA Risk Screening process. Language is also printed on the Risk Screening Form that inmates cannot be disciplined for refusing to answer or not completely disclosing information. Interviews with Draft Sergeant, Captains, Deputy Superintendent for Security and Assistant Deputy Superintendent/PREA Compliance Manager confirm this never occurs.

115.41(i): Sensitive information collected during the risk screening process is controlled and disseminated only as needed to appropriate parties to ensure proper care, housing, and other assignments for protection of the inmate and others. The Risk Screening Form includes language that directs "information contained on this form shall not be disclosed to anyone other than to the extent necessary to make security classification, housing/placement, programming, treatment, investigation, and other security and management decisions". Clinton Correctional Facility local operating procedure FOM #604, PREA Risk Screening directs the PREA risk screening interviews to be conducted in a private setting. Auditor observed inmates taken one at a time from the waiting area into a staging area for screening behind a closed door for confidentiality purposes. Dissemination of the screening information is limited to the Captain/PREA Point Person, Watch Commander, Assistant Deputy Superintendent/PREA Compliance Manager, and classification/guidance staff. Interviews with all concerned parties indicate the risk screening forms are kept in a locked file cabinet, in a locked office/room with only the identified persons listed above having access.

Auditor's analysis of information contained on the PREA Risk Screening Forms, personal observations, review of inmate files, and interviews with Superintendent, Captains, Deputy Superintendent for Security, Assistant Deputy Superintendent/PREA Compliance Manager, Supervising Offender Rehabilitation Coordinator, Offender Rehabilitation Coordinators, Draft Sergeants, and Watch Commanders, determines Clinton Correctional Facility meets all provisions of this standard.

Standard 115.42: Use of screening information

115.42 (a)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? ☒ Yes ☐ No

115.42 (c)

- 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 ☐ No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.42 (d)

- 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 ☐ No

115.42 (e)

- 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 ☐ No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? ☒ Yes ☐ No

115.42 (g)

- 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 ☐ No ☐ NA
- 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 ☐ No ☐ NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.42(a): FOM 604, Clinton Correctional Facility local operating procedures, PREA Risk Screening directs protocols for use of screening information. Information from the risk screening instrument is used to inform housing assignments, bed assignments, work assignments, education assignments, and program assignments with the intent of keeping separate those inmates at high risk for victimization from those at high risk of being sexually abusive. If an inmate is determined to be at high risk for victimization or abusiveness, the Draft Sergeant will notify the Watch Commander for housing assignment who will determine the most appropriate housing assignment with the goal of keeping separate inmates at high risk of sexual victimization from those at high risk of being sexually abusive. In cases when an in-transit inmate will remain at the facility overnight, a screening will be performed using Form 4021, Security Screening Form is used for making appropriate housing assignment which includes

an indication/notation of any sexual victimization or aggression and any concerns the inmate may have for personal safety. A review of 11 randomly selected forms indicates procedure is well-implemented at the facility.

The Assistant Deputy Superintendent/PREA Compliance Manager completes Form 115.42 to notify appropriate staff of an inmate's assessment as potentially being at high risk for victimization or abusiveness and provides a copy to: a) Movement and Control Officer to inform housing and bed assignments; b) Housing Unit Sergeant; and c) Program Committee Chairperson to inform work, education, and program assignments.

115.42(b): The Assistant Deputy Superintendent/PREA Compliance Manager in collaboration with the Main and Annex Captains/PREA Point Person(s) at Clinton has the authority to recommend individualized determinations about ensuring the safety of all inmates. Inmates determined to be at high risk for victimization are interviewed followed by periodic spot checks by the Assistant Deputy Superintendent/PREA Compliance Manager and the inmate's own views of safety are given serious consideration with regard to safety. Bed and/or housing moves, adjustments to programming/work/education assignments may be recommended in order to ensure safety of the individual. Interviews with the Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), and inmates determined to be at high risk confirmed this practice is well established.

115.42(c): DIR #4401, Guidance & Counseling Services directs the procedure for a transgender or intersex inmate to make a request for consideration of placement in a facility for male or female inmates by advising their Offender Rehabilitation Counselor of their desire for such placement and providing any information that will assist the agency in assessing the request. This request is made by completion of Gender Identity Interview Form #115.41GI by the inmate's counselor and will be evaluated by a multidisciplinary Central Office Transgender/Intersex Inmate Placement Review Committee. This Committee will consider the inmate's own views with respect to safety, the inmate's gender identity, the inmate's security level, criminal and disciplinary history, current gender expression, medical and mental health information, vulnerability to sexual victimization, and likelihood of perpetrating abuse. Additional security considerations will be evaluated by the committee. Housing assignment by gender identity will be made when appropriate. Review of five inmate records and interviews with counseling staff indicate this procedure is well established at Clinton Correctional Facility.

115.42(d): DIR #4401, Guidance & Counseling Services dictate at each Initial and Case Plan Review, an Offender Rehabilitation Coordinator will inquire whether an inmate has any issues concerns or questions related to sexual abuse. The inmate response will be documented as part of the review and any required action will be initiated, to include any referral necessary. Placement and programming assignments for each transgender or intersex inmate shall be reassessed during each Case Plan Review to review any threats to safety experienced by the inmate. A transgender or intersex inmate's own view, with respect to his or her own safety shall be given serious consideration. Based on this procedure, all inmates are re-assessed based on threats to safety four times each year which exceeds the requirements of this standard. Interviews with Supervising Offender Rehabilitation Coordinator and two Offender Rehabilitation Coordinators indicate that a case plan review is conducted, and safety concern questions are asked of all inmates during their quarterly face-to-face contact to include transgender and intersex inmates. Examples of contacts with inmates were viewed by auditor within the database.

In accordance with DIR #4803, Inmate Program Placement, for all inmates, a job assignment and programming review and update is conducted by the Classification Committee Chairperson every six Clinton Correctional Facility

months who then recommends appropriate changes to the Deputy Superintendent for Programs. This is documented in case notes within the computer database and was confirmed during interview with Supervising Offender Rehabilitation Coordinator and Deputy Superintendent for Programs.

115.42(e): Inmates determined to be at high risk for victimization, to include all transgender and intersex inmates who are identified, are interviewed followed by periodic spot checks by the Assistant Deputy Superintendent/PREA Compliance Manager and the inmate's own views of safety are given serious consideration. Bed and/or housing moves, adjustments to programming/work/education assignments may be recommended in order to ensure safety of the individual. Interviews with the Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), and inmates determined to be at high risk confirmed this practice is well established. In accordance with DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, an inmate's risk of being sexually abused by other inmates shall be monitored and any specific occurrence or information shall be noted and considered in connection with any transfer. In accordance with DIR #4401, Guidance & Counseling Services, a multi-disciplinary Central Office Transgender/Intersex Inmate Placement Review Committee seriously takes into consideration the inmate's own views with respect to safety and the inmate's gender identity when making facility and housing placement decisions.

115.42(f): DIR# 4009, Minimum Provisions for Health and Morale, directs authorization statewide for transgender and intersex inmates to be given opportunity to shower separately from other inmates. Local policy is established for both Main and Annex delineating specific procedures to meet this provision: Clinton Correctional Facility FOP #458A, Bathing - Annex dated August 17, 2018 states: "Transgender and/or Intersex inmates shall be given the opportunity to shower separately from other inmates on their housing units. When an inmate makes this request to Medical, medical staff will either verify the information from medical documentation or verify the information through consultation with the inmate's assigned Offender Rehabilitation Counselor. The housing unit officer will designate a 20-minutes time frame convenient with the inmate's program schedule to allow private access to the housing unit shower".

Clinton Correctional Facility FOP #458, Bathing - Main dated August 13, 2019 states: "Transgender and/or Intersex inmates shall be given the opportunity to shower separately from other inmates on their block three (3) times per week by requesting a permit from Medical staff. When an inmate makes this request to Medical, Medical staff will either verify the information from medical documentation or verify the information through consultation with the inmate's assigned Offender Rehabilitation Counselor".

Interviews with staff and affected inmates indicate widespread knowledge of this practice. Clinton Correctional Facility dormitory showers are equipped with opaque shower curtains covering full body providing adequate privacy for inmates to shower.

115.42(g): Auditors conducted an analysis of the housing assignments of all inmates identified as being lesbian, gay, bisexual, transgender, or intersex and concluded that Clinton Correctional Facility has no dedicated unit or wing for housing inmates with this identification or status. Inmates of all SOGI are housed in a variety of units and wings throughout the facility.

Auditor's review of related policy, completed documents, personal observations, data analysis, and interviews with Superintendent, Captains, Deputy Superintendent for Security, Assistant Deputy Superintendent/PREA Compliance Manager, Supervising Offender Rehabilitation Coordinator, Offender Rehabilitation Coordinators, Correctional Officers, Sergeants, Lieutenants, and inmates, Clinton Correctional Facility

Clinton Correctional Facility meets every element of this standard. High risk inmates are monitored by their Offender Rehabilitation Coordinator as well as the PREA Compliance Manager and the PREA Point Person. In addition to the twice per year screening review for transgender and intersex inmates, Clinton Correctional Facility conducts a safety risk review for every inmate quarterly during the case review. Based on analysis of this evidence, auditors find Clinton Correctional Facility to exceed the requirements of this standard.

Standard 115.43: Protective Custody

115.43 (a)

- 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 ☐ No
- 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 ☐ No

115.43 (b)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No ☐ NA
- If the facility restricts any 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 ☐ No ☐ NA
- If the facility restricts any 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 ☐ No ☐ NA

115.43 (c)

- 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 ☐ No

- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

115.43 (d)

- 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 ☐ No
- 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 ☐ No

115.43 (e)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.43(a): DIR #4948, Protective Custody Status sets forth minimum conditions of confinement for inmates in Protective Custody Status within the Department and directs that an inmate's confinement to Sexual Victimization Involuntary Protective Custody solely because he/she is at high risk for sexual victimization or following a report that the inmate was the victim of sexual abuse, must be done only after an assessment of all available alternatives has been made and determined that there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in Involuntary Protective Custody for less than 24 hours while completing the assessment using Form #2168A. The Assistant Deputy Superintendent/PREA Compliance Manager must be notified of these assignments not later than next business day, who will then notify the Associate Commissioner/PREA Coordinator, in writing, of the date and time Form #2168A was completed and the date and time of the inmate's removal from this status, if removed.

115.43(b): In accordance with DIR #4948, Protective Custody Status, inmates in this status are afforded access to recreation, telephone calls, visiting, programs, exercise, religious counseling, counseling services, law library services, legal services, general library services, education, commissary/packages, Family Reunion Program, grievance program, laundry services, and personal property. To the extent possible, access to these services is the same as afforded to general population. Any restrictions and reason for limitations to access is documented. Administrative Segregation Plan, Attachment A, indicates inmates are allowed group recreation, television, commissary, property, programming, in-cell correspondence course materials. Any restrictions to an inmate's access to programs, privileges, education, or work opportunities must be documented on Form #4948A, Restriction of Inmate's

Program-Participation which includes: 1) the opportunities that have been limited; 2) the duration of limitation; and 3) the reasons for such limitation.

115.43(c): In accordance with DIR #4948, Protective Custody Status, the facility assigns inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Form #2168A includes the basis for the facility's concerns for the inmate's safety and documentation of what alternatives were considered and assessed to be unavailable. An assignment should ordinarily not exceed a period of 30 days. If this status extends beyond the 30 days, the status will be reviewed every seven days for the first two months, and at least every 30 days thereafter, by a three-member committee consisting of a representative of the facility Executive Staff, a Security Supervisor, and a member of the Guidance and Counseling staff. No inmates at risk of sexual victimization were held in involuntary segregated housing in the past 12 months as verified through interviews with executive team members and line staff and review of case files.

115.43(d): In accordance with DIR #4948, Protective Custody Status, Form #2168A must be clearly documented with the facility's concerns for the inmate's safety and explanation of what alternatives were considered and assessed to be unavailable when inmate was placed on Involuntary Protective Custody for high risk of victimization.

115.43(e): In accordance with DIR# 4948, Protective Custody Status, an assignment should ordinarily not exceed a period of 30 days. If this status extends beyond the 30 days, the status will be reviewed every seven days for the first two months, and at least every 30 days thereafter, by a three-member committee consisting of a representative of the facility Executive Staff, a Security Supervisor, and a member of the Guidance and Counseling staff.

The facility reports no inmates were assigned to involuntary segregated housing for any period of time. Auditor confirmed through interviews with Associate Commissioner, Superintendent, Deputy Superintendent for Security, Assistant Deputy Superintendent/PREA Compliance Manager, Supervising Offender Rehabilitation Coordinator, and Correctional Officers who work segregated housing unit that facility staff are aware of the required protocols yet do not use Sexual Victimization Involuntary Protective Custody status as a viable practice. Clinton Correctional Facility meets every element of this standard.

REPORTING

Standard 115.51: Inmate reporting

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? ☐ Yes ☐ No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the inmate to remain anonymous upon request? ☒ Yes ☐ No
- 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) ☒ Yes ☐ No ☐ NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.51(a): DIR #4027A provides that an inmate or parolee may report an incident of sexual abuse, sexual harassment, sexual threats, or any act of retaliation for reporting such an incident or for participating in an investigation of such an allegation to any employee. The initial report may be verbal or in writing. Each inmate is provided a handbook upon arrival to Clinton Correctional Facility which contains specific and detailed information on how to report sexual abuse if it happens and stresses the importance of telling someone. Reports can be made directly to any of the following: facility's designated PREA Compliance Manager or PREA Point Person, or any Supervising Offender Rehabilitation Counselor or their Offender Rehabilitation Counselor, Chaplain, security staff person, medical staff, or any other employee. All staff must report the abuse, and they can only talk about the abuse with officials who must know about it to do an investigation or provide you with care. Inmates may also talk to Mental Health staff. An inmate may report the abuse in writing to the Superintendent, a member of the facility Executive Team, a Senior Offender Rehabilitation Counselor or their Offender Rehabilitation Counselor.

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Rehabilitation Counselor, a chaplain, a security supervisor, the Inmate Grievance Program Supervisor, Central Office, the PREA Coordinator or the Department's Office of Special Investigations. If inmates want to report to an outside agency, they may contact the New York State Commission of Corrections. Abuse may be reported at any time, but inmates are encouraged to report as soon as possible to aid in the investigation and so that steps can be taken to protect the abused and/or reporter, if third-party.

All inmate interviews with both targeted and randomly selected confirmed that inmates were fully aware of options to privately report any incident or concern regarding PREA. All inmates confirmed through conversation they were provided methods and avenues to report staff neglect or violation of responsibilities that may have contributed to sexual harassment or abuse. All inmates interviewed were fully aware of the hotline now available and their ability to privately report through that mechanism. Posters are provided throughout the facility in all areas where inmates may live, work, congregate and/or visit as verified during the auditor tours of the facility.

115.51(b): Additionally, as part of orientation to Clinton Correctional Facility, each inmate is given and signs they have received the pamphlet, "The Prevention of Sexual Abuse in Prison - What Inmates Need to Know". Included in this pamphlet is the address for the New York State Commission of Correction. The New York State Commission of Correction (SCOC) is a private entity and not part of the agency and agrees to receive all written inmate and resident reports containing sexual abuse and sexual harassment allegations and then immediately forward them to New York State Department of Corrections and Community Supervision officials. SCOC will comply with any inmate or resident request to remain anonymous. Upon receipt of such a report, SCOC will enter basic information into their complaint database and then forward the report to New York State Department of Corrections and Community Supervision Office of Special Investigations.

Employees are aware of this outside agency and the options for inmates to report anonymously as verified in interviews and per the Albany Training Academy class titled, Sexual Abuse Prevention and Response. It specifically states that inmates or parolees may choose to report to the New York State Commission of Correction (SCOC). The SCOC agrees to receive all written inmate and resident reports containing sexual abuse and sexual harassment and then immediately forward them to Department officials. The SCOC will comply with any inmate or resident request to remain anonymous.

The New York State Department of Corrections and Community Supervision does not detain inmates solely for civil immigration purposes, so this element of the provision is not applicable. However, Information on how to contact relevant consular officials is available. A Jailhouse Lawyer's Manual: Immigration & Consular Access Supplement is available in all facility Law Libraries.

115.51(c): New York State Department of Corrections and Community Supervision Employees' Manual, Revised 2013, clearly states that staff have a duty to report sexual abuse and sexual harassment, retaliation, and confidentiality. All staff shall report immediately and according to DIR #4027A, Sexual Abuse Prevention & Intervention – Inmate-on-Inmate, and DIR #4028A, Sexual Abuse Prevention & Intervention- Staff-on-Inmate: a) Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency; b) Retaliation against inmates or staff who reported such an incident; and c) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The duty to report includes third-party and anonymous reports. Apart from reporting to designated supervisors or officials, staff shall not reveal 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. These reports are to be made immediately. Informal and formal interviews with Clinton Correctional Facility

all levels of staff indicate that reports are accepted verbally, in writing, anonymously, and from third parties. Verbal reports are immediately documented in writing to their supervisor.

DIR #4027A, Sexual Abuse prevention & Intervention - Inmate on Inmate states any employee who receives a report of sexual abuse, sexual harassment, sexual threats, or any act of retaliation for reporting such an incident, or for participating in an investigation of such an allegation, shall immediately notify his or her immediate supervisor and outlines the expectations. The employee shall report the specific details, in writing, to the Watch Commander immediately, or as soon as possible after verbal notification, and no later than the end of the shift. According to DIR #4028A, all staff have the same guidelines to report if it is a staff on inmate situation.

Albany Training Academy Lesson Plan, Sexual Abuse Prevention and Response - PREA - NYSDOCCS - August 2015 states the duty to report includes third-party and anonymous reports (e.g., family and friends, lawyers, other inmates/parolees/residents). The initial first responder steps are not taken when receiving a third-party report, i.e., staff should not seek out and ask the alleged victim for any information, escort him or her to medical, secure the crime scene, or discuss the preservation of physical evidence with either the alleged victim or aggressor. Third-party and anonymous reports must be reported to an immediate supervisor (or above, as previously stated) who will forward the information through the chain of command. The report will be documented and referred to the Office of Special Investigations for further direction or to initiate an investigation. A specific third-party allegation received by the hotline was provided to auditor for review.

115.51(d): Per Albany Training Academy, Title: Sexual Abuse Prevention and Response lesson plan, employees may privately report any suspicion of sexual abuse or sexual harassment of an inmate or parolee by contacting the Office of Special Investigation directly by phone at (518) 457-2653 or by email at specialinvestigations@doccs.ny.gov. This information is also found on the pocket card distributed to employees.

Employees are notified of procedures to report with a pocket card titled, PREA Compliance Means Safe and Secure Prisons and in classroom training which gives the employee the steps to ensure an immediate response following the report to the Watch Commander.

Auditor's review of the allegations and investigation files indicates inmates are well informed on the methods that may be used to report incidents of sexual abuse and sexual harassment. Timelines reflect that reports received by staff are expedited according to the established protocols for reporting. Auditor was provided a memorandum from the Chairman of the New York State Commission of Correction delineating the agreement to receive inmate reports of sexual abuse or sexual harassment and immediately forward the same to the Office of Special Investigations. Policy review and interviews with Captains/PREA Point Person(s), Assistant Deputy Superintendent/PREA Compliance Manager, Superintendent, Associate Commissioner, combined with auditor's observations during tour, interviews with inmates, interviews with staff, review of handbook and other available literature indicates Clinton Correctional Facility meets requirements of this standard.

Standard 115.52: Exhaustion of administrative remedies

115.52 (a)

- 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 ☐ No

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

115.52 (d)

- 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 ☐ No ☒ NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)
☐ Yes ☐ No ☒ NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

115.52 (e)

- 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 ☐ No ☒ NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing

the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

115.52 (f)

- 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 ☐ No ☒ NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☐ Yes ☐ No ☒ NA

115.52 (g)

- 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 ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.52 (a-f): The agency is exempt in accordance with DIR #4040 Inmate Grievance Program and #702.2(i) Correction Law, section 139.9, 9 NYCRR Part 7695. A grievance filed is deemed exhausted upon filing with regards to the Prison Litigation Reform Act. DIR #4040, The Inmate Grievance Program states that the Inmate Grievance Program Supervisor shall refer any grievance of an emergency nature directly to the appropriate response level having authority to issue an immediate or expeditious and meaningful response

During the past 12 months, 27 allegations were made through the grievance process. These allegations were logged, forwarded to the Watch Commander for investigation, and notification was made to the inmate that the allegation is referred for investigation. Local procedures were verified through interview with Grievance Coordinator and Assistant Deputy Superintendent/PREA Compliance Manager. Clinton Correctional Facility is found to meet this standard through non-applicability with all provisions except provision (a) stating exemption.

Standard 115.53: Inmate access to outside confidential support services

115.53 (a)

- 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 ☐ No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.) ☒ Yes ☐ No ☐ NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? ☒ Yes ☐ No

115.53 (b)

- 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 ☐ No

115.53 (c)

- 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 ☐ No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.53(a): Clinton Correctional Facility is part of a statewide PREA project providing enhanced victim services to incarcerated victims of sexual abuse that went live on January 8, 2019. This project provides hotline services for incarcerated individuals through between the hours of 8:00 AM and 11:00 PM through contracts with local rape crisis service providers. Inmates may access this service by dialing 777 from any inmate phone. There are multiple agency partners in this project to include Crime Victims Treatment Center (CVTC) located at 40 Exchange Place, Suite 510, New York, NY 10005, (917) 960-9259 that services Clinton Correctional Facility. This same information is made available to inmates through brochures (English & Spanish), prominent display of posters throughout facility (English & Spanish), and within the inmate handbook.

Additional agency policy controlling access to these services include all the following directives mentioned below. Per DIR #4423, Inmate Telephone Calls - An inmate may add an approved Rape Crisis Program to his/her Telephone List at any time by submitting a request to his/her assigned Offender Rehabilitation Coordinator. Per DIR #4404, Inmates are allowed a visit with a representative, including an employee or registered volunteer, of a rape crisis program. This directive defines a Rape Crisis Program as any Local, State, or National organization authorized to provide rape crisis services, victim advocacy services, and emotional support services, including, but not limited to, organizations approved to provide such services in New York State by the Department of Health pursuant to Public Health Law §206(15). DIR #4421 defines Privileged Correspondence as correspondence addressed by an inmate to include any local, State, or National organization authorized to provide rape crisis services, victim advocacy services, and emotional support services, including but not limited to, organizations approved to provide such services in New York State by the Department of Health pursuant to Public Health Law §206(15). DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate-on-Inmate, dated 11/29/2017 states: All inmates shall receive during orientation at reception and at facility orientation after transfer, information that includes the availability of treatment and counseling.

New York State Department of Corrections and Community Supervision *Help for Victims of Sexual Abuse in Prison* poster posted at all telephones throughout Clinton Correctional Facility in English and Spanish reads as follows: *DOCCS PREA program provides a Rape Crisis Hotline and enhanced victim services to incarcerated victims of sexual abuse. You can contact the statewide hotline for rape crisis counseling and for referral to a partner program for victim advocacy and emotional support services by dialing 777 from any inmate phone.* These posters are prominently displayed throughout the facility.

PREA – Sexual Abuse Prevention Inmate Orientation includes providing inmates with the pamphlet, *Help for Victims of Sexual Abuse in Prison - What you need to know about the PREA Statewide Rape Crisis Hotline, Victim Advocacy and Emotional Support Partnership - Victim Support*. All information described in section (a) is also available in the Law Library as confirmed during inmate interviews and with staff in the Clinton Correctional Facility Library and Law Library and through auditor observation.

The Clinton Correctional Facility detains no inmates solely for civil immigration purposes so this element in this provision is not applicable.

115.53(b): DIR #4423, Inmate Telephone Calls provides guidelines for monitoring notices and instructs each facility to post the following notice in English and Spanish adjacent to any telephone to be used by inmates: *calls to 777 are not monitored by the facility; such calls are recorded and available to Central Office investigators in the event of misuse.* Calls through the 777 hotline are treated confidential. Conversations between inmates and representatives of Rape Crisis Programs are confidential. The rape crisis counselors providing services to inmates are only allowed to report information back to the Department if the inmate gives permission. DIR #4404, Inmate Legal Visits, provides guidance on visits between an inmate and a representative, including an employee or registered volunteer, or a rape crisis program and directs the Superintendent shall designate an area for these visits which ensures the confidentiality of all communications during the visit.

DIR #4421, Privileged Correspondence, describes definitions and procedures governing correspondence with a Rape Crisis Program. This procedure directs outgoing privileged correspondence may be sealed by an inmate, and such correspondence shall not be opened, inspected, or read without express written authorization from the facility Superintendent unless there is a reason to believe that the provisions of this or any directive or rule or regulation have been violated, that any applicable State or Federal law has been violated, or that the content of such correspondence threatens the safety, security, or good order of a facility or the safety or well-being of any person. Incoming privileged correspondence shall not be opened outside the presence of the inmate to whom it is addressed and shall not be read without express written authorization from the facility Superintendent which can only be authorized for the same reasons stated for outgoing privileged correspondence above.

Clinton Correctional Facility informs inmates to the extent to which such communications will be monitored by posting the notice near each inmate phone and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Interviews with Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), counseling staff, and mailroom staff, confidentiality is observed in accordance with established agency policy.

115.53(c): New York State Department of Corrections and Community Supervision is a recipient of benefits of the Memorandum of Agreement between NYS Office of Victim Services and NYS Office for the Prevention of Domestic Violence (OPDV) for the OPDV PREA Hotline Expansion Project Dated October 1, 2018 and terminating September 30, 2020. This MOA includes the provision to provide services for incarcerated individuals according to the Prison Rape Elimination Act (PREA) as administered by the New York State Department of Corrections and Community Supervision and NYS Office of Victim Services (OVS). This includes administration of the Hotline for calls received through the 777 speed-dial number, with operation hours between the hours of 8:00 AM and 11:00 PM. Calls will be responded to and/or referred per New York State Department of Corrections and Community Supervision and OVS protocols. A report of total number of PREA calls and additional information is provided to OVS quarterly, by the 15th of the month. Hotline staff will attend PREA related trainings as prescribed by New York State Department of Corrections and Community Supervision and OVS and report date of training, name of training, trainer's name/affiliation, topic. The overarching goal of this coalition is to address the needs of sexual assault victims who are incarcerated in New York State prisons, county jails, and other facilities.

New York State Department of Corrections and Community Supervision is a recipient of benefits of the contract between NYSCASA and Sexual Assault and Crime Victims Assistance Program at Samaritan Clinton Correctional Facility

Hospital. Contract is dated January 1, 2017 - December 31, 2017 and was extended to March 31, 2018 on 4-18-17; Current contract is further amended to extend through September 30, 2020. This contract provides inmate victims of sexual abuse with rape crisis counseling, advocacy, and emotional support services; follow-up with inmates who made direct contact seeking rape crisis services via telephone or mail, or as requested by New York State Department of Corrections and Community Supervision; maintain active confidential communication with New York State Department of Corrections and Community Supervision staff in order to facilitate treatment for inmate victims' rights to confidentiality; complete; and participate in training provided by NYSCASA.

These contracts were provided for auditor's review. The standard requires that the agency provide access and this agency has gone above and beyond that requirement by creating a system by which inmates may directly access specified services. Examples were provided where a request was made by two inmates to speak with a rape crisis counselor and then documentation where arrangements were made for the phone calls in a private setting. Based on policy review, contracts review, documentation review, interviews with inmates, interviews with Associate Commissioner/PREA Coordinator, Assistant Deputy Superintendent/PREA Compliance Manager, Office of Investigations Assistant Deputy Chief, mailroom staff and review of correspondence records by Clinton Correctional Facility with community rape crisis centers, and Hotline call tracking reports provided, Clinton Correctional Facility exceeds requirements of this standard.

Standard 115.54: Third-party reporting

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.54(a): New York State Department of Corrections and Community Supervision investigates all reports of sexual abuse, sexual harassment, and retaliation in connection with a sexual abuse or harassment incident. All reports, including third-party and anonymous reports are confidential and will be thoroughly investigated.

Third-party reports on behalf of an inmate can be initiated by contacting the facility Superintendent or, if after hours, the Watch Commander. Anyone may also report a sexual abuse incident involving an inmate, a parolee or another inmate by writing to the Department's Office of Special Investigations at Office of Special Investigations, Department of Corrections and Community Supervision, State Office Clinton Correctional Facility

Campus, Building 2, 1220 Washington Avenue, Albany, New York 12226-2050, (518) 457-2653, 1-844-OSI-4NYS. Anyone may report a sexual abuse incident by E-mail to OSIComplaint@doccs.ny.gov. In addition to this information being made available on the public website it also contains a link to file a complaint online with the option of requesting to remaining anonymous and confidential reporting. Third-party reports may also be made to the New York State Commission of Corrections, a separate state agency, at 80 South Swan Street, 12th Floor, Albany, New York 12210, 518-485-2346.

Examples of third-party reports were observed during case file review indicating these procedures are implemented, effective, and well known. Based on website review, documentation review, and interview with Associate Commissioner/PREA Coordinator, Assistant Deputy Superintendent/PREA Compliance Manager, and Superintendent, Clinton Correctional Facility meets requirements of this standard.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

115.61 (a)

- 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 ☐ No
- 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 ☐ No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? ☒ Yes ☐ No

115.61 (b)

- 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 ☐ No

115.61 (c)

- 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 ☐ No
- 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 ☐ No

115.61 (d)

- 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 ☐ No

115.61 (e)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.61(a): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee collectively establish a mandatory and immediate reporting requirement for all staff. Immediate notification shall be made to the Office of Special Investigations. New York State Department of Corrections and Community Supervision Employees' Manual, Rule 2.20 reinforces the Agency directives #4027A and #4028A to include the duty to report third-party and anonymous reports. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility or any staff neglect or violation of responsibility that may have contributed to an incident of sexual abuse or sexual harassment, and retaliation against inmates or staff who report an incident of sexual abuse or sexual harassment must be reported immediately (or as soon as possible after verbal notification, and no later than end of shift) and according to agency policy. Sexual Abuse Response and Containment Checklist is used to ensure all elements of the agency reporting and staff and agency response to a report are addressed.

115.61(b): In accordance with DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, reports of sexual abuse and sexual harassment are confidential and information is only to be shared with essential employees involved in the reporting, investigation, discipline and treatment process, or as otherwise required by law. This is further reinforced by New York State Department of Corrections and Community Supervision Employees' Manual, Rule 2.20 prohibiting release of information outside those needed to make treatment, investigation, and other security and management decisions. Random staff interviews and interviews with executive management team indicated common knowledge of this employee standards of conduct expectation as well as importance of enforcement.

115.61(c): Memorandum of Understanding between The New York State Office of Mental Health and New York State Department of Corrections and Community Supervision, dated 09/14/16 acknowledges that medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph 115.61(a) and to inform inmates of the practitioner's duty to report, and the limitations of Clinton Correctional Facility

confidentiality at the initiation of services. The consent of an inmate-patient is not required in these cases.

115.61(d): In accordance with New York Consolidated Laws, Social Services Law - SOS § 488-497. Vulnerable persons' central register, New York State Department of Corrections and Community Supervision is exempt from the vulnerable persons' central register requirements to receive reportable incidents involving covered persons. Clinton Correctional Facility houses no inmates under the age of 18.

115.61(e): In accordance with DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, all allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate or a parolee for reporting such an incident or participating in an investigation shall be immediately reported to the Office of Special Investigations who will assign to the appropriate investigator and ensure allegation is thoroughly investigated. DIR #0700, Office of Special Investigations, establishes and grants authority to the Office of Special Investigations, Sex Crimes Division to conduct these investigations.

The Clinton Correctional Facility Coordinated Response Plan, FOM #602, specifies the responsibility of Watch Commander to officially document any reports, regardless of the method received, of sexual abuse and sexual harassment and to refer to the Office of Special Investigations/Sex Crimes Division. A review of the facility allegation logs, grievance logs, and Office of Investigations/Sex Crimes Division list of cases it is evident that all allegations are reported to the designated investigator.

Auditor's evaluation of information obtained from review of related policy, review of case files, review of Clinton Correctional Facility Coordinated Response Plan, interviews with Associate Commissioner/PREA Coordinator, Office of Special Investigations/Sex Crimes Division Investigators, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Deputy Superintendent for Security, Captains, and Watch Commanders, concludes Clinton Correctional Facility meets all provisions of this standard.

Standard 115.62: Agency protection duties

115.62 (a)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.62(a): In accordance with DIR #4948, Protective Custody Status, New York State Department of Corrections and Community Supervision maximizes the safety and security of the inmates who are subject to a substantial risk of imminent sexual abuse. Inmates may be placed in one of three Protective Custody Statuses: 1) Voluntary, Involuntary, and Sexual Victimization Involuntary. The facility reports that there were no inmates determined to be subject to a substantial risk of imminent sexual abuse at Clinton Correctional Facility over the past 12 months. The designation of single cell housing provides the ability to keep inmates separated without relying on restrictive housing methods. Document review and results of interviews with Associate Commissioner/PREA Coordinator, Superintendent and Assistant Deputy Superintendent/PREA Compliance Manager, Deputy Superintendent for Security, and Captains/PREA Point Person(s) concludes compliance with this standard.

Standard 115.63: Reporting to other confinement facilities

115.63 (a)

- 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 ☐ No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? ☒ Yes ☐ No

115.63 (c)

- Does the agency document that it has provided such notification? ☒ Yes ☐ No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.63(a-c): Memorandum dated February 12, 2016 from Associate Commissioner/PREA Coordinator, establishes procedures for response following receipt of allegations of sexual abuse that occurred at another facility. The Superintendent of the facility receiving the allegation notifies the head of the facility or appropriate office of the agency or facility where the abuse allegedly occurred by electronic mail utilizing Form 115.63 with a copy to the Office of Special Investigations. The Associate

Commissioner/PREA Coordinator maintains a current listing of Jail Administrators in New York State and distributes as needed for notification purposes.

Fourteen allegations were received within the last 12 months that an inmate had been sexually abused while confined at another facility. Auditor reviewed documentation provided for these reports and found that notifications were made by the Superintendent to the other facility head within 24 hours for 12, with a copy provided to Office of Investigations. The 2 that were beyond the 72-hour requirement were reported during holiday and/or weekend hours but were forwarded as soon as the Superintendent was made aware.

115.63(d): A total of 12 allegations were received from other facilities. These notifications are handled according to the same procedure as all allegations and the Office of Special Investigations/Sex Crimes Division is notified. In many cases, it is found that an investigation has already been established and when not, a new case will be opened. Interviews with Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), and Office of Special Investigations Assistant Deputy Chief validate these procedures are in place at Clinton Correctional Facility.

Based on information obtained through review of policy, document review, case file review, and interviews with Associate Commissioner/PREA Coordinator, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s), Clinton Correctional Facility meets all provisions of this standard.

Standard 115.64: Staff first responder duties

115.64 (a)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No

115.64 (b)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.64(a-b): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, defers to the facility Coordinated Response Plan, FOM #602, as protocol for staff first responder duties.

As established by the Clinton Correctional Facility Coordinated Response Plan, FOM #602, the first employee to become aware that an inmate was sexually abused, regardless if security or civilian status, is to take the following steps: 1) separate the inmates and remain in the area; 2) assess the situation for medical care and seek immediate assistance; 3) notify immediate supervisor who shall immediately notify the Watch Commander (If the immediate supervisor is not available, the employee shall immediately notify the Watch Commander directly.); 4) instruct the participants not to take any actions that could destroy physical evidence; 5) report the specific details, in writing, to the Watch Commander ASAP, and no later than the end of the shift.

If the first employee to become aware of the situation is a security staff or once the security staff member arrives to assist, in addition to the duties outlined in the above paragraph, he/she is responsible to: 1) ensure that the participants and any witness(es) are removed from the area of incident, separated and isolated; 2) ensure all reported participants (alleged victim and alleged perpetrator) do not take any action to destroy physical evidence including: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; 3) ensure that the potential crime scene is secure; 4) notify and report the specific details, in writing, to the Watch Commander ASAP, and no later than the end of the shift.

All staff receive First Responder Training in course 35029, Sexual Abuse Prevention and Response as part of the curriculum entitled *Actions of a 1st Responder*. Training records were reviewed between 01/01/15-11/12/19 for course 35029 finding completion by 1,406 employees. Various staff were in possession of the *PREA First Responder Pocket Cards* during the on-site portion of the audit and some used these cards during formal interviews and while on tour during informal interviews. Most all staff were found to be very proficient in knowledge of their responsibilities as a first responder. There were no incidents of sexual abuse that occurred within the past 12 months that required a full enactment of protocols, although in each case the staff member receiving the report handled the report responsibly and according to established policies.

Auditor's review of policy and interviews with random staff using first responder interview protocols concluded Clinton Correctional Facility meets every provisions of this standard.

Standard 115.65: Coordinated response

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.65(a): Through correspondence dated 01/21/16 with all Superintendents from Associate Commissioner/PREA Coordinator, each facility was directed to develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, agency investigators, and facility leadership. Clinton Correctional Facility has developed a written institutional plan, entitled FOM #602, Coordinated Response Plan to an Incident of Inmate Sexual Abuse, dated 01/15/19.

This local directive provides steps required of first responders, by both civilian staff and security staff and steps to take upon receipt of a third-party or anonymous report. Specific duties are outlined for the Watch Commander, to include steps to take if the incident is deemed sexual assault and still allows for the collection of physical evidence. In the event a forensic exam may be obtained, coordination with Health Services Staff and Office of Special Investigations/Sex Crimes Division is necessary.

Three hospitals are identified that an inmate may be transported to for SAFE/SANE services and Health Services is designated to confirm that victim advocate services are available to provide services. These are: 1. Champlain Valley Physician's Hospital (CVPH), 75 Beekman Street, Plattsburgh, NY 12901. (518) 561-2000; 2) Alice Hyde Medical Center, 133 Park St., Malone, NY 12953, (518) 483-3000; 3) Massena Memorial Hospital, 1 Hospital Drive, Massena, NY 13662, (315) 764-1711. Instructions are provided health service administrators to conduct medical assessments which are required regardless of when the incident was to have occurred and counseling/treatment regarding post-exposure prophylactic treatment.

Instructions are provided for notification to the Office of Special Investigations/Sex Crimes Division, and for referral for Mental Health services. Upon release from the hospital after the forensic examination, an inmate will be returned to the infirmary for evaluation in accordance with Health Services Policy Manual 1.60, pending a decision for next steps. The Coordinator Response Plan identifies how to handle inmate refusals of medical care and direction on Post-Medical Assessments when the inmate returns from the hospital after a forensic examination. Finally, the confidentiality requirements are outlined for staff. The Watch Commander completes a Confidential Sexual Abuse Response and Containment Checklist (Attachment A) for reported Sexual Assaults, which also prompts and gives direction for carrying out specific protocols.

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All staff interviewed were very knowledgeable about their first responder duties and to whom they are required to report an assault. Shift supervisors were knowledgeable about the SAFE/SANE protocols, evidence preservation, and notifications to Office of Special Investigations/Sex Crimes Division. The Coordinated Response Plan was well written, updated and current. Analysis of documents reviewed combined with information obtained from interviews with staff, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager and Captains/PREA Point Person(s) conclude Clinton Correctional Facility meets requirements of this standard.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

115.66 (a)

- 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 limits 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 ☐ No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.66 (a): Both the agency, as well as any other governmental entity responsible for collective bargaining on the agency's behalf, are prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits 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.

This provision allows the agency to protect inmates from having contact with sexual abusers and sexual harassers. DIR #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings; DIR #2114, Functions of the Bureau of Labor Relations; DIR #2111, Report of Employee Misconduct; DIR #4028A, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee; and Section 75 of the New York Civil Service Law provide a body of policy that allows for employees to be suspended from duty pending the outcome of a sexual abuse or sexual harassment investigation. Interview with Office of Investigations/SCD Investigators identified various methods that may be used to separate staff from alleged victims during the investigation, to include suspension when

appropriate. The process of suspending or separating an employee from employment as a function of a negative sexual abuse or sexual harassment investigation was explained. The agency has a proven record of terminating employees for engaging in sexual abuse and sexual harassment.

All labor contracts reviewed permit New York State Department of Corrections and Community Supervision to take appropriate action when warranted, to remove alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation or a final determination of whether and to what extent discipline is warranted. The contracts permit the agency to suspend an employee without pay or temporarily reassign an employee when a determination is made that there is probable cause that such employee's continued presence on the job represents a potential danger to persons or property or would severely interfere with operations.

Auditor's review of related policy and labor contracts combined with interviews with Associate Commissioner/PREA Coordinator and human resources representative conclude Clinton Correctional Facility and New York State Department of Corrections and Community Supervision meets this standard.

Standard 115.67: Agency protection against retaliation

115.67 (a)

- 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 ☐ No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? ☒ Yes ☐ No

115.67 (b)

- 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 ☐ No

115.67 (c)

- 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 ☐ No
- 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 ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? ☒ Yes ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? ☒ Yes ☐ No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
☒ Yes ☐ No

115.67 (e)

- 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 ☐ No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.67(a): DIR #4027B Sexual Abuse Reporting & Investigation - Inmate on Inmate, and DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Parolee, prohibit retaliation and directs investigation of complaints by Office of Special Investigations/Sex Crimes Division. State of New York Department of Corrections and Community Supervision Employee's Manual, Rule 2.19 defines the Agency's zero-tolerance policy for sexual abuse, sexual harassment, and retaliation against any person who reports such an incident or participates in an investigation. Rule 2.20 directs staff to report any retaliation against inmates or staff. Memorandum from Associate Commissioner/PREA Coordinator, dated March 30, 2018 (revised), directs protection of inmates, parolees 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 and institutes monitoring procedures that increase the period from 90 days to 120 days.

The designees for monitoring retaliation at Clinton Correctional Facility is the Assistant Deputy Superintendent/PREA Compliance Manager with the assistance of both Captains/PREA Point Person(s).

115.67(b): After review/investigation by Office of Special Investigations, and subsequent consultation, the facility is required to take prompt and necessary action to remedy any retaliation complaint including, when necessary, housing or bed moves, post assignments or facility assignments for staff. Decisions on protective measures are made on a case-by-case basis. General counseling services will be provided by the inmate's Offender Rehabilitation Coordinator and if a mental health referral is deemed necessary, any staff member may initiate.

115.67(c)(d): Inmates who were reported to have suffered sexual abuse or harassment, inmates who reported the sexual abuse, staff who reported sexual abuse, or any person who participates with a subsequent investigation will be monitored for retaliation for at least 120 days following a report. Monitoring includes periodic in-person status checks approximately every 30 days. Areas monitored include inmate disciplinary reports, housing or program changes, or any negative performance reviews or reassignments of staff. If indicated, the monitoring may continue beyond the initial 90-day period. Clinton Correctional Facility reports no incidents of Retaliation over the past 12 months. The PREA Monitoring Protection from Retaliation - Inmate form records a total of 83 incidents of monitoring conducted between January 1, 2019 and December 31, 2019. One incident of staff monitoring occurred during the same period. A random selection of monitoring sheets was reviewed by auditor finding them to contain thorough and meaningful documentation. The monitoring is provided for up to 120 days unless the inmate leaves custody of the agency. Extensions of monitoring were made when warranted.

115.67(e): In accordance with DIR #4027B Sexual Abuse Reporting & Investigation - Inmate on Inmate, and DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Parolee, if any other individual who cooperates with an investigation expresses a fear of retaliation, the facility and agency shall take appropriate measures to protect that individual against retaliation. Interview with Office of Investigations Assistant Deputy Chief confirmed that reports of retaliation will be investigated in the same manner as any other investigation and procedures are the same.

Based on review of the retaliation monitoring log, review of monitoring documents and related policy, combined with interviews with the Associate Commissioner/PREA Coordinator, Superintendent, Assistant Deputy Superintendent/PREA Compliance Manager, Captains/PREA Point Person(s) and interviews with inmates who have reported an allegation, Clinton Correctional Facility has demonstrated compliance above and beyond provisions of this standard. Exceeds is awarded due to the monitoring requirement of 120 days being above and beyond the 90-day requirements of this standard.

Standard 115.68: Post-allegation protective custody

115.68 (a)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.68(a): DIR #4948, Protective Custody Status sets forth the minimum conditions of confinement for inmates in Protective Custody Status. Use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the same requirement of 115.43. The referenced policy clearly outlines requirements that are compliant with this standard. No inmates have been placed in segregated housing in the past 12 months for allegedly having suffered sexual abuse. For additional narrative, reference 115.43 of this report.

Related policy review and interviews with Associate Commissioner/PREA Coordinator, Superintendent, Captains, Deputy Superintendent for Security, Assistant Deputy Superintendent/PREA Compliance Manager, Supervising Offender Rehabilitation Counselor, and Correctional Officers who work segregated housing unit found that facility staff are aware of the required protocols yet do not use Sexual Victimization Involuntary Protective Custody status as a viable practice. Clinton Correctional Facility meets all provisions of this standard.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- 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 ☐ No ☐ NA

115.71 (b)

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- 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 ☐ No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? ☒ Yes ☐ No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
☒ Yes ☐ No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? ☒ Yes ☐ No

115.71 (d)

- 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 ☐ No

115.71 (e)

- 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 ☐ No
- 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 ☐ No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? ☒ Yes ☐ No
- 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 ☐ No

115.71 (g)

- 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 ☐ No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?
☒ Yes ☐ No

115.71 (i)

- 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 ☐ No

115.71 (j)

- 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 ☐ No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.71(a): DIR #0700, Office of Special Investigations, charges and grants authority to Office of Special Investigations to investigate allegations of violations of law and violations of agency rules, regulations, directives, and policies to include PREA. The Office of Special Investigations Sex Crimes Division, directed by the Office of Investigations Manual Chapter 5, conducts investigations involving sexual misconduct between inmates or parolees and agency staff, as well as inmate on inmate sexual abuse, and assists outside law enforcement in the development of cases for criminal prosecution, including third-party and anonymous reports. The Sex Crimes Division also collaborates with others within the agency to ensure compliance with the Prison Rape Elimination Act (PREA).

DIR #4027B, Sexual Abuse Reporting & Investigation - Inmate on Inmate and DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee, both direct a prompt, thorough, and objective investigation of all sexual abuse, sexual harassment, or retaliation incidents. Office of Special Investigations will be notified who will make a determination as to the appropriate investigative steps to be taken, which may include directing specific steps to be taken in a facility investigation. In instances where any complaint is vague, requires clarification, or appears to lack credibility based upon all of the Clinton Correctional Facility

information available at the time of the report, the Office of Special Investigations may direct that a preliminary inquiry be conducted (e.g., interview, video review, etc.) by the facility investigator so that the appropriate response can be determined.

Allegations of improper contact during a personal search shall be initially reviewed by a security supervisor to determine whether the alleged misconduct, if true, would be staff on inmate sexual abuse or sexual harassment. DIR #0700, Office of Special Investigations, directs investigations of allegations of staff on inmate sexual abuse, sexual harassment, retaliation concerning an incident of sexual abuse, or inappropriate relationships shall be initiated promptly and shall be the responsibility of the Department's Office of Special Investigations.

Auditor's analysis of related policy concludes a clear demonstration of the serious stance taken by the agency toward incidents of sexual abuse/sexual harassment/retaliation and the expectation for investigations to be handled promptly, thoroughly, and objectively. Based on interviews with Office of Investigations Investigator and Office of Investigations Assistant Deputy Chief it is evident that investigations are conducted promptly, thoroughly, and objectively. This was further supported by case file reviews. Case file reviews indicated an investigation was initiated within a few days if not the same day the allegations were reported.

115.71(b): DIR #0700, Office of Investigations Policy Manual Chapter 5, requires all Office of Special Investigations investigators receive specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. Investigators participate in the National Institute of Corrections PREA Investigating Sexual Abuse in a Confinement Setting course. Interviews with investigators confirmed participation in extensive courses while attending the Office of Special Investigations Investigator School. Additionally, training curriculums, employee training certifications, as well as completed training rosters, provided additional documentation to support facility compliance. Refer to narrative in 115.34 for more detailed discussion of specific training requirements.

115.71(c): DIR #0700, Office of Special Investigations directs and Office of Investigations, Sex Crimes Division, Investigations Training instructs Sex Crimes Division Investigators to gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; to interview alleged victims, suspected perpetrators, and witnesses; and to review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Auditor's review of case files finds investigative summaries are thorough and include factual information as well as credibility statements on both the alleged victim and alleged perpetrator. Also, staff and inmate witnesses were listed on the worksheet and statements were included in the files along with a narrative of interviews by the investigator with each witness where indicated. Policy review and interviews with investigative staff indicate investigations will be conducted for allegations of sexual abuse and sexual harassment received from third-party and anonymous sources.

As reported on the PAQ, within the last 12 months Clinton has received a total of 21 sexual abuse or sexual harassment allegations referred to Office of Special Investigations. Of those, 13 were referred for criminal investigation and 8 resulted in an administrative investigation. Auditor reviewed printed list of all allegations referred to Office of Investigations between 12/01/18-11/30/19, and an updated list between 11/30/19-01/31/20. Five additional cases were included on the updated report bringing the total for the period of 12/01/18-01/31/20 to 26 total allegations referred to Office of Investigations. Allegations include: 4-Harassment by Inmate; 1-Non-consensual Sex Act by Inmate; 15-Staff Misconduct; 6-Staff Harassment. At time of the audit, 6 cases remained under investigation and 20 cases

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were closed. Of the closed cases 14 were found unsubstantiated, 1 was found substantiated, 4 were deemed unfounded, and one case contained multiple findings of unsubstantiated/unfounded.

115.71(d): When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews as set forth in DIR #0102, Rights of Departmental Employees, only after consulting with the Deputy Chief Investigator or Assistant Deputy Chief Investigator and prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

115.71(e): Directives for New York State Department of Corrections and Community Supervision clearly state 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 inmate or staff. Credibility of an inmate or staff is based on an assessment of the individual's history of institutional behavior, prior allegations, any disciplinary history, and any other factors relevant to the investigation according to the interviews conducted. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation in the State of New York per Criminal Procedure Law section 160.45 Polygraph tests; prohibition against. Review of cases closed in the last 12 months indicated no truth-telling device was used during the investigation.

115.71(f): Auditor's review of related investigative policy indicates information regarding staff action or inaction that may have contributed to the alleged abuse be included in the investigative report. An evaluation is also made at the facility level as part of the Administrative Review conducted by the Superintendent or designee.

115.71(g): Auditor's review of related investigative policies requires a written report including the investigative findings for every allegation reported for both criminal and administrative investigations. The report is required to contain the name of the person involved, a thorough summary of the incident, description of physical evidence and testimonial evidence collected, reasoning behind credibility assessments, and investigative facts and finding.

115.71(h): DIR #0700, Office of Special Investigations, mandates Office of Special Investigations ensure that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. Substantiated allegations of conduct that appears to be criminal are referred for prosecution. The Office of Investigations/Sex Crimes Division has the authority and responsibility to refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies. Auditor's interview with Sex Crimes Division Investigator and Assistant Chief Investigator supported the information reviewed in policy that cases with sufficient evidence to substantiate criminal charges are presented to the District Attorney for prosecution, in accordance with agency policy. There has been one (1) case referred for criminal prosecution since the last audit for Clinton Correctional Facility.

115.71(i): DIR #4027B, Sexual Abuse Reporting & Investigation - Inmate on Inmate, physical (paper) case records of the Office of Special Investigations will be retained by that office for a minimum of seven years. The electronic case file, including copies of the investigative report and other critical documents, are permanently retained. DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee defers to DIR #2011, Report of Employee Misconduct which requires records be retained for a minimum of seven years. The electronic case file, including copies of the investigative report and other critical documents, are permanently retained.

115.71(j): Office of Special Investigations Policy Manual, Chapter 5 directs the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. Review of investigative files indicated that investigations continue even after the departure of an employee from employment.

115.71(i): A memorandum to the Superintendent of the New York State Police from the Associate Commissioner of the New York State Department of Corrections and Community Supervision regarding implementation of the PREA Standards, serves to confirm that the New York State Department of Corrections and Community Supervision, Office of the Inspector General (now referred to as Office of Special Investigations), Sex Crimes Unit (SCU) and the New York State Police (NYSP), Bureau of Criminal Investigation (BCI) shall continue to work cooperatively in the investigation of reported incidents of staff on inmate and inmate on inmate sexual abuse that may involve criminal conduct. New York State Department of Corrections and Community Supervision Office of Special Investigations, including Certified Evidence Technicians, will work cooperatively with NYSP with respect to the gathering of physical evidence from the crime scene. Specialized training was confirmed by training records for the New York State Department of Corrections and Community Supervision Certified Evidence Technicians.

Based on review of the agency's investigation policies, case file reviews, and interviews with Sex Crimes Division Investigator and Assistant Chief Investigator, Associate Commissioner, Assistant Deputy Superintendent/PREA Compliance Manager, and Superintendent, Clinton Correctional Facility is found to meet all provisions of this standard.

Standard 115.72: Evidentiary standard for administrative investigations

115.72 (a)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.72(a): Office of Special Investigations Policy Manual, Chapter 5, Section II.4. governs evidentiary standards for substantiating an allegation of sexual abuse or sexual harassment. The evidentiary standard for substantiating an allegation of sexual abuse or sexual harassment shall be a preponderance of the evidence. A review of the specialized training indicates investigators are trained to use preponderance of the evidence for substantiating a sexual abuse or sexual harassment case. Compliance determination is supported through interviews with Associate Commissioner/PREA Coordinator and Office of Special

Investigations Sex Crimes Division Investigator and Assistant Chief Investigator as well as review of investigative summaries for the closed investigations reviewed.

Based on policy review, investigative file review, and interviews noted above, Clinton Correctional Facility meets requirements of this standard

Standard 115.73: Reporting to inmates

115.73 (a)

- 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 ☐ No

115.73 (b)

- 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 ☐ No ☐ NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The staff member is no longer posted within the inmate's unit? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The staff member is no longer employed at the facility? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (d)

- 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 ☐ No

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?
☒ Yes ☐ No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.73 (a): According to Office of Special Investigations Policy Manual, Chapter 5, following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Memorandum issued jointly from Deputy Commissioner/Chief of Investigations and Associate Commissioner on May 17, 2018 regarding Notification of Investigative Determination to Inmates or Parolee/Residents, PREA Standard 115.73/273/373 further clarifies these responsibilities as follows:

- 1) For OSI investigations, the Superintendent of the facility where the incident was reported to have occurred and the facility where the inmate is currently housed will be notified of the outcome of the investigation via a "Notification of Investigative Determination". The Office of Investigations Sex Crimes Division shall forward a completed copy of the Notification of Investigative Determination via electronic mail to the appropriate facility Superintendents, Assistant Deputy Superintendent/PREA Compliance Manager, or the facility's PREA Point Person.
- 2) For facility investigations, the Deputy Superintendent for Security or higher authority will review the investigation. Additionally, a copy of the investigation shall be provided to Office of Investigations upon request. The Notification of Investigative Determination will be sent to the complainant by the facility DSS or higher authority.

Case files reviewed indicated inmates were notified by Sex Crimes Division of the dispositions following the investigations by Sex Crimes Division. This information is contained within the case chronology. Interviews with Assistant Deputy Superintendent/PREA Compliance Manager and review of her files demonstrated consistent notification to inmates of all allegations of sexual abuse.

115.73(b): This subparagraph to this standard is not applicable to Clinton Correctional Facility as all cases of sexual abuse would be investigated by Office of Special Investigations Sex Crimes Division so this agency would have all relevant information needed to inform the inmate.

115.73(c): According to Office of Special Investigations Policy Manual, Chapter 5, following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the inmate is notified when the staff is no longer posted within the unit, no longer employed at the facility, indicted or convicted on a sexual abuse charge related to that incident. Investigation updates in criminal cases are provided in writing by the Sex Crimes Division Investigator or in direction communication from the DCI or ADCI to the inmate. Clinton Correctional Facility no cases that met this condition within the past 12 months. Auditor's interview with Sex Crimes Division Investigator and Assistant Chief Investigator confirmed this policy requirement is in practice.

115.73(d): According to Office of Special Investigations Policy Manual, Chapter 5, following an inmate's allegation that he or she has been sexually abused by another inmate, the agency informs the victim whenever the agency learns the abuser has been indicted or convicted on a charge related to the sexual abuse incident. These investigation updates are provided in writing by the DCI or ADCI. Clinton Correctional Facility had no cases that met this condition within the last 12 months. Auditor's interview with Sex Crimes Division Investigator and Assistant Chief Investigator confirmed this policy requirement is in practice.

115.73(e): Documentation of the notifications referenced in the above paragraphs is retained with the investigation case file and by the agency's PREA Management Office. A log is maintained in the Assistant Deputy Superintendent/PREA Compliance Manager retains copies of notifications made at the facility level. Six cases were closed at the facility level and evidence of notification was provided for review. Evidence of notification to inmate was provided for each of the 20 closed Office of Investigations cases reviewed by auditor.

Based on interviews as indicated in above narrative, review of case files, policy review, and interviews with inmates who reported allegations, Clinton Correctional Facility is found to meet provisions of this standard.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? ☒ Yes ☐ No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

115.76 (c)

- 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 ☐ No

115.76 (d)

- 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 ☐ No
- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.76(a): DIR #4028A, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee, ensures all allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate, or a parolee for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be dealt with severely through discipline or prosecution to the fullest extent permitted by law. Supporting directives include: DIR #2110, Employee Discipline -Suspension from Duty During the Continuation of Disciplinary Proceedings, DIR #2111, Report of Employee Misconduct Report, and DIR #2112, Report of Criminal Charges, also contain language and direction required for compliance with the PREA Standards. In addition, each employee receives and signs for the New York State Department of Corrections and Community Supervision Employees' Manual which includes the same language, consistent with elements of this standard.

115.76(b): Under § 130.05 of NYS Penal Law, an inmate or parolee cannot legally consent to any sexual act with an employee, contract employee, or volunteer (i.e., "staff"). It is a crime for staff to engage in a sexual act with an inmate or parolee. A staff person who engages in sexual conduct, including sexual contact with an inmate or parolee, is guilty of a sex offense even if the inmate or parolee "willingly" participates or manipulates the staff member. Sexual conduct with a person committed to the custody of the Department is a crime whether it occurs inside a correctional facility, during transportation outside a correctional facility, or while the person is a participant in a temporary release program. Any sexual abuse of an inmate or parolee by a staff member will be prosecuted to the fullest extent of the law. According to memorandum from Deputy Commissioner for Administrative Services for New York State Department of Corrections and Community Supervision, termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an inmate.

115.76(c): When the Office of Special Investigations receives a report of staff sexual misconduct, they shall evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any inmates pending the outcome of an investigation.

115.76(d): DIR #4028A, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee directs when investigation substantiates an allegation of sexual abuse and/or inappropriate relationships, it is the Department's policy to refer such incident to the appropriate law enforcement agency or prosecutor, through the Department's Office of Special Investigations, for consideration of criminal charges. Any conduct constituting sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships or any act of retaliation against an inmate, parolee, or employee for reporting an incident of sexual abuse, sexual harassment, staff voyeurism, inappropriate relationships, or for participating in an investigation involving any of those acts may be the basis for disciplinary action whether or not prosecution or a conviction results.

Clinton Correctional Facility had no staff violation of agency sexual abuse or sexual harassment policies substantiated within the past 12 months; therefore, no examples were available for review. Interviews with Superintendent, Associate Commissioner, and Office of Investigations Assistant Deputy Chief, revealed incidents across the agency where employees have been disciplined, terminated, and prosecuted for violation of related policy. These interviews combined with policy review and case file review find Clinton Correctional Facility meets requirements of this standard.

Standard 115.77: Corrective action for contractors and volunteers

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes ☐ No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.77(a)(b): DIR #4750, Volunteer Services Program, establishes policy that volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an inmate, which is further indicated as a violation of state law. The New York State Department of Corrections and Community Supervision has a zero-tolerance for sexual abuse. It is a crime for any employee to engage in sexual conduct or sexual contact with an inmate. For purposes of Penal Law section 130.05, an employee also includes any person providing direct services to inmates in a State correctional facility pursuant to a contractual arrangement with the Department or, in the case of a volunteer, a written agreement with the Department.

Standards of Conduct for Volunteers within the New York State Department of Corrections and Community Supervision states New York State Department of Corrections and Community Supervision has zero-tolerance for sexual abuse. Sexual conduct or contact with a person committed to the custody of the Department is a crime, whether it occurs inside a correctional facility, during the transportation outside a correctional facility, or while the inmate is a participant in a temporary release program. Any sexual abuse of an inmate by a volunteer or intern will be prosecuted to the fullest extent of the law, even if the inmate “willingly” participates in the act.

Memorandum to all employees, contractors, volunteers and Interns from (Acting) Commissioner, dated September 4, 2018 reminds reminding all employees, contractors, volunteers and interns of New York State Department of Corrections and Community Supervision policy with respect to the prevention of sexual abuse and sexual harassment, and response to reports of sexual abuse and sexual harassment, the New York State Department of Corrections and Community Supervision has zero-tolerance for sexual abuse and sexual harassment. Inmates have the right to be free from sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate agency rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation against staff, an inmate, or a parolee for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse or sexual harassment incident will be prosecuted to the fullest extent of the law. Policy also states that any contractor or volunteer who reportedly engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Auditor reviewed the acknowledgement of Standards of Conduct for Volunteers for seven approved volunteers and all applicable policies finding volunteers signed acknowledging receipt of standards and policies and confirming understanding that violations may result in termination as an approved volunteer. Clinton Correctional Facility has had no incident of contractor or volunteer violating these policies in the past 12 months.

Based on policy review and interviews with Superintendent, Sex Crimes Division Investigators, and Volunteer Coordinator, Clinton Correctional Facility meets requirements of this standard.

Standard 115.78: Disciplinary sanctions for inmates

115.78 (a)

- 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 ☐ No

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115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes ☐ No

115.78 (c)

- 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 ☐ No

115.78 (d)

- 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 ☐ No

115.78 (e)

- 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 ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.78(a): DIR #4932, Chapter V, Standards Behavior & Allowances, outlines the procedures and standards for all inmate disciplinary hearings. Hearing Officer Reference Book is utilized to guide the Hearing Officer on the imposition of appropriate discipline for misbehavior and emphasizes the

importance of fairness and consistency in disciplinary dispositions imposed. Agency philosophy on inmate discipline includes that when imposed properly, disciplinary sanctions keep staff and inmates safe, correctional facilities secure and may assist in the agency's mission by returning inmates to the community less likely to engage in negative behaviors. Disciplinary charge 101.10 covers sex acts or attempts at sex acts perpetrated by an inmate toward another inmate.

115.78(b): Hearing Officer Reference Book sets forth in Appendix B, aggravating and mitigating factors that should be considered in reaching a just and fair disposition. The absence or presence of these factors should be viewed within the context of the totality of the evidence presented when the Hearing Officer is considering sanctions. A substantial list of factors to consider are delineated in the Reference Book to ensure a fair sanction. A table grid with recommended graduated sanctions is utilized by the Hearing Officer after review of the entire situation and circumstances of the case and consideration of mitigating factors of the inmate, such as past behavior. This table includes a checklist for Tier III Disciplinary Sanctions, labeled Appendix C. These guidelines clearly support fair and objective considerations in all disciplinary cases.

In the past 12 months, the number of administrative findings of inmate on inmate sexual abuse that occurred at the facility is zero and the number of criminal findings is zero.

115.78(c): The guidance to Hearing Officers on Using Progressive Discipline, and the Guidelines for Disciplinary Dispositions, clearly states a person with a diminished intellectual capacity may be less blameworthy for acts of misbehavior. To the extent it is known by the hearing officer, an inmate's diminished intellectual capacity should be considered a mitigating factor in accordance with established procedures. In Appendix C, the checklist states the hearing officer should consider special conditions; such as inmate whose mental health is at issue in accordance with established procedures and/or inmate who intellectual capacity is at issue in accordance with established procedures, prior to deciding on sanctions to impose. An incident of inmate on inmate sexual assault was reviewed, inmates involved claimed it was consensual, and the completed forms demonstrated the inmate was evaluated as to whether the inmates' mental disabilities or mental illness contributed to his or her behavior.

115.78(d): New York State Department of Corrections and Community Supervision operates one of the largest counseling and treatment programs for sex offenders in the nation. Sex Offender and Treatment Program (SOCTP) Guidelines, dated April 2018 provides guidance for administration of this program. The SOCTP is offered at maximum and medium security correctional facilities in the state prison system and provides comprehensive sex offender treatment for convicted sex offenders, inmates convicted of sexually motivated offenses, and inmates whose histories (including behavior while incarcerated), indicate that they are likely to benefit from sex offender counseling and treatment.

The main goal of the SOCTP is to reduce the likelihood of reoffending by assisting participants to control their chain of behaviors that lead to sexual offending. This is accomplished by helping participants advance through the program stages through education, counseling, and treatment. Participants in the SOCTP should be able to demonstrate to SOCTP staff that they have progressed through these stages and met their treatment plan goals. Based on the Department's zero-tolerance policy for inmate on inmate sexual abuse as outlined in DIR #4027A and in accordance with the Prison Rape Elimination Act (PREA), inmates who are found guilty of a Tier disposition per the Standard of Inmate Behavior for a sex offense, threats to commit a sex offense, penal law offense of a sexual nature, or attempt thereof while incarcerated will be referred to Office of Guidance and Counseling SOCTP staff per criteria #6 and may be required to participate in the SOCTP. If the inmate has an established

sex offender counseling need that pre-dates the inmate on inmate sexual abuse, a non-sex offender referral will not be necessary.

One example was provided for review where an inmate was referred to the Sex Offender Counseling and Treatment Program as a *Non-Sex Offense Referral* on 09/12/18. An evaluation was made by Central Office Guidance Staff and it was determined the program is not warranted. This example was provided to explain the availability of referrals for inmates who may be identified through an investigation as a perpetrator, but not enough evidence is present for prosecution.

115.78(e): DIR #4028A, directs any incident of sexual assault on staff by an inmate or parolee will be immediately reported to the Office of Special Investigations and handled in accordance with established Department policy for investigation and criminal prosecution of inmates. This directive will be enforced only if it is determined the staff member did not consent to the contact.

115.78(f): Related policy body, as noted in above paragraphs, states that no retaliation of any kind shall be taken against an inmate, parolee or employee for good faith reporting of sexual abuse, sexual harassment, or sexual threats. A report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute falsely reporting an incident or lying for the purpose of disciplinary action, even if investigation does not establish evidence sufficient to substantiate the allegation.

115.78(g): DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, and Inmate Rule 101.10 Standards of Inmate Behavior, prohibits inmates from engaging in or soliciting others to engage in sexual acts. No victim of inmate on inmate sexual abuse shall be subject to discipline for engaging in sexual acts as a result of threats, intimidation or other coercive actions. Other sexual contact and conduct of a sexual nature are also prohibited by rules found in Rule Series 101. Inmate on inmate sexual abuse is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate against his or her will or by use of threats, intimidation, or other coercive actions. Inmate on inmate sexual abuse is a form of Prison Rape under the Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. § 15609. Seven inmates received disciplinary action for engaging in sexual activity for the period of 01/01/19-02/12/20. None of these met the definition of a sexual abuse allegation.

Clinton Correctional Facility had no administrative findings of inmate on inmate sexual abuse that occurred in the past 12 months. Based on policy review and interviews with disciplinary hearing staff, Superintendent, Captains/PREA Point Person(s), and Assistant Deputy Superintendent/PREA Compliance Manager, Clinton Correctional Facility meets requirements of this standard.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

115.81 (a)

- 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 ☐ No ☐ NA

115.81 (b)

- 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 ☐ No ☐ NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)

- 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 ☐ No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.81(a): PREA Risk Screening, DIR #4301 and Clinton Correctional Facility FOM #604, work collectively to ensure inmates who report prior victimization of sexual abuse will be offered a referral to medical or mental health services. *Mental Health Satellite Services and Commitments to CNYPC* agreement, ensures regular mental health referrals are addressed within a timeframe that is consistent with the nature of the referral and within 14 days in accordance with CNYPC Corrections Based Operations (CBO) Policy #1.3. Division of Health Services Policy #1.44, Health Screening of Inmates, guides mental procedures and directs that upon arrival at a New York State Department of Corrections and Community Supervision facility, every newly received or transferred inmate, including inmates being moved from an owning correctional facility to the same correctional facility Special Housing Unit

(SHU), separate keeplock unit or Juvenile Separation Unit, receive a health screening by a Registered Nurse (RN). This screening includes an inquiry into the inmate's current and past health, mental health, and PREA history and immediate referral of any inmate to a health provider if indicated. Auditor observed examples of the 3278-PREA where inmates reported prior sexual victimization and found that the proper referral is made to mental health services according to policy requirements on a regular and consistent basis.

115.81(b): As per PREA Risk Screening, DIR #4301, and Clinton Correctional Facility FOM #604, inmates who report prior perpetration of sexual abuse will be offered a referral to medical or mental health services. If the inmate accepts the referral to Office of Mental Health, the Sergeant makes a written referral to the Office of Mental Health using form 3150 and includes a brief description of the incident and any other relevant information. The Sergeant then notifies the Watch Commander of the referral. This offer of referral is documented on the inmate's Prison Rape Elimination Act Risk Screening Form.

115.81(c): As noted in provisions (a) and (b), PREA Risk Screening DIR #4301 and Clinton Correctional Facility FOM #604, govern the process the same for inmates arriving directly from jail and meeting the same criteria. Clinton Correctional Facility is an intake facility for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, St. Lawrence, Saratoga, and Warren.

115.81(d): Health Services Policy #1.44, Health Screen of Inmates, , directs any information related to sexual victimization or abusiveness that occurred in an institutional setting is 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. Completed health screening forms are filed in the inmate's Ambulatory Health Record and accompany the inmate during transfer. These forms are available for review by the health screening staff of each arrival facility involved in the inmate's transfer and serve as a reference tool for the completion of subsequent health screening forms.

Information obtained from the initial screenings is used to inform security management decisions, housing, work, education, and program assignments. Clinton Correctional Facility FOM #604 directs that the completed screening forms are filed in the Guidance Folder and distribution is limited to the Watch Commander, Assistant Deputy Superintendent/PREA Compliance Manager, and Captains/PREA Point Person(s). Access to completed forms is limited to the Executive Team and Guidance Staff with a business necessity to review the completed forms. Interviews with these stated individuals and inmate file review verify this as the practice of the facility.

115.81(e): Health Services Policy #1.44, Health Screen of Inmates, states medical and mental health practitioners obtain informed consent (HIPAA release) 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. Informed consent/HIPAA release is not required for a referral to the Office of Mental Health. Auditor reviewed forms which verified all follow-up meetings with medical or mental health were within 14 days of the intake screening.

According to interview with Deputy Superintendent for Health, prior to the beginning of a mental health evaluation, the inmate is informed of the limits of confidentiality and asked to consent to the interview. The inmate signs a consent form and documentation of the informed consent is made in the health record. Auditor reviewed files of inmates who received services and found time frames were met and

informed consent was obtained. Information in the inmate's healthcare record is highly restricted to medical and mental health practitioners.

Based on interviews with medical staff and mental health staff and information obtained from policy review and document review, Clinton Correctional Facility is found to meet all requirements of this standard.

Standard 115.82: Access to emergency medical and mental health services

115.82 (a)

- 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 ☐ No

115.82 (b)

- 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 ☐ No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? ☒ Yes ☐ No

115.82 (c)

- 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 ☐ No

115.82 (d)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.82(a): Per Health Services Policy #1.60, Sexual Assault, the inmate victim of an alleged sexual assault will be medically evaluated regardless of whether the allegation has been independently verified

prior to the victim's presentation for treatment. Assaults that occurred within the past 120 hours will be expeditiously transported to an appropriate outside hospital emergency department. 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. When medically appropriate, HIV prophylactic medications will be offered prior to transportation to the emergency department. Expeditious transportation of the inmate victim to an appropriate outside hospital emergency department consistent with the established procedures will be initiated.

The inmate may be transported to a closer or more appropriate hospital if health staff determine the inmate's priority medical needs are such that require immediate or specialized care (e.g., the inmate victim is suffering from traumatic injuries that require a level of care beyond what the certified SAFE/SANE hospital can provide). Admission to the facility infirmary and expedited follow-up assessment by a primary care provider is required upon the inmate victim's return from an outside hospital emergency department. The primary care provider will continue any appropriate post exposure prophylactic medications initiated at the outside hospital or at the facility. For all involved inmates, immediate completion and submission of a Mental Health Referral Form 3150, to Mental Health staff is required.

115.82(b): Per Health Services Policy #1.60, Sexual Assault, for assaults occurring/reported after hours, the facility Health Services Director or on call physician will be notified. In accordance with Clinton Correctional Facility Coordinator Response Plan, FOM #602, the first security staff responder will take necessary action to protect the victim. Expeditious transportation will be coordinated with the Watch Commander to take the inmate victim to an outside hospital emergency department staffed with a certified Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE) List of SAFE/SANE Hospitals or any other hospital upon confirmation that a SANE/SAFE and a Victim Advocate are available to provide services.

115.82(c): Division of Health Services, Policy #1.12B, Inmate Bloodborne Pathogens Significant Exposure Protocol, guides information provided to inmates after sexual contact on care and prophylaxis. After sexual encounter, all inmate participants require assessment whether participation involved force, coercion or mutually agreed upon contact. This provides for medical and mental health services consistent with community level of care. Interviews with health care practitioners confirmed that the facility is prepared to provide these services upon the inmate's return to the facility after the forensic examination, or first thing the next morning if the incident occurred after working hours. Instructions are provided for medical assessments which are required regardless of when the incident was to have occurred and counseling/treatment regarding post-exposure prophylactic treatment.

115.82(d): Per Health Services Policy #1.60, Sexual Assault, all victims of sexual abuse will be afforded access to forensic medical examinations at an outside facility and any other medical treatment, without financial cost, where evidentially or medically appropriate. Inmate 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.

New York Public Health Law, Chapter 45 of the Consolidated Laws, Article 28, Hospitals, enacts that no general hospital shall refuse to provide hospital services to a person presented or proposed to be presented for admission to such general hospital by a representative of a correctional facility. Three hospitals are identified that an inmate may be transported to for SAFE/SANE services and Health
Clinton Correctional Facility

Services is designated to confirm that victim advocate services are available at the given location prior to transport. These are: 1. Champlain Valley Physician's Hospital (CVPH), 75 Beekman Street, Plattsburgh, NY 12901. (518) 561-2000; 2) Alice Hyde Medical Center, 133 Park St., Malone, NY 12953, (518) 483-3000; 3) Massena Memorial Hospital, 1 Hospital Drive, Massena, NY 13662, (315) 764-1711. Emergency medical treatment will take precedent over the forensic exam.

There were no reports of sexual abuse requiring emergency medical treatment within the past 12 months at Clinton Correctional Facility. Compliance is assessed based on agency policy and interviews with healthcare practitioners and other affected facility staff. All staff are knowledgeable of policy and able to articulate the procedures and protocols. Review of related policies, Coordinated Response Plan, and information obtained from interviews demonstrate Clinton Correctional Facility meets provisions of this standard.

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

115.83 (a)

- 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 ☐ No

115.83 (b)

- 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 ☐ No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? ☒ Yes ☐ No

115.83 (d)

- 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 ☐ No ☒ NA

115.83 (e)

- 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 ☐ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes ☐ No

115.83 (g)

- 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 ☐ No

115.83 (h)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.83(a): Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, states all allegations of sexual assault will be evaluated immediately by the facility health staff. The inmate victim of an alleged sexual assault will be medically evaluated regardless of whether the allegation has been independently verified prior to the victim's presentation for treatment. DIR #4301, Mental Health Satellite Services and Commitments to CNYPC provides guidelines related to services provided to under custody inmates. The New York State Office of Mental Health (OMH) through its Division of Forensic Services provides services to the Department of Corrections and Community Supervision under custody inmate population. These services are provided as follows: At designated New York State Department of Corrections and Community Supervision facilities by OMH Personnel, at "Satellite Units" operated by OMH located at certain New York State Department of Corrections and Community Supervision facilities, and/or At OMH's Central New York Psychiatric Center (CNYPC). By mutual agreement between New York State Department of Corrections and Community Supervision and OMH, this directive provides guidelines for determining the appropriate facility or unit for providing OMH services, outlines procedures to be followed when it is necessary to transport inmates from one facility or unit to another to receive mental health services, and assigns responsibility to appropriate New York State Department of Corrections and Community Supervision and OMH personnel for taking necessary action to ensure delivery of appropriate services. This policy states regular mental health referrals are Clinton Correctional Facility

addressed within a timeframe that is consistent with the nature of the referral and within 14 days. New York State Department of Corrections and Community Supervision Mental Health Referral Form 3150 (7/16) includes a place to identify in a regular referral that the inmate is a possible victim of sexual abuse. OMH further acknowledges that, in accordance with 28 C.F.R. § 115.83, mental health evaluation and treatment, as appropriate, shall be offered to all inmates who have been identified as victims of sexual abuse in any prison, jail, lockup, or juvenile facility and are willing to undergo such evaluation and/or treatment.

115.83(b): Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, directs ongoing medical and mental health care for inmates as appropriate and to include follow-up services, treatment plans, referrals for continued care following their transfer to, or placement in other units or their release from custody. DIR #4301, Mental Health Satellite Services and Commitments to CNYPC, states 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, or placement in, other facilities, or their release from custody. Further, the facility shall provide such victims with mental health services consistent with the community level of care. Interviews with healthcare staff indicate services are at least consistent with community levels of service.

115.83(c): Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, states inmate victims of sexual assault will be provided with ongoing medical and mental health services consistent with the community standard. As appropriate, this will include follow-up services, treatment plans, and, when necessary, continuing care upon transfer or release. DIR #4301, Mental Health Satellite Services and Commitments to CNYPC, states 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, or placement in, other facilities, or their release from custody.

115.83(d)(e): Clinton Correctional Facility is a male facility and has never housed female inmates in this audit period, so these two elements of provision are not applicable.

115.83(f): In accordance with Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, when medically appropriate, HIV prophylactic medications will be offered prior to transportation to the emergency department. Application of the Department's Inmate Bloodborne Pathogen Post Exposure Protocol will be followed if appropriate. Health Services Policy #1.12B states inmates who experience a significant exposure to bloodborne pathogens (i.e. human immunodeficiency virus (HIV), hepatitis B virus (HBV) and hepatitis C virus (HCV)) will receive appropriate medical care and treatment. PEP, if needed, will be initiated before transport to an outside hospital. In order not to delay transfer, completion of all forms and other documentation in the Post Exposure packet may be completed upon the inmate's return from the hospital. In reference to sexual encounters, all inmate participants require assessment regardless if participation involved force, coercion or mutually agreed upon contact.

Interview with Deputy Superintendent for Health Services and Health Services Administrator confirms this procedure is in place although it has not been necessary to initiate these protocols in the last 12 months.

115.83(g): Per Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, all treatment, including outside hospital services, will be provided to victims without financial liability and regardless of whether the victim cooperates in any investigation arising from the incident.

115.83(h): Per New York State Department of Corrections and Community Supervision Division of Health Services Policy #1.60, immediate completion and submission of a Mental Health Referral, Form 3150, to Mental Health staff is required for all involved inmates. Documentation provided to the auditor included Form 3105 Ambulatory Health Record Progress Note. No known inmate on inmate abusers were identified.

Auditor reviewed Ambulatory Health Record Progress Notes for three referred inmates confirming that appropriate mental health services are being provided on an on-going bases and as needed at Clinton Correctional Facility.

Auditor's review of related policy noted in above narrative and interviews with health care staff and Superintendent provide evidence Clinton Correctional Facility meets requirements of this standard.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

115.86 (a)

- 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 ☐ No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)

- 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 ☐ No
- 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 ☐ No
- 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 ☐ No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No

- 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 ☐ No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.86(a): Related directive, Memorandum dated May 9, 2014 from Deputy Commissioner and Associate Commissioner/PREA Coordinator implements protocols for Sexual Abuse Incident Reviews requiring sexual abuse incident reviews be conducted by the local facility at the completion of the investigation by the Office of Inspector General.

115.86(b): Protocols include the review to be conducted within 30 days of the conclusion of the investigation, unless the allegation is determined to be unfounded. The facility conducted 14 incident reviews between December 1, 2018 and November 30, 2019. Of these, seven were completed within 30 days.

Area of Deficiency: Due to 50% of the incident reviews being conducted beyond 30 days after the close of the investigation auditor requested a corrective action plan to ensure future reviews are completed timely. **Corrective Action:** Assistant Deputy Superintendent/PREA Compliance Manager has implemented several controls that will aid the review team in completing reviews timely. These measures include: 1) gather documents (particularly mental health and medical) closer to the time of the allegation so they will be readily available when the case is closed; 2) maintain a copy of the risk re-screening document post allegation in the Assistant Deputy Superintendent/PREA Compliance Manager's office so they will be readily available when the case is closed; 3) implement a standing monthly meeting of SAIR Team for reviewing all cases closed for the prior 30 days; and 4) conduct reviews on cases that were initiated prior to implementation of this procedure, even if all local information has not been gathered and then follow up with an amended review if additional information becomes available. Three cases were closed since January 2020 and the facility provided copies of the SAIR Checklist indicating they were all conducted within 30 days. Auditor is satisfied the corrective action implemented is sufficient to ensure future reviews will be conducted within requirements of this provision. No further corrective action is required of the facility to meet this provision.

115.86(c): Protocols require the review team to include upper-level facility management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The Assistant Deputy Superintendent/PREA Compliance Manager is the chair of the review team; The PREA Point Clinton Correctional Facility

Person is the security representative on the review team; and the Superintendent designates a third team member. Auditor's review of five completed Sexual Abuse Incident Review Checklist reflected the designated team met and conducted a thorough review of each incident noting solicited input from others as indicated by protocols.

115.86(d): Protocols require use of PREA Standard 115.86/286 Sexual Abuse Incident Review Checklist when completing incident reviews. This robust and comprehensive 6-page form includes extensive review of each incident to include: 1) circumstances of the incident; 2) events leading up to and following the incident; 3) consideration of whether actions taken were consistent with policies and procedures; 4) whether alternative means of managing the situation were available; 5) identification of actions that could be taken to avoid future incidents of a similar nature and identification of training needs; 6) determination of whether Incident Command System levels or response levels were used during the incident; 7) whether employee action or inaction was a factor in the incident; 8) any corrective action taken. The Administrative Review Form includes consideration as to whether the incident was motivated by race or ethnicity; gender identity; LGBTI status; gang affiliation; or other group dynamics at facility and as to whether an indication of a need to change policy or practice to better prevent, detect, or respond to sexual abuse is present. An examination of the area where the incident occurred to assess any physical barriers that enable abuse will be conducted and as assessment of the adequacy of staffing levels during different shifts is made. Consideration is given as to whether monitoring technology should be deployed or augmented to supplement supervision by staff. A written report is prepared of these findings with recommendations for improvements, where indicated. Auditor reviewed Incident Review Checklists for 14 closed investigations and found reviews were conducted by the designated team and every noted consideration was evaluated thoroughly.

115.86(e): The Sexual Abuse Incident Review Checklist includes a section for identifying recommendations for improvements to better prevent, detect, or response to sexual abuse. Of the 14 cases reviewed, recommendations for improvements was given consideration on all and recommendations noted on two. Interviews with Associate Commissioner/PREA Coordinator, Deputy Superintendent/PREA Compliance Manager, Superintendent, and Captains/PREA Point Person(s) found that all parties exercise constant vigilance in pushing forward recommendations to make the facility safer and to improve procedures where needed.

Auditor's review of the documents referenced above combined with interviews conducted as discussed in the above narrative found the procedures outlined in Agency directives are well established at Clinton Correctional Facility and meeting all elements of this standard.

Standard 115.87: Data collection

115.87 (a)

- 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 ☐ No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually?
☒ Yes ☐ No

115.87 (c)

- 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 ☐ No

115.87 (d)

- 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 ☐ No

115.87 (e)

- 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 ☐ No ☐ NA

115.87 (f)

- 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 ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.87(a): DIR #4027B, Sexual Abuse Reporting & Investigation Inmate on Inmate, and DIR #4028B Sexual Abuse Reporting & Investigation Staff on Inmate/Staff on Parolee, directs the collection of incident reporting data. New York State Department of Corrections and Community Supervision collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The Deputy Superintendent for Security of each facility is responsible for maintaining a chronological listing of each sexual abuse, sexual harassment, threat incident, or complaint that occurs during a given month on Forms #2103SAII and #2103SASI, Monthly Sexual Abuse/Threat Incident Summary. Allegations of sexual abuse are based on the most recent definitions provided by the Bureau of Justice Statistics and reporting requirements as specified in the National Standards to Prevent, Detect and Respond to Prison Rape under 28 C.F.R. § 115. Monthly reports were reviewed by auditor validating well established practice as outlined in the policy.

115.87(b): From the Monthly Sexual Abuse/Threat Incident Summary Reports, an annual report is prepared of these findings for each facility and at the Agency level. Due to a delay with Department of Justice SSV submissions which has affected the publication of the New York State Department of Corrections and Community Supervision's Annual Report. The December 2019 report is in development and is forthcoming.

115.87(c): Allegations of sexual abuse are based on the most recent definitions provided by the Bureau of Justice Statistics and reporting requirements as specified in the National Standards to Prevent, Detect and Respond to Prison Rape under 28 C.F.R. §115. Information included on the Monthly Sexual Abuse/Threat Incident Summary report: 1) log number; 2) date of report; time of report; 4) date of incident; 5) time of incident; 6) name and identification number of inmate(s) involved; 7) location of incident; 8) brief description; 9) date and time Office of Special Investigations contacted; 10) name of staff involved; and 11) total number of sexual abuse allegations by month and year to date.

115.87(d): DIR #4027B, Sexual Abuse Reporting & Investigation Inmate on Inmate and DIR #4028B Sexual Abuse Reporting & Investigation Staff on Inmate/Staff on Parolee directs sexual abuse data is extracted, coded, and prepared for a secondary review with a Sex Crimes Division investigator.

115.87(e): New York State Department of Corrections and Community Supervision does not contract for confinement of inmates (reference standard 115.12 narrative of this report for more detailed information).

115.87(f): The completed SSV form for 2018 was submitted November 26, 2019.

Analysis of policies and reports identified in the above narrative, and interviews with Associate Commissioner/PREA Coordinator, and Assistant Deputy Superintendent/PREA Compliance Manager, and Deputy Superintendent for Security concludes Clinton Correctional Facility meets provisions of this standard.

Standard 115.88: Data review for corrective action

115.88 (a)

- 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 ☐ No
- 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 ☐ No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

115.88 (b)

- 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 ☐ No

115.88 (c)

- 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 ☐ No

115.88 (d)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.88(a): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs the PREA Analyst to prepare and aggregate data collected in coordination with the Sexual Abuse Prevention & Education Office and the Office of Special Investigations Sex Crimes Division in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training throughout the year. An annual report is prepared which includes identification of problem areas, and corrective action for each facility and the agency as a whole.

115.88(b): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs the annual report include a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of progress in addressing sexual abuse.

115.88(c): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs approval of the Associate Commissioner/PREA Coordinator and the Commissioner. The report is made available to the public through the Agency website. The latest annual report was published December 2018 for the period of 2013-2016. Due to a delay with Department of Justice SSV submissions which has affected the publication of the New York State Department of Corrections and Community Supervision's Annual Report. The December 2019 report is in development and is forthcoming.

115.88(d): Only personal identifiers are redacted from public information and the Annual Report is designed for public release therefore no information is redacted.

Based on review of the related documents noted above, review of the annual report published to the public website, and interviews with the Associate Commissioner/PREA Coordinator Clinton Correctional Facility meets all provisions of this standard.

Standard 115.89: Data storage, publication, and destruction

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
☒ Yes ☐ No

115.89 (b)

- 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 ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.89(a): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates data collected to be securely retained by the Office of Special Investigations and the PREA Analyst.

115.89(b): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates aggregated sexual abuse data is made readily available to the public through its website. Auditor viewed the most recent Annual Report on Sexual Victimization analyzing sexual abuse and sexual harassment data for 2013-2016 from the Agency website. This report has a publication date of December 2018.

115.89(c): Agency Directive from Office of Program Planning Research and Evaluation, a review of published reports containing aggregated sexual abuse data, and interview with Associate Commissioner/PREA Coordinator indicates personal identifiers are removed prior to making public.

115.89(d): Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates retention of all sexual abuse data collected for at least 10 years after the date of the initial collection.

Auditor's review of related policy noted in above narrative and interviews with Associate Commissioner/PREA Coordinator and Office of Special Investigations indicates Clinton Correctional Facility meets requirements of this standard.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)

- 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 ☒ No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) ☒ Yes ☐ 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.) ☐ Yes ☐ No ☒ 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 ☐ No ☒ NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? ☒ Yes ☐ No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? ☒ Yes ☐ No

115.401 (n)

- 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 ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.401(a): This provision is noted no, because all facilities operated by New York State Department of Corrections and Community Supervision were not audited within the first cycle. No future action can change the response to this provision; however, the agency has proceeded with meeting requirements of this standard in current cycle and intends to maintain said course. Based on the current status of Agency progress, and interview with Associate Commissioner Effman, auditor finds this standard overall met.

115.401(b): New York State Department of Corrections and Community Supervision PREA Final Reports are posted at http://www.doccs.ny.gov/PREA/PREA_Final_Audit_Reports.html. Agency web page was reviewed revealing 79 PREA final reports posted in accordance with requirements.

NYS Correction Law section 121 provides that the private ownership or operation of a facility for housing state or local inmates or the private ownership or operation of a facility for the incarceration of other state's inmates is prohibited. No private prisons are operated on behalf of the Agency. Reference narrative found in standard 115.12 of this report for more information.

115.401(h): Audit team was permitted to observe and to have full access to all areas of Clinton Correctional Facility, including operations outside of the immediate secure perimeter.

115.401(i): Audit team was permitted to request and receive copies of relevant documents (including electronically stored information). Some documents were locally obtained, others requested from headquarters. All documents requested were provided either in printed or electronic format.

115.401(h): Audit team was provided appropriate and private areas to conduct all interviews.

115.401(n): Audit notifications posted throughout the facility provided opportunity for inmates to send confidential letters to the auditor prior to the audit, a total of two letters were received. Interviews with mailroom staff and interviews with inmates indicated a procedure and practice for outgoing mail correspondence without inspection; sealed envelopes are dropped into the mailbox by the inmate which allows for confidential correspondence.

Based on the above narrative, Clinton Correctional Facility meets all requirements of this standard.

Standard 115.403: Audit contents and findings

115.403 (f)

- 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 that there has never been a Final Audit Report issued.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

115.403(f): New York State Department of Corrections and Community Supervision PREA Final Reports are posted at http://www.doccs.ny.gov/PREA/PREA_Final_Audit_Reports.html. State of Compliance from Associate Commissioner/PREA Coordinator Jason D. Effman dated November 1, 2018 attests that the agency posts all final PREA audit reports on the agency website within 90 days of issuance by the auditor.

Auditor reviewed the agency web page and found 79 final reports for PREA audits posted since 2015 when the agency had its first audit. New York State Department of Corrections and Community Supervision operates 54 State prisons. Final Reports are posted to the Agency website according to the timeline requirement, with the latest posting on September 9, 2019 for a June 17, 2019 audit. New York State Department of Corrections and Community Supervision meets the mandate of this standard. In addition to the posting of final reports, a full accompaniment of PREA information is available. The website was easily navigated and intuitive, provides an overview of PREA to include the agency's zero-tolerance policy for sexual abuse, history of combating sexual abuse, PREA Educational videos for males and females, brochures and posters, services for survivors, and instructions for making 3rd party reports of sexual abuse. In addition, the website introduces partner resources such as PREA Standards, PREA Resource Center, National Institute of Corrections, Office of Justice Programs, Just Detention International, The Moss Group, Inc. Final Audit Reports for state run facilities and privately-operated Community Based Residential Programs can also be found on the website. This information is made available to public access above and beyond requirements of the PREA standards and thereby exceeds provisions of this standard.

AUDITOR CERTIFICATION

I certify that:

- ☒ The contents of this report are accurate to the best of my knowledge.
- ☒ No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- ☒ I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Sharon Ray Shaver

03/29/2020

Auditor Signature

Date
