

PREA Facility Audit Report: Final

Name of Facility: Hale Creek Alcohol and Substance Abuse Treatment Center

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 11/13/2021

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input checked="" type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input checked="" type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input checked="" type="checkbox"/>
Auditor Full Name as Signed: Amy J Fairbanks	Date of Signature: 11/13/2021

AUDITOR INFORMATION	
Auditor name:	Fairbanks, Amy
Email:	fairbaa@comcast.net
Start Date of On-Site Audit:	10/07/2021
End Date of On-Site Audit:	10/08/2021

FACILITY INFORMATION	
Facility name:	Hale Creek Alcohol and Substance Abuse Treatment Center
Facility physical address:	279 Maloney Road, Johnstown, New York - 12095
Facility Phone	
Facility mailing address:	

Primary Contact	
Name:	Christopher Lucas
Email Address:	Christopher.Lucas@doccs.ny.gov
Telephone Number:	(315) 768-8581 ext.2

Warden/Jail Administrator/Sheriff/Director	
Name:	Peggy Lotz
Email Address:	Peggy.Lotz@doccs.ny.gov
Telephone Number:	518-736-2094 Ext. 2

Facility PREA Compliance Manager	
Name:	Christopher Lucas
Email Address:	Christopher.Lucas@doccs.ny.gov
Telephone Number:	
Name:	Andrew Frazier
Email Address:	andrew.frazier@doccs.ny.gov
Telephone Number:	
Name:	Aaron Torres
Email Address:	aaron.torres@doccs.ny.gov
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Debra Macfarland
Email Address:	Debra.Macfarland@doccs.ny.gov
Telephone Number:	518-736-2094

Facility Characteristics	
Designed facility capacity:	432
Current population of facility:	197
Average daily population for the past 12 months:	285
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Males
Age range of population:	21 - 65
Facility security levels/inmate custody levels:	Medium/Minimum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	182
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	13
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	52

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 Avenue, Albany, New York - 12226
Mailing Address:	
Telephone number:	5184578126

Agency Chief Executive Officer Information:	
Name:	Anthony J. Annucci
Email Address:	commissioner@doccs.ny.gov
Telephone Number:	518.457.8134

Agency-Wide PREA Coordinator Information			
Name:	Jason Effman	Email Address:	jason.effman@doccs.ny.gov

AUDIT FINDINGS

Narrative:

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

On October 7-8, 2021, an audit was conducted at the Hale Creek Correctional Facility to determine compliance with the Prison Rape Elimination Act standards finalized August 2012. The auditor was present at the facility from 7:30am to 6:30 pm on Thursday, 7:30am to 2:00 pm on Friday. The facility was previously audited in 2019 and found compliant with all standards. There were no barriers to completing the audit. The auditor was selected to complete the audit by responding to the request for auditors by the American Correctional Association.

Audit Methodology:

The PREA Resource Audit Instrument used for Adult Prisons and Jails is furnished by the National PREA Resource Center. This tool includes the following: A) Pre-Audit Questionnaire (PAQ); B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary Report; F) the Process Map; and G) the Checklist of Documentation. In addition, the Auditor Handbook 2021 was used to guide the audit process. The Online Audit Process was used to conduct the audit.

Pre-audit:

The facility reported that posters announcing the audit with the auditor's name and address were placed throughout the facility on August 26, 2021, announcing the audit and identifying the auditor's address in English and Spanish. They were on salient blue paper. The posters indicated that any correspondence sent to the auditor would be confidential and not disclosed unless required by law. The exceptions in the law were noted. No confidential correspondence letters were received in response to the posters announcing the audit.

The PAQ and corresponding documentation was reviewed in September 2021 and found to be complete. Documentation was provided for each standard and subpart for the auditor to review prior to the on-site audit.

The Agency website was reviewed. PREA Audit reports, PREA Annual Reports, the previous PREA audit report from February 2019 and the mission statement were present. In addition, there is a Letter of Understanding with the New York State Police, access to the videos shown to the male and female inmate population, copies of the PREA policies, PREA posters, pamphlets, address, phone number a web based third party complaint form. The auditor reviewed the mandatory reporting laws, laws regarding where and how juveniles are housed and laws regarding vulnerable adults for the State of New York prior to the audit.

The auditor researched the Internet and found no Department of Justice involvement, or articles relevant to recent concerns of sexual safety. Contact was made with Just Detention International, Inc. (JDI). No specific information was provided as they had not received any concerns regarding this facility.

One week prior to visiting the facility, the auditor sent a list of documentation that would be required to conduct the random and targeted interviews in accordance with the Auditor Handbook as well as requests for randomly selected documentation which would demonstrate the practice of the requirements.

On-site audit:

Entrance Meeting

A brief formal meeting was held with the Superintendent and three members of the Executive Team, the PREA Coordinator and the Assistant Deputy Superintendent PREA Compliance Manager (ADS PREA) the morning of the first day of the audit. The following items were reviewed: purpose of audit, goals, and expectations. Tentative schedules were developed regarding the tour, arrangements made for interviews and review of additional documentation. Rosters of staff and incarcerated individuals were provided; a plan for random and targeted interviews was developed. Interviews were arranged to be conducted in a private setting.

Facility Tour

A complete tour of the facility was conducted on October 7, 2021. The following areas and operations were visited and observed: incarcerated individual living areas, medical operations, library/education areas, recreation areas (indoors and outdoors), visiting room, laundry, state shop, commissary, store house, maintenance operations, vocational/education programming and food service operations. All areas of the facility were visited that have incarcerated individual access. Supervision practices, blind spots, shower/bathroom facilities, and placement and number of telephones were observed. Cross-gender announcements were made prior to the opposite gender auditor entering the living units. Posters announcing the audit were observed throughout the facility.

Staff Interviews

In accordance with the requirements of the Auditor Handbook, and as requested by the Auditor, formal staff interviews were conducted with the following:

- A/Commissioner
- Superintendent
- PREA Coordinator
- Assistant Deputy Superintendent PREA (ADS PREA) - incident review team member, retaliation monitoring)
- PREA Point Person, Deputy Superintendent of Security (DSS) - monitors for retaliation, incident review team member
- Medical staff (Nurse Administrator)
- Human Resources supervisor
- Twelve corrections officers from all areas of the facility and each shift
- Two shift supervisors who conduct unannounced rounds
- Two investigators from the Sex Crimes Division (SCD) Office of Special Investigations (OSI)
- Two Offender Rehabilitation Coordinators (ORC) - who complete follow-up risk assessments
- Supervising Offender Rehabilitation Coordinator (SORC)
- One intake sergeant (who completes the initial intake risk screening)
- Volunteer Coordinator
- Grievance Coordinator
- Mailroom staff
- Recreation staff

Informal interviews were conducted during the tour with one commissary worker, one laundry worker, one state shop supervisor, one food service supervisor, one dentist, and one vocational instructor. They were informally asked if they knew their obligation under the PREA Standards, and to whom would they report any concerns, they confirmed they had received the training regarding PREA. Staff interviews were conducted in the administrative conference room, providing privacy. One staff interviewed also functioned as a union representative. After review of documentation and informal questions throughout the on-site audit, it was concluded that no staff had conducted a cross-gender strip search, no staff had acted as a first responder.

Incarcerated Inmate Interviews

A review of incarcerated individual records was conducted with the assistance of the ADS PREA to identify specialized staff incarcerated individuals as required by the Auditor Handbook. A total of twenty (20) incarcerated individuals were selected to be interviewed. None declined to be interviewed. No youthful offenders are housed at this facility. No incarcerated individual was identified as having been placed in segregation for high risk of sexual victimization. No incarcerated individuals were housed in restrictive housing, as there is no restrictive housing at this facility. After review of records, it was concluded that no incarcerated individual was housed at the facility who had reported sexual abuse, no incarcerated individual was housed at the facility who identified as transgender/intersex, and no incarcerated individual identified as gay/bi-sexual. The auditor requested to interview one incarcerated individual from each housing unit. Additionally, the auditor requested to interview the oldest incarcerated individual, the youngest incarcerated individual, the one housed at this facility the longest, and the one most recent to arrive. Targeted incarcerated individual interviews represented the following:

- Four with limited English (language line used twice).
- One who self-reported as having prior victimization
- Three who had a physical disability (hard of hearing, two slightly physically challenged)
- Two cognitively impaired inmates

Incarcerated individual interviews were held in private interview rooms.

PREA Investigations

Investigations are conducted by the Office of Special Investigations (OSI), Sex Crimes Division who report to the Deputy

Commissioner/Chief of Investigations. A list of investigations from July 1, 2020, to June 30, 2021, was provided. Investigations occurring from July 1, 2021 to present were discussed.

Six investigations were reviewed for this facility with two investigators; three were completed, one was still open.

- Zero incarcerated individual on incarcerated individual sexual abuse
- Zero incarcerated individual on incarcerated individual sexual harassment
- Four staff-on-incarcerated individual sexual harassment
- Two staff-on-incarcerated individual sexual abuse
- No retaliation allegations

Two investigations were concluded to be substantiated, one was deemed unsubstantiated, zero unfounded, three ongoing.

Investigations were initiated based on numerous avenues: direct contact to OSI through the OSI hotline; use of the 777 hotline to Crisis Services; verbal reports to staff, and one third party complaint.

Exit meeting

An Exit meeting was held with the Superintendent and her Executive staff (four total) including the ADS PREA and DSS PREA Point Person to review audit experiences, observations and preliminary findings. The auditor was allowed free access to all areas of the facility, access to interview incarcerated individuals and staff selected randomly and intentionally, and to see or retain any documentation requested. It was noted that a final report should be expected within forty-five (45) days.

Post on-site audit:

Documentation gathered was reviewed for compliance with the standards. A final report was written. No corrective action was required for this facility.

AUDIT FINDINGS

Facility Characteristics:

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

Hale Creek Correctional Facility is medium security facility that houses male incarcerated individuals. It is in the Mohawk Valley in upstate New York in the town of Johnstown, Fulton County. The facility is on thirty-one (31) acres of land, fifteen (15) acres within the secure perimeter. The facility opened in 1990 as a Alcohol Substance Abuse Counseling Treatment Center, and currently operates a Comprehensive Alcohol and Substance Abuse Treatment Program (CASAT) program for the New York Department of Corrections and Community Supervision Department (NYSDOCCS).

Inside the compound are the following operations: housing units, food service operations, maintenance, recreation areas, vocational training and education building, intake operations, medical building, commissary, store house, state shop and laundry.

There are ten general population housing units, contained in five buildings, of the prototype cubicle style typically found in many NYSDOCCS facilities. Housing areas consist of single cubicle occupied housing units (at the time of the audit). Each building has two sides, on one level, each side has 40 cubicles. An open officer station is located in each housing unit. Each housing unit has a common bathroom with toilets with doors, urinals and a common shower area with a shower curtain covering the entrance which provides appropriate privacy yet afford the officer a view to ensure safety. Two phones are located on each side of the housing unit for incarcerated individual use. Each side has a dayroom to accommodate programming needs and a small "quiet room". This facility operates as a Therapeutic Community facility. There is no Special Housing Unit located at this facility. Two holding rooms are available in the medical area to house incarcerated individuals who are require transferring to another facility.

Incarcerated individuals are housed at this facility to complete the specific program. Count on the first day of the audit was 174. The ADS PREA confirmed the facility has no incarcerated individuals who are considered potential victims, no incarcerated individuals who are considered potential abusers.

All facilities in NYSDOCCS have a Guidance and Counseling unit that provides therapeutic programming and assistance with placement of work assignments and programming needs. Staff are referred to as Offender Rehabilitation Coordinators (ORC). These staff have an assignment caseload/function. All staff can conduct risk assessments on the incarcerated individuals either upon arrival or during every quarterly review. They provide Transitional Services which is designed to assist with transition through the incarcerated individual's sentence. PREA education is a part of these services. At this facility, the ORCs also provide intensive CASAT programming. Additional programming includes Alternative Shock Program, Alt-45 parole Diversion Program, Aggression Replacement training (ART), Academic Education, Vocational Education, Religious Services, recreation, general library, law library and incarcerated individual work assignments, which recently included dog trainer.

This facility is well staffed; most staff are represented by a union. Security staff work typically three shifts: Tour 1 11:00pm to 7:00am, Tour 2 7:00am to 3:00pm and Tour 3 3:00pm to 11:00pm. Medical staff are employees of the NYSDOCCS. The only contractual staff are agency nurses and other medical ancillary staff services. Medical staff are available on two shifts from 6:30 am to 10:30 pm, seven days a week (24/7). Mental Health Services are offered through a Memorandum of Understanding (MOU) with the Office of Mental Health. Mental health staff are available through referral to a nearby facility.

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:	12
Number of standards met:	33
Number of standards not met:	0

Number of Standards Exceeded: 12

List of Standards Exceeded: §115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator, §115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient, §115.17 – Hiring and Promotion Decisions §115.21 – Evidence Protocol and Forensic Medical Examinations, §115.32 – Volunteer Services, §115.33 – Inmate Education, §115.34 – Specialized Training: Investigations, §115.41 – Screening for Risk of Victimization and Abusiveness, §115.42 – Use of Screening Information, §115.53 – Inmate Access to Outside Confidential Support Services, §115.67 – Agency protection against retaliation, §115.71 Criminal and administrative investigations

Number of Standards Met: 33

Number of Standards Not Met: 0

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

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	<p data-bbox="244 145 766 174">Auditor Overall Determination: Exceeds Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1473 1308" style="list-style-type: none"> <li data-bbox="244 327 1185 356">· Directive #4027A, Sexual Abuse Prevention & Intervention-11/29/17 (Inmate-on-Inmate) <li data-bbox="244 383 1318 412">· Directive #4028A, Sexual Abuse Prevention & Intervention-11/29/17 Staff-on-Inmate/Staff-on-Parolee <li data-bbox="244 439 507 468">· Employees" Manual <li data-bbox="244 495 1452 560">· Memo from the Commissioner dated March 14, 2012 appointing the Agency-wide PREA Coordinator who currently holds the position today. <li data-bbox="244 586 1473 616">· Email announcement dated April 25, 2013 announcing that Jason Effman holds the rank of Associate Commissioner. <li data-bbox="244 642 1409 672">· DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner. <li data-bbox="244 698 959 728">· Duties Description Associate Commissioner (PREA) Item #00901 <li data-bbox="244 754 1011 784">· Duties Description for Assistant Deputy Superintendent SG-25 (PREA) <li data-bbox="244 810 892 840">· Memo establishing PREA Compliance Manager April 2014 <li data-bbox="244 866 1078 896">· Email appointment ADS - PREA at Hale Creek Correctional Facility July 2021 <li data-bbox="244 922 871 952">· Memo Establishing the PREA Point Person August 2017 <li data-bbox="244 978 576 1008">· Facility Organization Chart <li data-bbox="244 1034 1114 1064">· Email from Superintendent designating the DSS/PREA Point Person March 2021 <li data-bbox="244 1090 675 1120">· Interview with the PREA Coordinator <li data-bbox="244 1146 603 1176">· Interview with the ADS PREA <li data-bbox="244 1202 686 1232">· Interview with the PREA Point Person <li data-bbox="244 1258 643 1288">· Interview with the Superintendent <p data-bbox="244 1335 272 1364">(a)</p> <p data-bbox="244 1391 817 1420">The auditor reviewed excerpts from the following policies:</p> <p data-bbox="244 1447 1477 1615">Directive #4027A, Sexual Abuse Prevention & Intervention-11/29/17 Inmate-on-Inmate – II, III, IV D 1 states that the agency has a zero tolerance for sexual abuse and sexual harassment. It further emphasizes that incarcerated individuals and parolees have a right to be free from sexual abuse and sexual harassment. It supports that all matters of sexual abuse, sexual harassment and retaliation will be investigated, and disciplinary action will occur up to prosecution. Definitions are provided for all aspects regarding incarcerated individual-on-incarcerated individual sexual abuse and sexual harassment.</p> <p data-bbox="244 1641 1482 1872">Directive #4028A, Sexual Abuse Prevention & Intervention-11/29/17 Staff-on-Inmate/Staff-on-Parolee – II, III, V C. This policy states that the agency has a zero tolerance for sexual abuse and sexual harassment. It emphasizes that incarcerated individuals and parolees have a right to be free from sexual abuse and sexual harassment. It supports that all matters of sexual abuse, sexual harassment and retaliation will be investigated, and disciplinary action will occur up to prosecution. Definitions are provided regarding staff-on-incarcerated individual sexual abuse and harassment. The policy further supports efforts in prevention, detection, response and investigation of sexual abuse, sexual harassment, protection from retaliation, investigation while ensuring the safety and treatment needs of a victim.</p> <p data-bbox="244 1899 272 1928">(b)</p> <p data-bbox="244 1955 1484 2020">The following documents support that the Agency has an agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities:</p> <ul data-bbox="244 2047 1452 2112" style="list-style-type: none"> <li data-bbox="244 2047 1452 2112">· Memo from the Commissioner dated March 14, 2012 appointing the Agency-wide PREA Coordinator who currently holds the position today.

- Email announcement dated April 25, 2013 announcing that Jason Effman holds the rank of Associate Commissioner.
- DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner.
- Duties Description Associate Commissioner (PREA) Item #00901

The interview with the Agency PREA Coordinator confirmed the following: "My time is almost exclusively devoted to PREA compliance and the prevention of sexual abuse and sexual harassment, as well as work on policy matters concerning our transgender, gender nonconforming and gender nonbinary population and workforce." He confirmed he works with sixteen (16) Assistant Deputy Superintendent (ADS) PREA Compliance Managers. As vacancies arise, the PREA Coordinator works through the appointment process to fill the positions. He additionally confirmed that each of the 50 facilities has a Captain or staff member with equivalent responsibilities designated as the PREA Point Person. The PREA Coordinator interacts with the ADS PREA Compliance Managers routinely. He stated, "we have bi-weekly conference calls to discuss policy updates, new initiatives and to discuss any issues that they or I should be aware of. We email and speak on an ongoing basis as well. In addition, with the exception of 2020 due to COVID-19, we meet as a group at least annually for training programs, often in conjunction with the Office of Special Investigations, Sex Crimes Division staff." "There are two Correctional Facility Operations Specialist (CFOS) items in my office who work with the ADS PREA Compliance Managers on a daily basis, and who have frequent contact with the designated PREA Point Persons. They answer questions, provide guidance, and share information. If they cannot answer a question, they bring the matter to my attention. In addition, we recently created a Director of PREA Compliance who will be the assistant agency-wide PREA Coordinator. The Director will report to me, will assume primary responsibility for the PREA Audit Program, and will assist me in overseeing all PREA compliance activities and the development and implementation of strategies to reduce incidents of sexual victimization. I recently began the recruitment and hiring process. If an issue with compliance is identified, I review the matter with members of the Central Office or facility Executive Team with subject matter expertise, to determine whether the issue is with the policy or implementation of the policy. Then, I either issue a revised policy, work with the proper Deputy Commissioner to prepare a policy revision or provide clarifying direction as appropriate. For significant issues, I will bring the matter to the attention of the Acting Commissioner and the Department's Executive Team."

The PREA Coordinator was on site during the week of the audit. Questions were addressed at that time as well as the confirmation of the written interview responses received. The interview supports that he has sufficient time and authority to ensure all activities required by the PREA standards can be addressed. This is further supported by the documentation provided prior to the on-site audit and addressed throughout this report.

The auditor, who has audited many facilities in this agency, concluded that the PREA Coordinator is continually examining the process to look for areas of improvement. For this audit, the auditor was provided a revision to the facility Coordinated Response Plans (August 2021) which further streamlined the process for communication.

(c) At this facility, an Assistant Deputy Superintendent (ADS) serves as the PREA Compliance Manager (ADS PREA). In addition to the ADS PREA, the facility has a PREA Point person who works with the PREA Compliance Manager along with the Central Office Sexual Abuse Prevention & Education Office (SAPEO). At this facility, this person is the rank of Deputy Superintendent of Security (DSS). He maintains copies of Risk Assessments and oversees all initiated investigations including facility investigations referred to and referred back for investigation after review by the OSI.

This process is supported by a memo from the Deputy Commissioner to all Superintendents requires the appointment of a PREA Point Person of the rank of Captain (dated August 2017). Duties Description for Assistant Deputy Superintendent SG-25 (PREA) specifies the duties of the PREA Compliance Manager. The current PREA Compliance Manager (ADS) was appointed for this facility, July 2021. The facility Organization Chart shows that the ADS reports to the Superintendent. An email from the Superintendent dated March 2021, appoints the DSS as the PREA Point Person. The PREA Compliance Manager, and DSS were all interviewed regarding their duties which demonstrated the team effort utilized at this facility to meet the goals of PREA. Both indicated they have sufficient time and authority to coordinate the facility's effort to comply with the PREA standards. Both indicated they serve on the PREA incident review team, assist with monitoring for retaliation after allegations are made and monitor training activities. The ADS reports that bi-weekly telephone conference calls are made with the PREA Coordinator to ensure up to date information is communicated, and current issues are addressed. The Superintendent demonstrated to the auditor during the on-site audit her commitment to zero tolerance of sexual abuse and sexual harassment and her support for the efforts of the ADS PREA and PREA Point Person.

After review of the policies, memos, organizational charts, observations and interviews with the Superintendent, PREA Compliance Manager, PREA Point Person and the PREA Coordinator, the auditor concluded that the agency and the facility are committed to the prevention, detection and response to sexual abuse and harassment. This state and this facility exceed the standards based on the detailed commitment to the standards that will be noted throughout this report, and the appointment of the ADS PREA and a PREA Point Person for each facility.

115.12	Contracting with other entities for the confinement of inmates
	<p data-bbox="244 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1069 584" style="list-style-type: none"> · Community Based Programs Contracting with DOCCS · Request for Application for Community Based Residential Programs (CBRP) · Statement of compliance PREA Coordinator · NY CLS § Correc 121 · CBRP PREA Schedule <p data-bbox="244 618 272 647">(a)</p> <p data-bbox="244 674 1474 931">The Agency contracts for Community Based Residential Programs; the programs are required to adopt and comply with the PREA standards. The agency has provided contracts for the following: Bridges of Greater NY, Catholic Charities – Chemung, Schuyler, and Diocese of Rochester, Hillcrest House, Hope of Buffalo, Saving Grace Ministries, Volunteers of America, Catholic Family Center, Fitzgerald House, Community Missions of Niagara, Pathways Renewed Rescue Mission, Windham Residence, Rescue Mission of Utica, MADE Transitional Services, and Society of St. Vincent De Paul which demonstrated support for a finding of compliance as well as a memo from the Agency PREA coordinator supporting compliance. Recently, two private organizations terminated their contracts. There are now a total of 13 operations contracted with for the housing of previously incarcerated individuals.</p> <p data-bbox="244 965 272 994">(b)</p> <p data-bbox="244 1021 1485 1115">The Request for Application for Community Based Residential Programs (CBRP) includes a requirement for compliance with the PREA standards. Effective May 1, 2017 CBRPs are required to become PREA compliant, including PREA certification. Completed reports are available on the NYSDOCCS website for review.</p> <p data-bbox="244 1149 1490 1440">A written interview with the agency Reentry Manager, March 2020 (contract monitor for community programs yielded the following confirmation: "New York State contracts with a number of organizations to provide residential programs for parolees and others subject to community supervision upon release. These include Residential Stabilization Programs (RSP) and Community Based Residential Programs (CBRP). Department Reentry Managers are responsible for contract monitoring of such programs. This includes ensuring that program staff participate in PREA training, that residents receive PREA educational materials, and that information is posted, and that Program staff comply with reporting requirements as specified by the Department. The new contracts require full PREA compliance and include quarterly goals to ensure that each program is able to achieve full compliance with the PREA Community Confinement Facilities Standards within one year". The auditor reaffirmed in April 2021 that these responses are still current.</p> <p data-bbox="244 1473 1485 1503">Based on the review of the documentation provided, this Agency is deemed compliant with the requirements of the standard.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Employees' Manual · Interview with the Superintendent · Interview with the PREA Coordinator · Post Closure Reports – examples provided and randomly requested · Staffing Plan Annual Review November 17, 2020 · DIR #4001 4/25/2019 Facility Administrative Coverage & Supervisory Rounds · Security Chart and Staff Review · Interviews with the PREA Compliance Manager · Interviews with Supervisors who conduct unannounced rounds · Randomly requested documentation of unannounced rounds/Weekly Activity Report · Daily Security supervisor Repot – randomly requested and provided with pre audit documentation · Logbook entries · Interviews with random staff · PAQ <p>(a)</p> <p>The PAQ indicates that the average daily population since the last PREA audit is 364. The pandemic has resulted in a recent temporary reduction of the incarcerated individual population. However, the staffing plan is predicated on an incarcerated individual population of 432. With the efforts made at the agency to protect incarcerated individuals from the coronavirus, the population has been reduced as reflected in the count on the day of the audit.</p> <p>The interview with the Superintendent and review of the staffing plan confirmed the following:</p> <p>(1) The facility has been maintaining accreditation status through the American Correctional Association. Security audits are conducted based on National Institute of Corrections (NIC) guidelines.</p> <p>(2) There are no judicial findings of inadequacy;</p> <p>(3) There are no findings of inadequacy from Federal investigative agencies;</p> <p>(4) There are no findings of inadequacy from internal or external oversight bodies;</p> <p>(5) All components of the facility's physical plant are reviewed.</p> <p>(6) The composition of the incarcerated individual population has been the same for several years.</p> <p>(7) The number and placement of supervisory staff has been reviewed and determined to be adequate.</p> <p>(8) Institution programs occurring on a particular shift has a detailed evaluation of the time and days of the programs occurring.</p> <p>(9) Any applicable State or local laws, regulations, or standards are reviewed.</p> <p>(10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse are addressed.</p> <p>(11) No other relevant factors have been identified.</p> <p>(b)</p>

After review of the documentation provided the auditor confirmed that Post Closure Reports are completed when a post is closed, explaining the reason. The example of this document was provided to the auditor for May 2021 with the pre-audit documentation demonstrating the process for having deviations documented. The auditor randomly requested to review post closure reports for the 7th day of the month for the previous four months. The review demonstrated that post closures are monitored daily and documented regarding how the closure is addressed. Hours closed had documentation showing how the hours were reconciled. Due to Covid -19 protocols, one housing unit was designated for quarantine status and was noted as closed three of the four months analyzed. Additionally, while on site, the auditor observed ample staff throughout the facility during the tour. The interview with the Superintendent confirmed that the "Plot Plan", based on security level, capacity, physical plant, programs, and general operation is utilized and regularly reviewed on an ongoing basis and formally annually. She noted that incidents of sexual abuse or sexual misconduct are considered among other factors. Video monitoring does not exist at this facility at this time. She indicated there is a Chart Sergeant who constantly monitors staffing needs, post closures and other temporary adjustments.

(c)

As stated, the facility completed the Annual Supervision and Monitoring Plan Review. The interview with the PREA Coordinator yielded the following: "I am consulted regarding assessments of, or adjustments to, facility staffing plans. In recent years when the purpose of Adirondack and Hudson Correctional Facilities changed to Adolescent Offender Facilities and then back to adult prisons for specialized populations, I was involved in the development of the staffing plan. At least annually, a formal written assessment is done by the facility Superintendent and submitted for consideration by the Director of Security Staffing, the Deputy Commissioner for Correctional Facilities, and me. In addition, I am notified of all facility staffing plan adjustments through the Security Staffing Information Unit. "

The interviews with the Superintendent, PREA Compliance Manager and PREA Point Person also supported that the staffing roster is reviewed informally daily and every two weeks to determine if adjustments are needed."

Hale Creek CF Security/Chart/Staffing Review May 3, 2021 was reviewed. It is a five-page document assessing staffing levels pursuant to all needs of the facility. This document demonstrates that a review of staffing was conducted by the Security Information Staffing Unit/Deputy Commissioner for Correctional Facilities.

An annual staffing review dated November 2020 entitled Annual Supervision and Monitoring Plan Review, specific to Hale Creek Correctional Facility provides a detailed assessment of each of the categories required by the standard. The document revealed that the review is sent to the Deputy Commissioner for Correctional Facilities and Agency PREA Coordinator in addition to the Director of Security Staffing.

(d)

The Employees' Manual indicates that employees are prohibited from alerting other employees that supervisory rounds are occurring unless the announcement is related to legitimate operational functions. DIR #4001 4/25/2019 Facility Administrative Coverage & Supervisory Rounds requires Security supervisors to conduct daily rounds and complete the Daily Security Supervisor Report which specifically addressed rounds being unannounced.

The auditor requested and received copies of the Daily Security Supervisory Report and logbook entries for a randomly picked date (September 10, 2021, and March 10, 2021) for all three shifts. The document demonstrated that unannounced rounds are conducted. Interviews with shift supervisors (three) indicate that a strategy is used to make rounds at irregular intervals. Additional confirmation of these rounds was observed in unit logbooks, randomly checked during the tour. Supervisory staff sign in red ink and note "unannounced round". The auditor asked staff during random interviews if they see the supervisor on their shift conducting unannounced rounds. All confirmed they do, and they are not informed of his/her arrival, nor do they alert other staff when the supervisor makes rounds.

Based on the interview noted above, policy, Employees' Manual, documentation of the annual staffing review, randomly requested documentation and observations made during the tour, the auditor finds there is substantial evidence to support that this facility is compliant with all provisions of this standard. this standard.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Hale Creek Correctional Facility DIR #0025 3/29/2018 · NYS CLS Correc §80 · Interviews <p>(a) (b) (c)</p> <p>Hale Creek Correctional Facility DIR #0025 3/29/2018 states, "This facility is used for the general confinement of males 18 years of age or older."</p> <p>The State of New York passed a "Raise the Age Law," effective April 10, 2017 New York Consolidated Laws Service > Correction Law (Arts. 1 — 35) > Article 4 Establishment of Correctional Facilities, Commitment to Department and Custody of Inmates (§§ 70 — 79-c) § 77. Adolescent offender facilities. The state shall establish one or more facilities with enhanced security features and specially trained staff to serve the adolescent offenders sentenced to a determinate or indeterminate sentence for committing offenses on or after their sixteenth birthday who are determined to need an enhanced level of secure care which shall be managed by the department with the office of children and family services assistance, and services or programs. That law has since been amended, adopting Correction Law § 80, effective April 3, 2020, requiring DOCCS and the New York State Office of Children and Family Services to "establish a transition plan and protocol to be used in transferring custody of all adolescent offenders and individuals under the age of eighteen from the custody of the department to the custody of the office of children and family services." Correction Law § 77 is repealed, effective October 1, 2020. As of October 6, 2020, all offenders under the age of 18 have been transferred out of DOCCS custody and are now housed by the New York State Office of Children and Family Services.</p> <p>Documentation was provided demonstrating that the youngest incarcerated individual at this facility was 22 years old. Interview with the Superintendent confirmed that there are no incarcerated individuals under the age of 18 at this facility. Based on these documents and the law, as well as observations made during the tour, the auditor finds this standard does not apply to this facility and therefore is deemed to be compliant.</p>

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1458 1305" style="list-style-type: none"> · Directive #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 · Directive #4910 Control and Search for Contraband 7/27/2021 · HSPM 1.37 Body Cavity Search 9/3/2021 · Directive #4001 Facility Administrative Coverage & Supervisory Rounds 4/25/2019 · HSPM 1.19 Health Appraisal 6/11/2019 · Memo Jason D. Effman, Associate Commissioner 7/18/2019 RE; Revisions to Directive #4910 "Control of & Search for Contraband" · Facility KHRT Course 35029 · Facility KHRT Course 01062/17008 · PREA Training Curriculum 2020 · Contraband and Frisk Curriculum 17008 1/2021 · Interviews with random staff · Interviews with random incarcerated individuals · PAQ · FAQ · Form #1140 Report of Strip Search or Strip Frisk (June 2021) · Form # 1140 CGPF Report of Cross Gender Pat Frisk – Female (June 2021) · Employees' manual 2019 <p data-bbox="244 1337 1485 1431">The PAQ indicates that there has been no cross-gender strip or cross-gender visual body cavity searches of inmates, no cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff.</p> <p data-bbox="244 1462 272 1489">(a)</p> <p data-bbox="244 1520 1493 1615">Directive #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 addresses which duties cannot be performed by opposite gender staff which includes strip searches, viewing showers, videos of strip searches, special watch, monitoring of incarcerated individual bathrooms via Closed-Circuit television (CCTV), and urine specimen collection.</p> <p data-bbox="244 1646 1477 1704">Directive #4910 Control and Search for Contraband 7/27/2021 supports that strip searches shall be conducted by an Officer or employee of the same sex as the incarcerated individual being searched.</p> <p data-bbox="244 1736 1469 1830">It additionally states that any incarcerated individual who has Gender dysphoria, is intersex, or transgender with a permit to wear gender affirming/transgender clothing may request that a Correction Officer of the incarcerated individual's preferred gender conduct the pat frisk, when the request can be honored.</p> <p data-bbox="244 1861 1445 2022">HSPM 1.37 Body Cavity Search 9/3/2021 states that this type of search is only authorized by the Superintendent, Acting Superintendent or Facility Officer of the Day upon approval from the Deputy Commissioner/Chief Medical Officer, or designee when there is imminent danger to an incarcerated individual's health or facility safety. A correction officer of the same sex as the incarcerated individual will be present during the exam. This policy indicates that the exam is only conducted by primary care providers.</p> <p data-bbox="244 2054 272 2080">(b)</p> <p data-bbox="244 2112 783 2139">This facility only houses male incarcerated individuals.</p>

(c)

As stated, the facility does not house female incarcerated individuals. The auditor was informed that strip searches and/or strip frisk would be reported on Form 1140 in accordance with policy which only affords a strip search/frisk of the same gender of staff. The auditor found no reason to dispute this during the audit process.

(d)

Directive #4001 Facility Administrative Coverage & Supervisory Rounds 4/25/2019 states that staff of the opposite gender shall verbally announce their arrival on a housing unit to avoid unnecessarily invading the privacy of incarcerated individual of the opposite gender. It clarifies when the announcement is to be made (i.e. when gender supervision changes) and that it is to be logged in the housing unit logbook. Directive #2230 Guidelines for Assignment of Male and Female Correction Officers 2/21/2019 states that staff of the opposite gender shall verbally announce their arrival on a housing unit to avoid unnecessary invasion of privacy. It emphasizes the incarcerated individuals' privacy will be protected to the extent the Department is able to do so. It requires the use of and directions for the use of department-approved shower curtains. The Employees' Manual reinforces these two directives.

All incarcerated individual interviews and staff interviews confirmed that incarcerated individuals are able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing the breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. All of the incarcerated individual interviews confirm that opposite gender staff are announcing when entering the unit. All random staff interviews confirmed that this is occurring. During the tour, the auditor and escort team was announced prior to entering the unit; this did not appear to be odd based on the observations of the incarcerated individuals in the unit at the time.

During the tour, the auditor observed the showers located in the individual housing units. The showers have curtains to provide privacy but maintain the ability to view sufficiently to ensure safety. Additionally, during the tour the auditor observed the area where strip searches are conducted in Intake/Visiting Room. It provided appropriate privacy for the incarcerated individual during this process.

(e)

HSPM 1.19 Health Appraisal 6/11/2019 supports that a facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If an inmate's genital status is unknown, the facility will determine genital status during conversations with the inmate, by reviewing medical records. It further states that a medical practitioner may conduct a full physical examination of an inmate when relevant to the treatment; such an exam will be conducted in private and with the patient's consent. A full physical exam, including assessment of genital status, can be done during the initial and periodic health appraisals in accordance with DOCCS policies and as needed according to professional judgement. Medical staff shall not conduct 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. If such an exam becomes necessary as part of an assessment for Gender Dysphoria, in connection with hormone treatment or in connection with inmate placement; then an exam can be done only upon direction and approval of the Deputy Commissioner/Chief Medical Officer. Directive #4910 Control and Search for Contraband 6/28/2019 and excerpts from the training curriculum supports that staff are provided specific training which emphasizes professionalism, dignity and respect when searching inmates and when searching transgender inmates.

Directive #4910 6/28/2019 confirms that a strip frisk of an inmate who has been diagnosed with Gender Dysphoria shall presumptively be conducted by staff of the same gender as the gender classification of the facility. This presumption is subject to review by Central Office on a case-by-case basis following an inmate's transfer to a facility consistent with their gender identification or identification of other factors that may warrant a different determination. Staff shall apply procedures as appropriate based upon the anatomy of the inmate. The facility (administration/security) shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, a medical provider may determine the inmate's 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."

All staff interviews acknowledged they are aware of this requirement.

(f)

Directive #4910 Control and Search for Contraband 6/28/2019 and excerpts from the training curriculum supports that staff are provided specific training which emphasizes professionalism, dignity and respect when searching inmates and when searching transgender inmates.

Memo Jason D. Effman, Associate Commissioner 7/18/2019 RE; Revisions to Directive #4910 states, On June 28, 2019, the Department's Bureau of Internal Controls issued a revision to Directive #4910,

"Control of & Search for Contraband." The purpose of this revision was to further clarify the protocols for dealing with contraband searches as they relate to transgender and intersex incarcerated individuals, and incarcerated individuals with gender dysphoria/GD. These revisions are highlighted below:

- Any incarcerated individual who is to be pat frisked, who has Gender Dysphoria, is intersex or who is transgender and has a permit to possess and wear gender affirming/transgender clothing, may request that a Correction Officer of the incarcerated individual's preferred gender conduct the pat frisk. It is the policy of the Department to honor that request whenever possible, as determined by the Area Supervisor.

- Except as provided below, a correction officer shall not perform a non-emergency pat frisk of an incarcerated individual who has been issued a permit to possess and wear gender conforming/transgender clothing over their objection when:

- The incarcerated individual presents their permit to possess and wear gender conforming/transgender clothing and requests to be pat frisked by a correction officer of a specified gender; and

- A correction officer of the specified gender is present at the location where the pat frisk is to be conducted and is available to perform the pat frisk.

- Notwithstanding the above provisions, a correction officer may pat frisk an incarcerated individual who has been issued a permit to possess and wear gender conforming/transgender clothing over their objection where exigent circumstances exist, and a correction officer of the specified gender is not present at the location where the pat frisk is to be conducted or, if present, is not available to perform the pat frisk.

- When a male correction officer pat frisks an incarcerated individual, who has been issued a permit to possess and wear gender conforming/transgender clothing, the male correction officer shall not use the palm of his hand when frisking the clothed breast area of the incarcerated individual. Instead, a male correction officer shall use the back and side of his hand only and shall use care not to pat the clothed nipples of the incarcerated individual. This limitation is not applicable to a female correction officer conducting a pat frisk on the incarcerated individual.

- When frisking the clothed inner thigh, groin, or buttocks, a correction officer shall use care not to penetrate any genital opening of the incarcerated individual. All correction officers shall conduct themselves professionally, alert to the perceived sensitive nature of the frisk.

- When a correction officer conducts a frisk of an incarcerated individual who has been issued a permit to possess and wear gender conforming/transgender clothing over their objection, the correction officer shall record the date, time, place, and the reason for the pat frisk on Form #1140CGPF-T. "Report of Cross Gender Pat Frisk- Transgender Inmate."

- A strip frisk of an incarcerated individual who has been diagnosed with Gender Dysphoria shall presumptively be conducted by staff of the same gender as the gender classification of the facility. This presumption is subject to review by Central Office on a case-by-case basis following an incarcerated individual's transfer to a facility consistent with their gender identification or identification of other factors that may warrant a different determination. Staff shall apply procedures as appropriate based upon the anatomy of the incarcerated individual. The facility (administration/security) shall not search or physically examine a transgender or intersex incarcerated individual for the sole purpose of determining the incarcerated individual's genital status. If the incarcerated individual's genital status is unknown, a medical provider may determine the incarcerated individual's genital status during conversations with the incarcerated individual, 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."

Training records provided the auditor confirmed that staff have been trained in contraband control and frisk searches. An updated curriculum is provided to new security staff; updates have been in the last two PREA refresher courses provided to all current security staff. All staff interviews confirmed they have been appropriately trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex incarcerated individuals.

Observations made during the on-site portion of the audit, review of the policies, memo reflecting updated information, the training curriculum, training records as well as all interviews with staff support a finding of compliance with this standard. All staff interviews confirmed that all are aware that transgender incarcerated individuals are not to be searched for the sole purpose of determining genital status. All staff and incarcerated individual interviews support that incarcerated individuals are allowed to change clothes, shower and use the toilet 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. In accordance with FAQ clarifications, policy was updated to allow a transgender/intersex incarcerated individual to designate the gender of the staff to frisk search in accordance with the incarcerated individuals preferred gender. All staff interviews confirmed they have been appropriately trained in how to conduct cross-gender pat-down searches, and searches of transgender /intersex incarcerated individuals. The auditor is finding this facility compliant with this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	<p data-bbox="244 147 766 174">Auditor Overall Determination: Exceeds Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1286 1214" style="list-style-type: none"> • Observations during the tour • Interviews A/Commissioner • Interviews Incarcerated individuals LEP or disabled • Random staff • PAQ • Directive #2612 Inmates with Sensorial Disabilities 10/1/2020 • Directive #4490 Cultural and Language Access Services 1/6/2020 • Language Access Line Contract • Memo Jason D. Effman "Ending Sexual Abuse Behind the Walls: An Orientation" 10/26/2015 • Ending Sexual Abuse Behind the Walls: An Orientation video • Inmate Education & Orientation Film Facilitator Guide 6/25/15 • Inmate Education Facilitator Training NYDOCCS 5/13/2015 • Pamphlet translations – The Prevention of Sexual Victimization in Prison: What You Need to Know • Form 4021A revised 5/15/2020 • Form 4021A facility specific documents • Memo - Jason D. Effman, Associate Commissioner New and Updated PREA Materials <p data-bbox="244 1249 1485 1339">The PAQ indicates that the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.64, or the investigation of the resident's allegations is zero.</p> <p data-bbox="244 1375 272 1402">(a)</p> <p data-bbox="244 1438 1497 1760">Directive #2612 Inmates with Sensorial Disabilities 10/1/2020 references the Americans with Disabilities Act, noting that programs and services provided cannot discriminate against individuals with a disability who are qualified to receive them. It further states, "Qualified Sign Language Interpreting Services: 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 qualifications of an interpreter are determined by the actual ability of the interpreter in a particular interpreting context to facilitate effective communication. Except as otherwise indicated below, qualified interpreters may include inmates and correctional staff, including Correction Officers and volunteers, when their skills meet the above definition and factors such as emotional or personal involvement and considerations of confidentiality will not adversely affect their ability to interpret effectively, accurately, and impartially; or jeopardize the safety and security of the inmate."</p> <p data-bbox="244 1796 1485 1850">This facility is not designed to house incarcerated individuals with sensorial deficiencies. Incarcerated individuals interviewed had slight physical needs which were observed by the auditor during the tour.</p> <p data-bbox="244 1886 1485 2038">The interview with the A/Commissioner confirms the following: "DOCCS has designated facilities and established programs to meet the needs for sensorial disabled incarcerated individuals. The facilities have additional resources for the incarcerated individuals in their populations including but not limited to manual translators (i.e., sign language interpreters), electronic reading devices, magnifiers, and other accommodations as appropriate to ensure access to all programs, including the Department's PREA program."</p> <p data-bbox="244 2074 272 2101">(b)</p> <p data-bbox="244 2136 1437 2163">The interview with the A/Commissioner confirms the following: "DOCCS has a system-wide language access policy that</p>

ensures that individuals who require assistance with language can still fully participate in critical functions. This includes using the Language Line services for translation of written documents or interpretation of spoken language. Our Office of Cultural and Language Access Services is responsible for implementing DOCCS' Language Access Plan and ensuring that Limited English Proficient (LEP) individuals can access the Department's programs, services and benefits. In keeping with State language access policies, DOCCS makes vital documents available in English, Spanish, Bengali, Simplified Chinese, Haitian Creole, Korean, and Russian. This includes the Department's PREA informational brochures and our inmate education film which includes audit and subtitles in English, Spanish, Chinese, Haitian Creole, Italian, Korean, Polish, and Russian. Languages are periodically updated based upon data regarding language dominance in the State Vital documents, including information on PREA, are in the process of being made available in Bengali. "

Directive #4490 Cultural and Language Access Services 1/6/2020 ensures inmates with limited English skills will have meaningful access to programs, services and benefits.

Pamphlet translations – "The Prevention of Sexual Victimization in Prison What You Need to Know" is available in English, Spanish, Bengali, Simplified Chinese, Haitian Creole, Korean, and Russian. The language needed is noted on the receipt of the PREA Sexual Abuse Brochure provided at the intake process. One completed example was provided with the pre-audit documentation, fifteen additional examples were reviewed.

"Ending Sexual Abuse Behind the Walls: An Orientation" is available with audio tracks and closed captioning in English, Spanish, Mandarin Chinese, Haitian Creole, Korean, Polish, Italian and Russian.

The Victim Support brochure is available in the following languages: English plus Arabic, Bengali, Chinese (Simplified), Haitian-Creole, Italian, Korean, Polish, Russian, Spanish and Yiddish.

The agency has a contract with Language Line Services, Inc. (copy provided to the auditor). Directions for how to access the line was provided to the auditor. During random staff interviews, many staff, including the intake sergeant, are aware of the availability of the line if its use is needed.

Interviews with LEP incarcerated individuals supported that their language needs were addressed upon intake and their views regarding which materials they preferred were addressed.

(c)

Directive #2612 Inmates with Sensorial Disabilities 8/1/2019 supports that generally an inmate will not be used to interpret for another inmate for confidential/sensitive matters unless there are exigent circumstances.

Directive #4490 Cultural and Language Access Services 1/15/2016 states, generally staff shall not rely on an inmate, family member or friend to interpret for communications that involve sensitive confidential or privileged information.

As stated, the PAQ indicates that no inmate has been used to interpret for another incarcerated individual regarding confidential information. Interviews with random staff confirmed that an incarcerated individual will not be used to interpret and has not been used to interpret for confidential information; responses indicated they would seek the assistance of a bi-lingual staff or the Language Line, as noted above. After prompting, most random interviews acknowledged they were aware that if no other recourse was available, this can occur with exigent circumstances; other interviews required prompting to confirm this. Without having a specific scenario to relate this question to, the auditor found no concerns with these responses.

In addition to having Spanish speaking staff, the facility has Spanish speaking ORC which helps ensure programming needs and other concerns are addressed for Spanish only speaking incarcerated individuals.

Review of the policies and other documents noted above support that the facility has gone above and beyond by providing information and the video caption in seven additional languages. The documentation for the intake process indicates that language needs are assessed immediately upon arrival, as are any disability needs. The written interview with the Acting Commissioner reiterated his support for all these processes in place. The language line is readily available for needs that arise. For these reasons, the auditor finds that the facility is in substantial compliance with this standard. A finding of exceeds standard is due to the numerous language options readily available. For educating the incarcerated individuals about PREA.

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> • Observations • Interviews Human Resource staff • Employment Application • Documents - Personnel files of those hired or promoted in the past 12 months • Documentation randomly requested staff confirmation of fingerprint process • PAQ • Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 • Directive #2216 Attachment A • NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 – Forms: PPM 406A1, Recruitment Process Checklist, PPM 406A.2 • Employment Telephone Verification • Recruitment Process checklist • Memo: from Director of Personnel, 4/30/14, RE: Personnel Procedure #407 – Civilian Promotions, Personal Procedure Manual #407A – Security Promotions, 4/29/14 • Electronic Mail Memo: from Director of Personnel, 7/15/15, RE: Fair Chance Hiring Application Revisions and Statewide Employment Application reinforces the use of the Application. • Form 1253 - Personal History and Interview Record - 4/13 • NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 • Non-competitive and Labor Class appointments 11/5/2020 • Availability Inquiry Correction Sergeant • Availability Inquiry Correction Lieutenant • Appointment packet for Assistant Deputy Superintendents and above • Memo: from Deputy Commissioner and Counsel, 8/18/15, RE: Prison Rape Elimination Act (PREA) – Background Checks – Appendix • Directive #2112, Report of Criminal Charges – 4/10/18 • Form EIU23 - Personal History Questionnaire – (Rev. 6/15) • Employee Manual Revised 2019 • Directive #2012, Release of Employee Personnel and Payroll Information – 10/7/2019 • Facility example and requested documentation Form 1253 Derogatory Denial or Approval on Background Check • Telephone interview with central office EIU staff. • Email confirmation Coordinator- Employee Investigative Unit <p>The PAQ indicates that two staff have been hired who may have contact with incarcerated individuals in the previous twelve months.</p> <p>(a)</p>

Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 states, All employees and contractors of the Department of Corrections and Community Supervision (DOCCS) 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. Employees and contractors may also be fingerprinted in accordance with this directive. This policy applies to all titles as defined in Section II, Definitions. Information Technology Services (ITS) staff, Department of Motor Vehicles (DMV) staff, and Office of Mental Health Staff (OMH) will have criminal history inquiries conducted. Policy indicates a request is submitted to the Employee Investigative Unit (EIU) via email transmittal; a response must be received with non-derogatory indicated prior to the first day of employment. The policy has an Attachment A which designates how this background check is conducted on potential employees, contractors and staff from other agencies.

NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 – Forms: PPM 406A1, Recruitment Process Checklist, PPM 406A.2 Employment Telephone Verification outlines steps to be taken to prior to filing a position with a candidate.

Memo: from Director of Personnel, 4/30/14, RE: Personnel Procedure #407 – Civilian Promotions, Personal Procedure Manual #407A – Security Promotions, 4/29/14, indicates that prior to employment, every candidate will be reviewed for prior incidents of sexual abuse (criminal conviction or civil administrative finding). In addition, it states that the Department is prohibited from hiring anyone who has engaged in sexual abuse in a confinement setting, convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse or has been civilly or administratively adjudicated to have engaged in this type of activity.

(b)

Memo: from Director of Personnel, 4/30/14, states a review will be conducted that identify any incidents of sexual harassment. In addition, RE: Personnel Procedure #407 – Civilian Promotions, Personal Procedure Manual #407A – Security Promotions, 4/29/14 states that the Department is required to consider any incidents of sexual harassment in determining whether to promote anyone who may have contact with incarcerated individuals. The application requires the applicant to disclose if there has been a prior history of sexual misconduct which would reveal sexual harassment. The interview with the Human Resources staffs also confirmed that incidents of sexual harassment are considered when determining employment. She indicated that the Director of Personnel and/or the Superintendent will review such cases.

(c) (d) (e)

The following documents support a finding of compliance:

- Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 requires the background check for all employees, contractors and per diem employees as well as verification of information on the employment application. Attachment A identifies the process for fingerprinting potential employees, employees, contractors and interns.

- NYS Department of Correctional Services Personnel Procedure Manual #406A Recruitment Process – 4/8/16 specifically requires that previous employers shall be contacted for candidates previously employed by a prison, jail, lock up community confinement or juvenile facility. The contact is documented on the form PPM 406A.2 Employment Telephone Verification. This requirement is included on the Forms: PPM 406A1, Recruitment Process Checklist and PPM 406A2 Employment Telephone Verification

- Personal Procedure #407 4/30/2014 states, Prior to appointment, every candidate selected for a potential promotional appointment will be reviewed for prior incidents of sexual abuse, a conviction for a disqualifying sexual offense, or a civil administrative find for such sexual acts. The review will also identify any incidents of sexual harassment.

- Memo: from Deputy Commissioner and Counsel, Division of Criminal Justice Services, 8/18/15, RE: Prison Rape Elimination Act (PREA) – Background Checks – Appendix and Directive #2112, Report of Criminal Charges – 4/10/18. All staff and contractors are fingerprinted prior to employment. The EIU is notified if an arrest is made corresponding to the employee/contractor fingerprint.

The auditor observed documentation regarding staff fingerprints when reviewing two newly hired personnel files, one file for a staff who transferred, two files for staff who promoted and two contractual files. The auditor reviewed the detailed process outlined for the personnel staff to use when needing to acquire background information on all candidates. The Employee Investigative Unit (EIU) centrally established, provides information as needed (observed during the review of the personnel files). By fingerprinting, the agency would receive a report of any arrests that have occurred with these employees nationwide (as confirmed by the interview with the Human Resource staff). The phone interview with EIU staff and email exchange with the Coordinator confirmed that a detailed background check is conducted and is documented using the telephone verification form and Recruitment Process Checklist as required by NYS Department of Correctional Services Personnel Procedure

Manual #406A Recruitment Process when checking references. There is notation to check prior institutional employers on the checklist.

Additionally, the auditor requested and received verification of randomly requested current employees' verification of fingerprinting for staff with the last name beginning with C, H, L, T, the first three, eleven total (T only had two).

(f)

The following documents support a finding of compliance:

- Electronic Mail Memo: from Director of Personnel, 7/15/15, RE: Fair Chance Hiring Application Revisions and Statewide Employment Application reinforces the use of the Application Form 1253 as a supplement as it contains PREA related questions required to be asked per this requirement of this standard.
- Form 1253 - Personal History and Interview Record - 4/13, Availability Inquiry Correction Sergeant, Availability Inquiry Correction Lieutenant. Form EIU23 - Personal History Questionnaire – (Rev. 6/15) specifically asks all candidates if they have been convicted of a crime involving sexual activity by overt or implied threats of force, or coercion or if the victim did not consent; or if the victim was unable to consent as well as if the candidate has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, and, 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
- Promotional inquiries within the system (lieutenant, sergeant) include the questions regarding whether the candidate has been involved in an allegation of sexual abuse or sexual harassment, if the allegations were substantiated, if they have been civilly or administratively adjudicated to have engaged in sexual activity in the community by force, overt or implied, or coercion, etc.

The auditor observed in the randomly reviewed newly hired personnel file applications that they are directly asked the questions noted in provision (a). The auditor was provided documentation showing that promotional candidates are asked the questions during the promotional process. The auditor reviewed signed acknowledgements of the Employees' Manual (fourteen total) which directs staff that they have a continuing affirmative duty to disclose any such misconduct, and the auditor asked staff during random interviews if they have a continuing duty to report misconduct that occurred outside the facility and they all confirmed they did.

(g)

Form EIU23 - Personal History Questionnaire – (Rev. 6/15) The beginning of the questionnaire specifically informs all candidates that all questions must be answered truthfully as the state law and civil service commission rules have the force and effect of law and provide penalties for making a false statement of material fact in any application. Applicants sign this form acknowledging this. This was observed on the application in the two files reviewed for newly hired staff.

(h)

Directive #2012, Release of Employee Personnel and Payroll Information – 10/7/2019 states information about a former employee will be provided to State agencies without authorization and provided to parties other than State agencies with authorization. The interview with the Human Resource Manager confirmed that she would refer to her representative in central office for direction, if a request was received.

Review of policy directives, Employees' Manual, and the application process support compliance. The application process requires all new applicants and promotional candidates to answer the questions required in subpart (a). The Agency has an Employee Investigative Unit (EIU) designated to conduct background checks which does include a national search for criminal records. The Agency uses a system which notifies them when a current employee has been arrested so that the circumstances can be investigated. The Employee Manual, which each staff signs an acknowledgment of receipt, notifies employees of a continuing duty to report. Reference checks are conducted by central office; information provided to other states would be provided by central office with a signed release. The investigative unit has a process to ensure that this check would reveal if the employee quit pending an investigation. This was all reiterated during the interview with the Human Resource supervisor.

After analysis of the noted written documentation, interviews and observations, the auditor finds that agency/facility in compliance with this standard. A finding of exceeds standard is provided due to the fingerprinting operation in which any criminal activity would be immediately and continually reported.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 957 642" style="list-style-type: none"> <li data-bbox="244 329 440 356">· Observations <li data-bbox="244 387 580 414">· Interviews A/Commissioner <li data-bbox="244 445 560 472">· Interview Superintendent <li data-bbox="244 504 355 530">· PAQ <li data-bbox="244 562 957 589">· Directive #3053, Alterations and Construction Request 4/22/2019 <li data-bbox="244 620 512 647">· Example Form 1612 <p data-bbox="244 678 1134 705">The PAQ indicates the facility has not acquired any new facilities or made any substantial</p> <p data-bbox="244 736 1409 795">expansions or modifications of existing facilities since the last PREA audit or installed nor updated a video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit.</p> <p data-bbox="244 826 304 853">(a) (b)</p> <p data-bbox="244 884 1481 1144">Directive #3053, Alterations and Construction Request 4/22/2019 specifically notes that prior to submitting a request to alter or construct a building, the ability to protect inmates from sexual abuse must be reviewed. In addition, it states, when designing or acquiring any new facility or planned any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. Form 1612 Part IV addresses these requirements, specifically requiring that the ability to enhance safety and protect the inmate from sexual abuse is addressed prior to approval of the plans.</p> <p data-bbox="244 1176 1490 2132">The interview with the A/Commissioner confirmed the following: "In accordance with Department Policy (Directive 3053 "Alterations/Construction Requests"), each facility Superintendent must obtain Central Office approval for any alteration or construction project. As a part of that process, the Superintendent submits a Form 1612 Alterations/Construction Requests form. The Superintendent is required to evaluate the scope of the alteration and consider the effect of the design, acquisition, or modification upon the ability to protect incarcerated individuals from sexual abuse. The Superintendent indicates on the form whether the alteration's impact will enhance, be neutral, or have a negative impact on the ability to protect incarcerated individuals from sexual abuse. Our Division of Facilities Planning and Development reviews these requests and obtains comments from the Associate Commissioner/PREA Coordinator, and other appropriate Central Office units, before approving any request. The Department has wide-spread audio/video surveillance in a number of its facilities, and also coverage in specialized units such as Special Housing Units, Behavioral Health Units, and our new Residential Rehabilitation Units. When a report of sexual abuse or sexual harassment is received by our Office of Special Investigations (OSI), standard protocol calls for them to secure surveillance footage for the date, time and location of the reported incident. Video surveillance has provided corroborating evidence used to help obtain convictions and has also assisted in vindicating wrongfully accused staff. It is becoming more frequent for DOCCS OSI, Sexual Abuse Prevention & Education Office, and Operations to review areas of concern for possible adjustment of existing camera systems, or to make recommendations for augmentation of the system. Regrettably, technical limitations do prevent rapid adjustments to the surveillance system. In recent years, the Department has significantly expanded its video surveillance capabilities with installation of full coverage camera systems at Attica and Clinton Correctional Facilities, and completion of a significant expansion of the existing camera system at Bedford Hills Correctional Facility. Camera system installation projects are in various stages of construction at Auburn, Coxsackie, Downstate, Elmira, Great Meadow, Green Haven, Shawangunk, and Southport Correctional Facilities. The following facilities are currently in the design phase: Albion (expansion), Eastern, Fishkill, Greene, Marcy, Mid-State, Orleans, Sing Sing, Sullivan, Taconic (expansion), and Wende Correctional Facilities. The long-term goal is to install full-coverage camera systems at all maximum and medium-security facilities. Beginning in 2017, DOCCS has piloted the use of Body-Worn Cameras in several correctional facilities. Body-Worn Camera systems are now in place at Clinton, Bedford Hills, Great Meadow, Albion, Taconic, Fishkill, Green Haven, and Greene Correctional Facilities. With the assistance of a grant from the Bureau of Justice Assistance, expansion to Collins, Mid-State, Sullivan, and Franklin Correctional Facilities is under way. In addition, the Department was recently awarded a FY 2019 Body-Worn Camera grant with an award period of October 1, 2019 through September 30, 2022. The Department's intent is to use the grant and matching funds to expand its use of body-worn cameras to 11 other correctional facilities."</p>

	<p>Policy noted above supports that sexual abuse and sexual harassment prevention will be considered when making changes to the physical plant or upgrading the camera system. The interview with the Superintendent supports this as well. The PAQ indicates that no physical plant expansions or modifications have occurred since the previous PREA audit. This was confirmed with interviews with the staff and observations on site. Written responses by the Acting Commissioner further ensures that any upgrades to facilities and/or monitoring equipment has a process in place that ensures that changes will be evaluated to protect incarcerated individuals from sexual abuse.</p>
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115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1334 1043" style="list-style-type: none"> · Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) · Directive #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) · Directive #0700 Office of Special Investigations (OSI) 9/10/2020 · HSPM1.60 Sexual Assault 10/25/2017 · A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, April 2013 · Notice to auditor - SANE exams not conducted at the facility · OSI Investigation Manual – confidential · Memo to the Superintendent of the New York State Police (May 2014) · § 2807-c. General hospital inpatient reimbursement for..., NY PUB HEALTH §... · Observations · Interview PREA Compliance Manager · PAQ · List of SANE certified hospitals for the state of New York <p data-bbox="244 1075 1469 1135">Review of the Watch Commander response manual which provides information for the first three Hospitals that have SANE exams locally</p> <ul data-bbox="244 1164 1011 1191" style="list-style-type: none"> · Coordinated Response to Reports of Sexual Victimization FOM #10.01 <p data-bbox="244 1223 1457 1283">The PAQ indicates there have been no forensic medical exams, no Sane/Safe exams nor exams performed by a qualified medical practitioner during the previous twelve months.</p> <p data-bbox="244 1314 272 1341">(a)</p> <p data-bbox="244 1370 1469 1532">Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) and #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) outline in detail the requirements for the collection of evidence regarding inmate-on-inmate abuse for use for a situation when evidence must be collected at the facility level. Directive #0700 Office of Special Investigations (OSI) 9/10/2020 addresses the role of the Office of Special Investigations (OSI) Sex Crimes Division (SCD) who conduct investigations involving sexual misconduct.</p> <p data-bbox="244 1563 272 1590">(b)</p> <p data-bbox="244 1621 1481 1814">The New York State Department of Corrections and Community Supervision (DOCCS) does not conduct on-site forensic medical examinations. In accordance with DOCCS policies, when evidentiarily or medically appropriate, a victim of sexual abuse shall be transported to an outside hospital and shall be provided treatment and services as required by the laws, regulations, standards and policies established by the State of New York and administered by the New York State Department of Health. The New York State Department of Health requires hospitals to follow "A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents Second Edition."</p> <p data-bbox="244 1845 336 1872">(c) (d) (e)</p> <p data-bbox="244 1904 831 1930">HSPM1.60 Sexual Assault 10/25/2017 states the following:</p> <p data-bbox="244 1962 1489 2123">All treatment will be provided without financial liability regardless of whether the victim cooperates in the investigation. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services expeditiously to a hospital staffed with a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) and a victim advocate available to provide services. Further written authority confirming the compliance with this is located in the confidential OSI Policy Manual Sex Crimes Division (provided to and reviewed by the auditor).</p>

The auditor was provided with a list of SANE certified hospitals in the State of New York. Coordinated Response to Reports of Sexual Victimization FOM # 10.01 lists the three closest SANE certified hospitals. Additionally, the auditor observed the contact information for the three closest SANE certified hospitals to the facility in the PREA Binder for the Watch Commander.

(f)

The New York State Department of Corrections and Community Supervision (DOCCS), Office of Special Investigations (OSI), Sex Crimes Division (SCD) and the New York State Police (NYSP), Bureau of Criminal Investigation (BCI) work cooperatively in the investigation of inmates' sexual abuse that may rise to criminal conduct as supported by the Directive #0700 Office of Special Investigations (OSI) and a memo to the Superintendent of the New York State Police (May 2014) provided to the auditor.

(g)

Auditor is not required to audit this provision.

(h)

Not applicable to this facility. This was supported by the interview with the ADS - PREA. As noted, the hospital Sexual Assault Team will provide this individual with a victim advocate from the community.

Policy supports the requirements of the provisions. Processes are in place to ensure an incarcerated individual is sent to a hospital for a SANE exam when allegations are made to support a referral. State law and policy support that a qualified advocate is available through the hospital. Several of the agency trained investigators have become certified for evidence collection and photographing of crime scenes, above and beyond the specialized training required of investigators (certificates provided to the auditor) therefore ensuring a uniform accurate evidence protocol is followed. For this reason, and due to the specialized nature of the investigators from the Sex Crimes Division, the memo confirming the cooperation between this department and the New York State Police, the auditor finds that the facility exceeds the standard.

115.22	Policies to ensure referrals of allegations for investigations
	<p data-bbox="244 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1461 1077" style="list-style-type: none"> · Observations · Interviews A/Commissioner · Interviews Investigative Staff · Documentation of investigations · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate individual (11/29/17) · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee (11/29/17) · Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) Directive #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) · Notice to auditor regarding OSI authority to conduct administrative and criminal investigations · PAQ · Directive #0700 Office of Special Investigations 9/10/20 · Facility example Form 2103SAII (11/17) · Facility example Form 2103 SASI (11/17) · Coordinated Response to Reports of Sexual Victimization FOM 10.01 <p data-bbox="244 1106 308 1135">(a) (b)</p> <p data-bbox="244 1164 1473 1359">Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) and #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) all require that all allegations of sexual abuse and sexual harassment or retaliation for reporting such an incident be thoroughly investigated. It further states it will be promptly initiated; the OSI will determine the appropriate investigative response. Directive #0700 Office of Special Investigations 9/10/20 supports that this will occur as well.</p> <p data-bbox="244 1388 1461 1550">The interview with the A/Commissioner confirmed the following: "In accordance with my authority under Section 112 of the New York State Correction Law, I have designated the Department's Office of Special Investigations (OSI) as the Department's investigative branch to investigate allegations of serious misconduct in the facilities. The Office of Special Investigations conducts criminal and administrative investigations of all allegations of sexual abuse. Allegations of sexual harassment are reviewed by OSI and may either be investigated by OSI or by the facility subject to OSI's review.</p> <p data-bbox="244 1579 1449 1641">In any potentially criminal case, OSI coordinates with the New York State Police Bureau of Criminal Investigation and the pertinent District Attorney's Office to ensure that any appropriate criminal charges are pursued."</p> <p data-bbox="244 1671 1477 1832">Coordinated Response to Reports of Sexual Victimization FOM 10.01 requires the Watch Commander to contact OSI when an incident of sexual abuse has occurred. The interview with the investigators confirmed that they have been notified timely of all allegations of sexual abuse, sexual harassment and/or retaliation. The review of the investigations supported this as well. All allegations are documented on the Form 2103SAII and Form 2103SASI. Documentation demonstrating this was provided with the pre-audit documentation.</p> <p data-bbox="244 1861 272 1890">(c)</p> <p data-bbox="244 1919 1321 1948">This is not applicable to this facility as OSI is a part of the agency although outside of the facility/department.</p> <p data-bbox="244 1977 272 2007">(d)</p> <p data-bbox="244 2036 687 2065">Auditor is not required to audit this provision.</p> <p data-bbox="244 2094 272 2123">(e)</p>

Auditor is not required to audit this provision.

Policies noted above, interviews with the investigators and review of investigations from the established 12-month audit time frame support that investigations are all appropriately addressed by the OSI involving sexual abuse and sexual harassment, or retaliation and staff neglect that led to sexual abuse or sexual harassment. These investigations are initiated promptly with investigators being contacted immediately in accordance with the facility's coordinated response. This was determined from the review of the investigations, the investigative process and the interviews with the investigators. It was established that OSI has legal investigative authority within the State of New York and also collaborates with the State Police on any matters that may appear to be criminal as established by the confidential manual.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1477 1489" style="list-style-type: none"> · Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins – 12/3/2018 · Training Manual Subject 8.300A – Recruit Training Catalog of Courses 7/10/17 · Training Bulletin #7 PREA: Sexual Abuse Prevention and Response (PREA)1/22/20 · Training Manual Subject #7.000 – Initial Employee Training/40-hour Orientation 5/19/20 · Training Manual Section #7.100 Employee Familiarization In-Service Training Program 5/19/2020 Sexual Abuse Prevention and Response Introduction – Transfer Lesson Plan 17093 1/2018 · Memo – Commissioner 7/8/2021 RE: Policies and Standards Generally Applicable to all Employees · Memo – Deputy Commissioner/Associate Commissioner (PREA Coordinator) 4/8/2015 RE: Sexual Abuse Prevention and Response Training · Report of Training Form: Sexual Abuse Prevention and Response Introduction – Transfer (PREA) RTF – PREA 7/2017 · Sexual Abuse Prevention and Response Refresher Training Lesson Plan – January 2020 · Recruit Training Program 7/10/2017 · Training Bulletin 1/22/20 · KHRT #35029 · KHRT #17093 · KHRT #17078 · Completed Training Intro/Transfer Refresher 2020 · Observations · Interviews Random staff · Informal interviews with staff · FAQ <p data-bbox="244 1518 272 1545">(a)</p> <p data-bbox="244 1574 1485 1637">Training Manual Section: 0.100 - Frequency Training Chart and Training Bulletins – 12/3/2018 - confirms that PREA Training is provided every two years, and a module on Professional Boundaries provided annually.</p> <p data-bbox="244 1666 1418 1729">Training Manual Section #7.000 4/19/2018, 40 Hour Orientation/Initial Employee Training confirms that all civilian new employees receive mandatory training which includes 3-hour module on Sexual Abuse Prevention and Response.</p> <p data-bbox="244 1758 1434 1821">Recruit Training Program 7/10/2017 ensures that sexual abuse prevention and response training is addressed in recruit training. It is a 3-hour training</p> <p data-bbox="244 1850 1493 2011">Training Bulletin 1/22/20 ensures that PREA refresher is addressed at line-up training annually for uniformed line staff, and as a written refresher for non-uniformed and supervisory staff. It includes the following topics: zero tolerance for sexual abuse and sexual harassment; definitions of sexual abuse and sexual harassment; all staff have a duty to report including third party allegations, staff neglect and misconduct and anonymous allegations; how to report and investigation of all allegations, supervision and monitoring, employee training and limits to cross gender viewing.</p> <p data-bbox="244 2040 1453 2134">The auditor reviewed Sexual Abuse Prevention and Response Refresher Training Lesson Plan – January 2020 17078. It demonstrates that training covers the following topics:: Definitions, Zero Tolerance Policy, Inmate/Parolee right to be free from sexual abuse and sexual harassment, inmates have the right to be free from retaliation for reporting sexual abuse or</p>

harassment, dynamics of sexual abuse and sexual harassment in confinement for males inmates and female inmates, common reactions of victims, communicating effectively with lesbian, gay, bisexual, transgender and intersex, or gender nonconforming inmates, how to avoid inappropriate relationships, employee responsibilities of prevention, detection, reporting and response and mandatory reporting. Subject 7.000 40-Hour Orientation/Initial Employee Training confirms that PREA training is provided to all new employees, a 3-hour course.

An interview with the trainer at a previous facility confirmed that new staff do not have incarcerated individual contact before receiving training on PREA which supports clarification provided in the FAQ.

A report demonstrating that staff have been trained for course 35029, Preventing Sexual Abuse, and 17078 PREA Refresher was provided to the auditor.

All random staff interviews confirmed that staff are trained regularly and training includes the topics required in the provision.

(b)

Training Manual Section #7.100 Facility Familiarization In-Service Training Program 5/19/2020 specifies that all transfer staff receive familiarization on compliance with PREA and the Department's Sexual Abuse Prevention and Response procedures. It further states that the training will be tailored to the gender of the incarcerated individuals at the facility, including gender dynamics, for staff who are transferring from a facility that houses only male incarcerated individuals to a facility that houses only female incarcerated individuals, or vice versa. The training at this facility provides dynamics of abuse between male incarcerated individuals. The PREA Introduction/Transfer Training for male classified facilities updated 12/9/2019 reinforces key terms, zero tolerance, communicating effectively and professionally with LGBTIQ+ and GNC incarcerated individuals, and five actions an employee takes as a first responder and three categories of sexual abuse and misconduct all employees have a duty to report. Although it was reported that no staff had transferred from a female facility to this facility, personnel files were reviewed which confirmed orientation training received upon arrival at this facility (as required by NYSDOCCS), which did include PREA refresher training.

(c)

As stated, Training Manual Subject: 0.100 - Frequency Training Chart and Training Bulletins - 7/12/18 - confirms that PREA Training is provided every two years, and a module on Professional Boundaries provided annually. Documents were requested and received that confirmed that staff have received PREA Refresher training. All random staff interviews and informal interviews with staff confirmed to the auditor that staff have been trained as required by this standard.

(d)

The training form signed by staff after completion of training states, "By signing below you confirm that you participated in the Prevention of Sexual Abuse – PREA training program and that you understand the training that you have received." One example of this form was provided with the pre-audit documentation. Additional examples were randomly requested and received during the on-site audit.

After review and analysis of the documentation, interviews with staff, the auditor concludes that the standard is deemed compliant. The training curriculum supports that all ten topics required by the standard are thoughtfully and thoroughly addressed in the curriculum. The training provides information specific to working with male incarcerated individuals. Training occurs every two years with a refresher training annually. Documentation of training records for courses 35029 PREA and 17078 Refresher were provided to further support that the facility is compliant. It demonstrated that all staff have been trained. All staff interviews support that staff have received the training and staff were knowledgeable regarding the various aspects required by the standard.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1461 1077" style="list-style-type: none"> · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, 11/29/17 · Directive #4750 Volunteer Services Program 7/21/20 · Standards of Conduct for Volunteers 12/18 · Application for Volunteer Status 12/18 Form MFVS 3080 · Form MFVS3087 Acknowledgement of "Standard of Conduct for Volunteers" 12/18 · Directive # 4071 Guidelines for Construction Projects 4/10/2019 · Memo- Commissioner 9/4/18 RE: Policy on the Prevention of Sexual Abuse of Offenders (revised) to all Employees, Contractors, Volunteers, and Interns · Observations · Interview contractor · Review volunteer/contractor training records · Interview with the Volunteer Coordinator · PAQ <p data-bbox="244 1106 1414 1167">The PAQ indicates there are 48 volunteers and contractors who have been trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.</p> <p data-bbox="244 1196 300 1223">(a)(b)</p> <p data-bbox="244 1256 1457 1415">Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, 11/29/17, Directive #4750 Volunteer Services Program states, Restrictions: During orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with incarcerated individuals. This will include visiting, corresponding, and accepting phone calls. In order to avoid any misunderstanding, the following guidelines must be strictly observed:</p> <p data-bbox="244 1447 1489 2042">Volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an incarcerated individual. DOCCS has a zero-tolerance policy for sexual abuse. It is a crime for any employee to engage in sexual conduct or sexual contact with an incarcerated individual. For purposes of Penal Law §130.05, an employee also includes any person providing direct services to incarcerated individuals 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. All volunteer applicants will read the most updated version of the Policy on the Prevention of Sexual Abuse of Inmates. All volunteers are to be provided with training on Directives #4027A, "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate," and #4028A, "Sexual Abuse Prevention & Intervention - Staff-on-Inmate/Staff-on-Parolee." 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. All volunteer applicants must acknowledge that they understand the Department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents under DOCCS' sexual abuse and sexual harassment prevention, detection, and response policies and procedures and Directives #4071 Guidelines for Construction Projects and #4750 Volunteer Services Program require that contractors, 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. This is reinforced in the Standards for Conduct for Volunteers within the New York State Department of Corrections and Community Supervision Form #4750C. Form #4071A Guidelines for Construction Projects which provide written information for contract workers and also require a signed acknowledgment form. Volunteers must also sign Form MFVS3087 "Acknowledgement of 'Standard of Conduct for Volunteers' and All Applicable Policies."</p> <p data-bbox="244 2072 272 2098">(c)</p> <p data-bbox="244 2130 1481 2157">Form # MFVS3087 Acknowledgement of "Standard of Conduct for Volunteers" and All Applicable Policies and Form #4071A</p>

Guidelines for Construction Projects provide written information for contract workers which also require a signed acknowledgment form.

The auditor was provided a spreadsheet noting all information on the volunteers and given access to all volunteer records. Four records randomly selected demonstrated that volunteers receive background checks and sign acknowledgements noting the volunteer/contractor understands the policy on prevention of sexual abuse and sexual harassment in a confinement setting were included in the documentation. A refresher is required annually, therefore exceeding the standard. These files were highly organized. The process to ensure this occurs was verified during an interview the volunteer coordinator. She indicated that currently there are four active volunteers entering the facility; the agency is slowing phasing in volunteer services at this time. Contractual staff signs acknowledgements noting that they understood the training they receive.

Based on review of the information provided to contractual staff and volunteers, review of the randomly requested documentation, interview with the volunteer coordinator, the auditor finds sufficient evidence to support a finding of exceeds compliance with this standard due to the required annual refresher training for volunteers.

115.33	Inmate education
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> • Observations of Posters, pamphlets (Prevention of Sexual Victimization) • Interviews Intake staff • Interviews Random incarcerated individuals • Documentation of incarcerated individual participation in education sessions – randomly requested Form 4021A • Observation of orientation activities • Orientation Manual for Hale Creek Correctional Facility • PAQ • Directive #4021 Inmate Reception/Classification dated 01/23/2019 • Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 • Memo Deputy Commissioner/Associate Commissioner 6/18/2015 RE: PREA Inmate Orientation Film Implementation • Form 115.33L Report of Inmate Training Participation • Form 115.33 – Report of Inmate Participation • Memo Deputy Commissioner 3/25/16 RE: Revised Transitional Services Phase I • Transitional Services Phase I Manual - Male Facilities Introduction and PREA Module 2016 • Memo Associate Commissioner – 12/28/2015 RE: New and Updated PREA Materials • Memo Associate Commissioner – 12/28/2015 RE: Reasonable Accommodations PREA Information • Inmate Orientation Outline • Memo Associate Commissioner – 10/26/2015 RE: Ending Sexual Abuse Behind the Walls: An Orientation • Email regarding ensuring all current inmates receive the PREA training July 2015 • Facility Orientation Schedule April 2021 • Facility specific –Form 115.33 randomly requested • Facility Specific “Catch Up” training of incarcerated individual population schedule • Facility Specific – Orientation Packet/Signed acknowledgement of receipt <p>The PAQ indicates that 479 incarcerated individuals were admitted that were given information at intake, 451 stayed past 30 days who received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. Both numbers represent 100%.</p> <p>(a)</p> <p>Directive #4021 Inmate Reception/Classification dated 01/23/2019 states, each inmate is to receive the gender-specific Prison Rape Elimination Act (PREA) pamphlet, “The Prevention of Sexual Victimization in Prison: What You Need to Know,” Form #DC055 for inmates assigned to a male classified facility, upon arrival at the facility, and distribution shall be documented on Form #4021A, “Draft Receipt.” PREA pamphlets are distributed to each offender upon arrival. . . . Each inmate shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other inmates or sexually abusive toward other inmates using the gender-appropriate PREA Risk Screening Form #115.41M, “PREA Risk Screening Form – Male Facility” in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. Each inmate is to view the gender-specific version of the film “Ending Sexual Abuse Behind the Walls; An Orientation,” during the reception and classification process. Viewing of the film is to be documented on Form #115.33, “Report of Inmate Training</p>

Participation.”

(b)

PREA – Sexual Abuse Prevention Inmate Orientation Outline indicates presenters are available at orientation with a guideline of all information that should be presented. PREA – Sexual Abuse Prevention Inmate Orientation Outline is provided to staff presenting the material. The auditor reviewed the guide. The guides ensure the following is addressed: PREA Mission, PREA Coordinator, PREA Compliance Manager, What is PREA, Zero Tolerance, Personal Safety, Standards of Inmate Behavior, What to do if Abused, Reporting Sexual Abuse, Consequences of false reporting, victim services, explaining Pat searches, Confidentiality, Why opposite gender staff verbally announce their presence. The auditor viewed the video. The video used at orientation has been filmed in New York DOCCS using incarcerated individuals confined in this state. It is twenty-four minutes long. It reviews personal testimony from numerous male incarcerated individuals emphasizing that sexual abuse and sexual harassment more commonly occurring through manipulation and how to avoid manipulation. It reinforces that incarcerated individuals can report to anyone anytime. It is their right to be free from sexual abuse, sexual harassment and retaliation. It addresses how to report outside the agency, to the Inspector General (IG) (now the Office of Special Investigations), Sexual Abuse Prevention & Education Office (SAPEO), outside Rape Crisis Center and how to have family/friends report. There is a personal message from the Acting Commissioner and the PREA Coordinator. A link to this video is available on the agency website for anyone to view. During the tour, the auditor observed orientation activities and was able to informally discuss the PREA education with approximately nine incarcerated individuals.

(c)

The PAQ reports that all incarcerated individuals have received the education on PREA. An email from July 2015 directs the facility to ensure all current inmates who have not received the education be provided the information on June 18, 2015.

Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 states, all inmates shall receive during orientation at reception and at facility orientation after transfer, information which addresses sexual abuse and sexual harassment. The information shall be communicated orally and in writing, in a language clearly understood by the inmates. This information will address prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling. The inmate handbook received upon arrival provides detailed information regarding PREA as well as a pamphlet entitled, The Prevention of Sexual Victimization in Prison: What You Need to Know. This pamphlet highlights the incarcerated individuals' right to be free from sexual abuse and sexual harassment, their right to be free from retaliation, and how to make a complaint should they believe they are subjected to this behavior from staff or incarcerated individuals. As noted, this can be provided to the incarcerated individual in English plus six different languages.

(d)

See comments in 115.16.

(e)

Form 115.33 Report of Inmate Training Participation Prevention of Sexual Abuse PREA requires the incarcerated individual to sign that he has seen the video “Ending the Sexual Abuse Behind the Walls: An Orientation.” It specifically states, “REPORT OF INMATE TRAINING PARTICIPATION Prevention of Sexual Abuse – PREA In accordance with Title 28 C.F.R. § 115.33/231(d), by signing below you confirm that you participated in the “Ending Sexual Abuse Behind the Walls: An Orientation” PREA training program.” One example of both types of documentation was provided to the auditor with the pre-audit documentation.

(f)

Numerous posters addressing this information were observed throughout the facility. All incarcerated individuals interviewed verified that they were informed about their right to be free from abuse and harassment, which includes retaliation, and various methods available to them to initiate an investigation, including third party complaints, and how to file a complaint. The auditor viewed the pamphlets and a reference binder located in the incarcerated individual library. It was conveyed to the auditor that any incarcerated individual can take and view without having to ask permission. The binder is labeled subtly so that it is not easy for others to readily know what the incarcerated individual is viewing.

Review of the policy and incarcerated individual interviews regarding their knowledge of PREA and verification of the process in place, in addition to formal and informal interviews with staff all support that the facility is meeting the requirements of this standard. Fifteen incarcerated individual files were randomly selected (last fifteen to arrive) and reviewed; documentation provided demonstrated training at orientation and/or Phase I of Transitional Services. All demonstrated that the incarcerated individual signed for receipt of the Prevention of Sexual Abuse in Prison pamphlet and all had signed indicating they observed the orientation video.

Incarcerated individual interviews confirmed that they are effectively educated regarding their right to be free from sexual

abuse and sexual harassment, their right to be free from retaliation, zero tolerance for sexual abuse or sexual harassment, how to file a complaint and agency policy regarding this.

For all the reason stated, the auditor finds ample evidence to support a finding of compliance. Additionally, the auditor believes the facility exceeds the standard based on the extensive information provided at intake via video and in person, the education provided at orientation, the additional education provided for incarcerated individual in Transitional Services Phase I, the numerous culturally diverse posters located throughout the facility, the feedback received during the incarcerated individual interviews, the availability of pamphlets and the video which can be given in eight different languages.

115.34	Specialized training: Investigations
	<p data-bbox="244 145 766 174">Auditor Overall Determination: Exceeds Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1324 929" style="list-style-type: none"> · Observations · Interviews Investigative staff · Training completion docs · PAQ # of investigators agency · Power Point Presentation: PREA Specialized Training – 9/14/18 · NIC training – PREA: Investigating Sexual Abuse in Confinement Settings · KHRT Training Report for Course #17072 · Training report for investigators for 35029 · Report of Training Form for Sexual Abuse Investigations and PREA Update 6/19/2014 · OSI Policy Manual - confidential · Excel spreadsheet highlighting training received by Office of Special Investigations (OSI) investigators <p data-bbox="244 958 1374 987">The PAQ indicates there are currently 33 investigators trained to handle and respond to sexual abuse allegations.</p> <p data-bbox="244 1016 339 1046">(a) (b) (c)</p> <p data-bbox="244 1075 1465 1267">Office of Special Investigations (OSI), Sex Crimes Division (SCD) training curriculum dated September 2018 for PREA includes an overview of the PREA law, state law, staff and incarcerated individual sexual abuse definitions, duty to report, evidence protocols, effective communication with special populations, privacy for interviews, techniques for interviewing victims, credibility assessment, criteria to determine substantiated, unfounded and unsubstantiated investigations, Miranda and Garrity warnings. Investigators also received the standard PREA training, as confirmed by interviews with the investigators and documentation provided to the auditor.</p> <p data-bbox="244 1296 1441 1393">Policy noted above and additional documentation showing the training curriculum support a finding of compliance. Documentation (a spread sheet showing training provided and hire dates) was provided to the auditor demonstrating the following:</p> <p data-bbox="244 1422 687 1451">All investigators have received the following:</p> <ul data-bbox="244 1480 1032 1794" style="list-style-type: none"> · PREA training and PREA Refresher training · OSI Investigative Course · NIC Investigation Sexual Abuse in a Confinement Setting · NIC Communicating Effectively and Professionally with LGBTI Offenders · Interview and Interrogation Course · Strangulation <p data-bbox="244 1823 975 1852">Other Specialized Courses received by some of the investigators include:</p> <ul data-bbox="244 1881 770 2136" style="list-style-type: none"> · Forensic Experiential Trauma Interview (FETI) · Advocate Training · Basic Investigative Photography · Police Crime Scene and Evidence Specialist · Certified Inspector General Investigator

- Reid Technique Interview and Interrogation
- Cell phone search

(d)

Auditor is not required to audit this provision.

Policy, training curriculum, interview with two investigators, and training certificates provide sufficient evidence that the facility is compliant with the provisions of the standard. Review of the documentation shows that the investigation unit has significant experience in the unit, received the required training, and has received additional above and beyond training. Therefore, the auditor finds that the facility exceeds the standards.

115.35	Specialized training: Medical and mental health care
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1458 927" style="list-style-type: none"> · Training Manual Subject – 7.000, 40 Hour Orientation/Initial Employee Training – 5/19/20 (Mandatory) · Training Manual Subject – 7.150, Orientation Program for Per Diem and Non-Departmental Employees – 5/19/2020 · Office of Mental Health Memorandum of Understanding – 9/14/2016 · TeleMed: Inmate Sexual Assault Post Exposure Protocol PREA 8/10/2016 · Facility Medical Staff KHRT & RTF – Medical/Mental Health Training code 17083 · OMH Staff Medical/Mental Health Training code 17083 · Observations · Interviews Medical staff · Sexual Assault Post Exposure Protocol/PREA (Course 17083) · Report of training form · PAQ <p data-bbox="244 958 842 985">The PAQ indicates that the facility has sixteen medical staff.</p> <p data-bbox="244 1016 272 1043">(a)</p> <p data-bbox="244 1075 1490 1402">Medical staff are Department of Corrections employees. Mental Health staff work in Department of Corrections facilities for the Office of Mental Health through a Memorandum of Understanding. This MOU includes the requirement for PREA training including the specialized training for medical and mental health staff. The auditor reviewed the specialized training curriculum for medical and mental health staff. As stated, mental health staff are not located at this facility. Medical staff have attended Specialized PREA Training for Medical and Mental Health Providers. Documentation demonstrating this was provided to the auditor. Specifically, the training is entitled Inmate Sexual Assault Post Exposure Protocol/PREA (Course 17083). It addresses the emotional and psychological effects of victims of sexual assault, how to report to the Office of Special Investigations, responding to victims, and sending a victim to an Emergency Room for a proper forensic examination and evidence collection. Training in how to detect and assess signs of sexual abuse and sexual harassment is provided in the PREA training all staff receives.</p> <p data-bbox="244 1433 272 1460">(b)</p> <p data-bbox="244 1491 596 1518">This is not applicable to this facility.</p> <p data-bbox="244 1550 272 1576">(c)</p> <p data-bbox="244 1608 1469 1733">Documentation was provided which demonstrated that medical staff have received the specialized training. Staff signs the Report of Training Form acknowledging participation in the course; records are maintained by the training staff. Interviews with the nursing supervisor confirmed this training occurs. Additionally, medical staff attend regular PREA refresher training as required per 115.31.</p> <p data-bbox="244 1765 1414 1792">The auditor therefore finds that the facility meets all the requirements of this standard support a finding of compliance.</p>

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Interviews Staff who perform risk screens · Random review of incarcerated individuals risk assessments · Interview PREA Coordinator · Interview PREA Compliance Manager · Directive 4027A, Sexual Abuse Prevention & Intervention Inmate-on-Inmate 11/29/17 · Directive #4021 Inmate Reception/Classification (1/23/2019) · Forms 115.41M, 115.41 GI, 4021A Draft Receipt · PREA Risk Screening Facility Operations Manual (FOM) 10.02 2/11/2021 · Interviews with random incarcerated individuals · FAQ <p>The PAQ indicates that 475 incarcerated individuals were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility, 451 were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake.</p> <p>(a) (b)</p> <p>Directive 4027A, Sexual Abuse Prevention & Intervention Inmate on-Inmate requires that all incarcerated individuals be screened upon arrival at each facility for any indication of risk of abuse or being abused. Hale Creek Correctional Facility Operations Manual PREA Risk Screening 10.02 states, Screening will be completed by a sergeant or above ordinarily within 24 hours of arrival. Directive #4021 Inmate Reception/Classification (1/23/2019) further indicates, each incarcerated individual shall be initially assessed by a Security Supervisor for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals using the gender-appropriate PREA Risk Screening Form #115.41M, "PREA Risk Screening Form – Male Facility" in accordance with the facility-specific PREA Risk Screening FOM 10.02. Incarcerated individual interviews and random review of fifteen incarcerated individual files all confirmed that this assessment is taking place immediately upon arrival, in a private setting. The auditor observed the Intake Sergeant completing the intake assessment on two incarcerated individuals in a private setting during the onsite audit. The questions were asked verbally to the incarcerated individuals.</p> <p>(c) (d) (e)</p> <p>An objective screening tool is used that considers the following information:</p> <p>Risk of Sexual Victimization:</p> <ul style="list-style-type: none"> · mental, physical, development disability · age · physical build · incarcerated for less than two years · convictions for sex offense against an adult or child · self identifies as gay, lesbian, bisexual, transgender, intersex or gender nonconforming · previous experience as a victim of sexual abuse · inmate's perception of risk for sexual abuse

- detained solely for civil immigration

Risk of Sexual Abusiveness:

- conviction for a crime related to sexual abuse in institutional setting or community
- history of committing institutional sexual abuse, convicted of or known history
- convicted of a violent offense
- history of institutional violence

Fifteen randomly requested completed Risk Assessments were provided to the auditor. On this tool, it also addresses the ability to make a subjective assessment regarding gender non-conforming appearance. Interviews with staff who complete the risk assessment verified to the auditor that they will make a notation if they believe an incarcerated individual is demonstrating effeminate mannerisms but will also note the response given by the individual. Therefore, the procedure is compliant with the clarifications in the FAQs for this standard.

On the form is the following: SCREENING MUST BE CONDUCTED IN A PRIVATE SETTING. It states, Inmates may not be disciplined for refusing to answer or provide complete responses to these questions and 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.

A Gender Identity Interview process has been developed and refined. A form (115.41GI dated 6/20) with specific interview questions is completed by the ORC. One question is specifically dedicated to asking the individual for any information they may wish to provide with respect to their safety in connections with decisions regarding housing and placement. As there were no transgender/intersex incarcerated individuals at the facility on the dates of the audit, follow documentation could not be reviewed regarding this. This process was observed this process at a prior facility audit.

(f)

FOM PREA Risk Screening 10.02, states Incarcerated Individuals will be reassessed by an assigned ORC ordinarily within 14 days of arrival. A final risk assessment determination shall ordinarily be made by the Assistant Deputy Superintendent PREA Compliance Manager within 30 days of the inmate's arrival at the facility. Directive #4021 Inmate Reception/Classification also requires the following: Each inmate shall be re-assessed by an ORC for their risk of being sexually abused by other inmates or sexually abusive toward other inmates using the gender-appropriate PREA Risk Screening Form #115.41M, in accordance with the facility-specific PREA Risk Screening Facility Operation Manual. Sexual orientation and gender identity information from the PREA Risk Screening shall be used to assign Other Security Characteristics as appropriate. The interview with the ORC and random inmates confirmed that they are being interviewed privately and verbally asked the relevant questions again at this time. Therefore, the facility also complies with the clarifications made in the FAQ.

The same form is used for the reassessment. One column is designed to be completed by the Intake Sgt, the other by ORC. This allows the ORC to have an immediate review of the information received at the first assessment.

(g)

FOM PREA Risk Screening 10.02 states, 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 incarcerated individual's risk of sexual victimization or abusiveness, an incarcerated individual's risk level will be reassessed. Reassessment is noted utilizing a new intake screening Form 115.41M. One example of this was provided to the auditor for review confirming compliance. Additionally, the ORC, as required by the agency, reviews a portion of risk assessment at least every 90 days when the incarcerated individuals have their quarterly assessment with the ORC. If behavior changes are observed, a new risk assessment can be conducted, if warranted. This was confirmed by the interview with the two ORCs and several random incarcerated individual interviews.

(h)

FOM PREA Risk Screening 10.02 states, incarcerated individuals will not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked. Incarcerated individuals interviewed were asked if they believed they would be disciplined for not answering the questions. Most indicated without hesitation that they had not. As stated, the form also states, Inmates may not be discipline for refusing to answer or provide complete responses to these questions. This was also stated by the Sergeant who conducts the initial risk assessment.

(i)

FOM PREA Risk Screening 10.01 states, PREA Intake Screening Forms (Form 115.41M) is confidential. The completed

form shall be filed in the Guidance Folder (Assessments Section), and distribution shall be limited to the Watch Commander, ADS PREA and Captain/PREA Point Person. Access to completed forms is limited to the Executive Team and Guidance Staff with a business necessity to review the completed forms. Noted on the form is the following: Information contained on this form shall not be disclosed to anyone other than the extent necessary to make security, classification, housing/placement, programming, treatment, investigation and other security and management options. The interviews with the ORCs, PREA Point Person and ADS PREA confirmed that the forms are stored in a secure location, access is limited.

The interview with the PREA Coordinator confirms, "During the risk screening process, the screening form is routed to the ADS PREA Compliance Manager and the designated PREA Point Person at the respective facility. Policy dictates that the PREA Intake Screening Forms are confidential. The completed forms are filed in each incarcerated individual's Guidance Folder with other sensitive and protected assessments. Access to completed forms is limited to the Executive Team and Guidance Staff with a business necessity to review the completed forms. Completed PREA Risk Screening forms are part of the document package that will be reviewed when a transgender incarcerated individual requests placement in a correctional facility consistent with their gender identity. In such an instance, review is limited to the Executive level and legal staff who are involved in making the case-by-case placement determination. An incarcerated individual's assessment as potentially being at 'high risk of sexual victimization' or 'high risk of being sexually abusive' is made available to staff only as necessary in furtherance of the goal to keep separate those incarcerated individuals at high risk of being sexually victimized from those at high risk of being sexually abusive. An incarcerated individual's assessment as potentially being at 'high risk of sexual victimization' or 'high risk of being sexually abusive' is provided to the facility Movement and Control Office, who use the information to inform housing and bed assignments, and to the Program Committee Chairperson, who uses the information to inform work, education, and program assignments."

The form for the Gender Identity Interview notes "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." The distribution is as follows: Original – File in Guidance Folder (Section IV); Copies – ADS PREA, DSS/PREA Point Person. This was reinforced by the interview with the ADS PREA.

To review, the intake screening process is conducted upon arrival by a sergeant to determine any triggers which are documented and immediately addressed (Form 115.41M). A completed example of this process/form was reviewed with the pre-audit documentation and during the onsite audit. Any pertinent information is immediately reported to the Watch Commander, ADS PREA and DSS/PREA Point Person. Appropriate housing is determined at that time. This was confirmed by the interviews with these staff. Within a few days of being assigned to the housing unit, the ORC meets with the incarcerated individual for an additional follow-up assessment. The ADS PREA or PREA Point Person/DSS reviews and makes a final determination on the risk assessment. The auditor confirmed through interviews, and viewing where the assessments are stored, that only staff with authorization have access to view them. There were staff interviews with one sergeant that is assigned to conduct the screenings as well two ORCs who are responsible for completing the risk assessment. The staff were extremely knowledgeable on their roles and were able to demonstrate to the auditor the importance of the information that they receive and the reason it needs to remain confidential. The auditor observed the area in which this review takes place, which is private. To further assess compliance, the auditor requested that last fifteen incarcerated individual records who had been received; all had the appropriate risk assessment initially completed by the sergeant and reviewed by the ORC. The auditor finds that the facility qualifies for a finding of "exceeds standard" based on the immediate review, secondary, third and final review of the assessment process, re-assessment every 90 days, as well as the procedure to ensure the communication of the safety needs of the incarcerated individual based on the finding of the risk assessment.

115.42	Use of screening information
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interviews ADS PREA · Interview Staff who conduct Risk screens · Interview with the Watch Commander · Interview Transgender incarcerated individuals · Interview PREA Coordinator · Documentation for housing, bed, work, education, program Form 115.42 Report of Risk Screening Information · Directive #4021 Inmate Reception/Classification Transgender/Intersex Inmate Classification and Placement 1/23/19 · FOM PREA Risk Screening 10.02 · Directive #4401 Guidance & Counseling Services 8/21/20 · Gender Identity Interview Form - 115.41GI 6/20/20 · Directive #4009, Minimum Provisions for Health and Morale, 8/15/2019 · Memo to all security staff regarding separate showers for transgender/intersex incarcerated individuals (February 2021) · Review of the Watch Commander PREA Binder <p>(a) (b)</p> <p>Facility Operations Manual PREA Risk Screening 10.02 states, If the incarcerated individual is assessed as potentially being at "high risk of sexual victimization" or "high risk of being sexually abusive," an immediate referral shall be made to the Watch Commander for housing assignment. The Watch Commander shall determine the most appropriate housing assignment with the goal of keeping separate incarcerated individuals at high risk of sexual victimization from those at high risk of being sexually abusive. Interviews with the Intake Sergeant, Watch Commander and ORC confirmed that this is done via a telephone call to the Watch Commander and the housing assignment information is noted using form 115.41M.</p> <p>Documentation supporting this process was provided to the auditor with the review of the randomly requested documentation. The interview with the Watch Commander confirmed this process. The PREA binder/procedure outlines where to house individuals who are at risk for victimization or those who are potential abusers at this facility.</p> <p>(c)</p> <p>Directive #4021 Inmate Reception/Classification Transgender/Intersex Inmate Classification and Placement states, An inmate who identifies as transgender, intersex, or gender non-conforming during PREA Risk Screening, or who has a diagnosis of Gender Dysphoria or Intersex (identified via extended classification codes), shall be asked additional questions by their ORC using the "Gender Identity Interview," Form #115.41GI, regarding their gender identification, expression, and preferences. The interview will also document the incarcerated individual's statement regarding their safety in connection with decisions regarding their housing and placement. Information from the Gender Identity Interview will be used to assist the Department in making an individualized assessment of the inmate's placement and program assignments in order to maximize the inmate's safety. FOM PREA Risk Screening states, A copy of Form 115.42 Report of Risk Screening Information shall be provided to the movement and control officer for housing and bed assignments, the housing unit sergeant and the program committee chairperson shall use the information to determine appropriate work, education, and program assignments. This is documented through a Memorandum, Report of PREA Risk Screening Information. Upon request from an inmate who identifies as transgender or intersex for a transfer from a male classified facility to a female classified facility, or vice versa, the ORC shall notify the Supervising Offender Rehabilitation Coordinator (SORC) upon completion of the Gender Identity Interview, Form #115.41GI. The SORC shall notify the Deputy Superintendent for Program Services and the facility's designated Assistant Deputy Superintendent PREA Compliance Manager. The Deputy Superintendent for Program Services/Deputy Superintendent for Reception/Classification shall notify the Director of</p>

Classification and Movement of the inmate's request via electronic mail, including the completed Form #115.41GI, and the most recently completed gender-appropriate PREA Risk Screening Form #115.41M or Form #115.41F, which shall be used to assist the Department in making an individualized assessment of the inmate's placement and program assignments, in order to maximize the inmate's safety. The request will be forwarded to the Central Office Transgender Placement Review Committee for a case-by-case assessment. Housing assignment by gender identity will be made when appropriate.

(d)

Directive #4401 Guidance & Counseling Services states, a transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration. The process describes in subpart C further confirmed the written authority for compliance with this standard. Incarcerated individual interviews confirmed this during the audit. This policy also states, all inmates are reviewed on a quarterly basis to assess programs, personal goals, goals for the next quarter in addition to four questions specific to sexual abuse and sexual harassment safety. Incarcerated individual interviews confirmed this during the audit. The auditor was provided documentation to demonstrate this occurred; it was noted in the chronological section of the incarcerated individual's file.

(f)

Directive #4009, Minimum Provisions for Health and Morale, 8/15/2019, states, Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. A memo to security staff has been authored by the superintendent authorizing separate shower times for transgender/intersex incarcerated individuals.

(g)

The interview with the PREA Coordinator confirmed the following: "The New York State Department of Corrections and Community Supervision does not have any facilities, units or wings dedicated to lesbian, gay, bisexual, transgender or intersex incarcerated individuals. When a transgender or intersex incarcerated individual requests a facility assignment based upon their gender identity, an individualized assessment is conducted, and such placements are made when warranted. Many LGBTQ+ incarcerated individuals are housed in the general population, although their specific housing location will be influenced by their vulnerability. Other LGBTQ+ incarcerated individuals will be housed in a unit that is appropriate based on other needs, including discipline, chronic protective custody, mental health, or treatment needs."

Directive #4021 Inmate Reception/Classification states, an inmate who identifies as transgender or intersex will not be placed in a gender-specific facility, housing unit, or program based solely on their external genital anatomy. This was further reiterated by the interview with the PREA Coordinator.

Review of the policy and other documentation which included an example of a risk assessment screen for a transgender incarcerated individual in addition to Form 115.42, comments noted in response to 115.41M and processes in place that communicate risk needs to staff support a finding of compliance. One completed risk assessment was reviewed during the pre-audit. Additional documentation from fifteen randomly selected files also demonstrated compliance. Additional notifications to the program staff regarding incarcerated individuals requiring attention were also provided for the auditor to review the process. As stated, at this facility, all incarcerated individuals are reassessed quarterly, and asked questions again related to sexual abuse/harassment safety. This was confirmed by staff interviews and incarcerated individual interviews. Documentation showing that a transgender incarcerated individual's own views are given serious consideration was provided to the auditor upon request (previously housed at this facility during the past twelve months). Based upon this analysis of written authority, completed documentation, interviews with the intake sergeant, ORCs, PREA Coordinator/PREA Compliance Manager, and incarcerated individuals all provide sound evidence for the auditor to find the facility substantially exceeds compliance with this standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations: During the tour of Restricted Housing · Interviews Superintendent · Interviews Staff who supervise Restrictive Housing · Directive #4948 Protective Custody Status 12/24/20 · Forms #2168A, #2170A and #4948A · PAQ <p>The PAQ states that no incarcerated individuals have been placed in involuntary protective custody due to their high risk of sexual victimization. The auditor found no evidence to dispute this during the audit process.</p> <p>(a)</p> <p>Directive #4948 Protective Custody Status 12/24/20, Involuntary Protective Status states, An inmate who is appropriate for Involuntary Protective Custody solely because he or she is at high risk for sexual victimization, as determined by an assessment conducted pursuant to Directive #4027A and PREA standards, or following a report that the inmate was the victim of sexual abuse, where 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, and who does not voluntarily accept admission into Protective Custody Status may be placed in Involuntary Protective Custody on such basis only after an assessment has been made that there is no available alternative means of separation from likely abusers. If the facility cannot conduct such an assessment immediately, the facility may hold him for less than 24 hours while completing the assessment using Form #2168A Sexual Victimization - Involuntary Protective Custody Recommendation.</p> <p>(b)</p> <p>Directive #4948 Protective Custody Status, Involuntary Protective Status states that inmates placed in Involuntary Protective Custody shall have access to program, privileges, education and work to the extent possible. It notes that it will be documented on Form #4948A.</p> <p>(c)</p> <p>Directive #4948 Protective Custody Status, Involuntary Protective Status states, 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. Directive #4948 also ensures that placement shall not ordinarily exceed 30 days. If that should occur, the inmate will be reviewed every seven days; documentation noted on Form #2170A.</p> <p>(d)</p> <p>Form #2168A Sexual Victimization - Involuntary Protective Custody provides an avenue to document the facilities rationale behind the placement.</p> <p>(e)</p> <p>Directive #4948 also ensures that placement shall not ordinarily exceed 30 days. If that should occur, the inmate 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; documentation is noted on Form #2170A.</p> <p>The interview with the Superintendent confirmed that a transfer to another facility will be used as a last resort. Based upon the written authority and these interviews, the auditor finds the facility is substantially compliant with this standard.</p>

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1310 987" style="list-style-type: none"> <li data-bbox="244 329 1174 358">· Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate - 11/29/17 <li data-bbox="244 387 1310 416">· Directive 4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 <li data-bbox="244 445 927 474">· Sexual Abuse Prevention and Response (SAPR) Lesson Plan <li data-bbox="244 504 679 533">· OSI 444 Poster for Internal Reporting <li data-bbox="244 562 1235 591">· Letter The New York State Commission of Correction (SCOC) Inmate and Resident reporting <li data-bbox="244 620 1094 649">· Prevention of Sexual Victimization in Prison: What You Need to Know brochure <li data-bbox="244 678 823 707">· Orientation Manual Hale Creek Correctional Facility <li data-bbox="244 736 475 766">· Notice to Auditor <li data-bbox="244 795 501 824">· PREA Pocket Card <li data-bbox="244 853 651 882">· Interviews incarcerated individuals <li data-bbox="244 911 544 940">· Interviews random staff <li data-bbox="244 969 549 999">· Review of investigations <p data-bbox="244 1021 272 1050">(a)</p> <p data-bbox="244 1079 1493 1406">Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate - 11/29/17 and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 supports that incarcerated individual reports of sexual abuse, sexual harassment, or retaliation can be verbal or in writing. Incarcerated individuals are notified through the orientation manual and the pamphlet received upon intake that they can tell any staff, contractor or volunteer. The Orientation Manual for Hale Creek Correctional Facility dedicates numerous pages to PREA. It includes information from JDI. DOCCS OSI implemented a 444 misconduct reporting line on the phone system which is documented in postings near the phone. All incarcerated individual interviews confirmed that they were aware of multiple avenues for making a report. Most indicated they would call the 777 PREA rape crisis hotline number, noting they observed the information on the posters by the phone. It was reported to the auditor that DOCCS is in the process of updating its incarcerated individual education to reinforce that the purpose of the 777 line is to provide emotional support counseling.</p> <p data-bbox="244 1435 272 1464">(b)</p> <p data-bbox="244 1494 1474 1720">The New York State Commission of Correction (SCOC) has agreed to receive all written incarcerated individual reports containing sexual abuse and sexual harassment allegations, including anonymous allegations, and will immediately forward them to DOCCS for investigation. This is confirmed by a memo from the Chairman of the Commission. This information is provided in the pamphlet given to incarcerated individuals upon arrival, The Prevention of Sexual Victimization in Prison: What You Need to Know. NYSDOCCS does not detain incarcerated individuals solely for civil immigration purposes. However, information on how to contact relevant consular officials is available. A Jailhouse Lawyer's Manual: Immigration & Consular Access Supplement is available in all NYSDOCCS facility law libraries.</p> <p data-bbox="244 1749 1490 1845">While the auditor was onsite for the audit, one incarcerated individual did report concerns regarding sexual harassment to the 777 number and the OSI phone number 444. The facility demonstrated immediate receipt and directions from OSI and how to proceed. It was related to the auditor that the 777 number immediately reported the concern to OSI as well.</p> <p data-bbox="244 1874 272 1904">(c)</p> <p data-bbox="244 1933 1490 2157">Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 supports that staff will immediately notify his or her supervisor if they receive a report of sexual abuse, sexual harassment sexual threats or retaliation for reporting such an incident. Staff training for PREA further emphasizes the requirement that staff must accept and forward any reports whether verbal, in writing, anonymous or third party of sexual abuse, sexual harassment or retaliation immediately to their supervisor who will then forward the information through the chain of command. In addition, the Employees' Manual notes the requirement of the duty to report sexual abuse and sexual harassment, retaliation that resulted from filing a PREA complaint as well as staff</p>

neglect that may have contributed to an incident of sexual abuse or sexual harassment. "This duty to report includes third party and anonymous reports." Staff interviews all supported that they would respond to any allegation, including anonymous, third party or including suspicion. All indicated this would be immediately reported to their supervisor and then to the Watch Commander. Staff confirmed that follow-up documentation would be done immediately.

(d)

Staff may report sexual abuse or sexual harassment privately to the Office of Special Investigations by calling their number directly or sending an email directly to them. This is reinforced in the PREA training and on individually issued pocket size PREA Response cards for staff. All staff interviews supported that they are aware they have a private mechanism for reporting. Most commented that they could contact OSI directly, noting the number on the Response Card for this.

Review of documentation noted above supports a finding of compliance. Incarcerated individuals noted that there are several ways to file a complaint at this facility and shared examples of such. Staff is aware of the numerous avenues for filing a complaint, including third party and anonymous. Initial and refresher training emphasize the different avenues for reporting. Staff interviews indicated they would report immediately and knew the process for documenting this. Responses were consistent with the report being made immediately and either through their direct supervisor to the Watch Commander, or directly to the Watch Commander. Review of the investigations support that allegations are reported swiftly to the Watch Commander who initiates the coordinated response. Although sexual abuse and sexual harassment complaints are not processed through the administrative procedure for incarcerated individual grievances, if a grievance is filed containing anything resembling an allegation, the grievance supervisor immediately sends a copy to the Watch Commander. The interview with the Grievance Supervisor confirmed that incarcerated individuals receive appropriate notification indicating that the complaint is deemed exhausted upon filing for Prison Litigation Reform Act (PLRA) purposes. A copy of this form was provided to the auditor for review. This interview further confirmed that anything that may resemble a PREA allegation is forwarded to the Watch Commander as appropriate for review. Additionally, the interview with the Assistant Deputy Superintendent/PREA Compliance Manager confirmed this process.

As stated in the narrative, investigations were initiated based on numerous avenues. Review of the policies, investigations, interviews with staff and incarcerated individuals, information provided at orientation all provided the auditor with sufficient evidence to support a finding of compliance with the standards.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · DOCCS Directive #4040, Inmate Grievance Program (IGP) 1/20/2016 · Interview Grievance Coordinator · Memo to inmate regarding sexual abuse or sexual harassment grievance <p>DOCCS Directive #4040, Inmate Grievance Program (IGP) 1/20/2016, confirms that an incarcerated individual is not required to file a grievance about sexual abuse or sexual harassment. It states that any incarcerated individual grievance that is filed regarding a complaint of sexual abuse or sexual harassment shall immediately be reported by the IGP Supervisor to the Watch Commander for further handling in accordance with Departmental policies. The incarcerated individual is informed of this via a memo which informed him that the complaint is deemed exhausted upon filing for PLRA purposes. If the grievance does not set forth any additional matters that require a response, the grievance shall be closed. As noted, this process was confirmed by a brief interview with the Grievance Coordinator. One example was provided to the auditor which provided additional evidence of compliance. The agency has opted to be exempt from this standard.</p>

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1361 1104" style="list-style-type: none"> · Observations of the area afforded to make legal calls · Interviews Random incarcerated individuals · Memo, Associate Commissioner RE: Implementation of A PREA Statewide Rape Crisis Hotline 12/8/2019 · Directive #4423 Inmate Individual Telephone Calls 1/15/14 · Directive #4421, Privileged Correspondence 6/02/2016 · Directive #4404 Inmate Legal Visits 9/18/19 · Interview Mailroom supervisor · Contract NYSCASA and designated Rape Crisis Programs · Poster Sexual Abuse Hotline 777 Program (English and Spanish) · Facility Orientation Handbook – victim services · Poster PREA brochures, "Help for Victims of Sexual Abuse in Prison" · Documentation of legal status handling correspondence to Crisis services · Email correspondence with advocacy group that provides services · Email correspondence with Program Coordinator for the Crisis Services <p data-bbox="244 1133 272 1162">(a)</p> <p data-bbox="244 1191 1497 1518">A memo from Jason D. Effman, Associate Commissioner indicates the following: A PREA Statewide Rape Crisis Hotline went into effect January 8, 2019. A 777-speed dial number, available through the Inmate Telephone System, is active at all New York DOCCS Correctional Facilities and the Willard Drug Treatment Campus. Calls made are routed to one number, who provides crisis counseling services and if requested, a referral to a Rape Crisis Program for follow-up services. Multi-language services can be provided. If requested, they will also make referrals to the DOCCS via OSI, the facility Assistant Deputy Superintendent/PREA Compliance Manager, facility designated PREA Point Person or to the PREA Coordinator. As of February 2021, ten current PREA service providers across the state have staff specifically trained to assist inmates at all 50 of the NYSDOCCS facilities. All conversations are kept confidential; they are not monitored. Ongoing emotional support and victim advocacy services are provided via legal calls (privately, arranged by the PREA Compliance Manager or Guidance staff) and in some locations via legal visits.</p> <p data-bbox="244 1547 1485 1742">There are two incarcerated individual phones in each housing unit. Directive #4421, Privileged Correspondence 06/02/2016, Rape Crisis Programs- inmates can send and receive privileged correspondence. It addresses that any local, state or national organization authorized to provide rape crisis services, victim advocacy services, and emotional support services is considered privileged correspondence. Mailroom staff confirmed that correspondence with these organizations is considered confidential and handled in the same manner as legal mail. Therefore, the auditor finds the facility provides reasonable communication.</p> <p data-bbox="244 1771 272 1800">(b)</p> <p data-bbox="244 1830 1490 2157">Posters announcing the service were visible throughout the facility. On the poster, it indicates that the calls are confidential and are not monitored by the facility but that they are recorded in the event of misuse. It also provides the agency's address should an incarcerated individual wish to correspond instead of talk on the phone. It further educates the incarcerated individual population that the counselors are only allowed to report information back to the Department with the permission of the incarcerated individual. PREA brochures, "Help for Victims of Sexual Victimization in Prison" are widely available to incarcerated individuals. In addition this pamphlet provides victim support information on how to report abuse, and outlining the PREA Statewide Rape Crisis Hotline, and it provides contact information regarding the community-based Rape Crisis Program (RCP) for rape crisis counseling victim advocacy and emotional support services (Crisis Services, Inc., Crime Victims Treatment Center, Family Services Center for Victim Safety & Support, RESTORE Sexual Assault Services, Safe Harbors of the Finger Lakes, Sexual Assault Resource Center of Planned Parenthood of Greater NY, St. Peter's Crime</p>

Victim Services at Samaritan Hospital, Victim Advocacy Services of Planned Parenthood of Greater NY, Victims Assistance Center of Jefferson County, Victims Assistance Services of WestCOP, and Vera House, Inc. It too reinforces that calls are confidential, will not be monitored but are recorded. It further informs the incarcerated individuals that they do not have to have 777 on their approved telephone list. Telephone numbers to a specific Rape Crisis Program can be added at any time to their approved telephone list.

The following policy directives support this process: Directive #4423 1/15/14, revised 5/21/2015, Inmate Telephone Calls, an inmate may add an attorney, or Department of Health approved Rape Crisis Program to their telephone list. Directive #4404 Inmate Legal Visits 9/18/2019, there is an area designated for confidential visits and as stated, Directive #4421, Privileged Correspondence 06/02/2016, Rape Crisis Programs- inmates can send and receive privileged correspondence. The interview with the Mailroom staff confirmed this process.

(c)

The Agency has a signed MOU with the New York State Office of Victim Services and the New York State OPDV to provide emotional support services. These State agencies in turn contract with the New York State Coalition Against Sexual Assault and a community service provider to provide both a state-wide rape crisis hotline and, through additional community services providers, a partnership that provides emotional support and victim advocacy services to inmates in all of the State's 50 correctional facilities. The Crime Victims Treatment Center provides emotional support and victim advocacy calls and receives referrals for such services through the Statewide Rape Crisis Hotline (777) provider. A contract was provided that demonstrated that the agency agrees to the following: participate in PREA training, participate in quarterly working group calls, provide services for hotline calls and referrals, ensure only PREA trained staff and/or volunteers take calls from and provide services to incarcerated survivors of sexual assault ensure answering service partners are trained in PREA, confidentiality and procedures and response, tour all incarceration facilities that are in the service areas, provide incarcerated survivors of sexual assault with rape crisis counseling, advocacy and emotional support services, follow-up with incarcerated survivors of sexual assault who made direct contact seeking rape crisis services via telephone or mail, as requested by the NYSDOCCS refer victims of sexual assault in state and local incarceration facilities to appropriate service providers, complete forms to track project services among other requirements. At this facility the St. Peters Crime victim Services provides the on-going support following a referral from the statewide hotline or as arranged by the PREA Compliance Manager. A Help for Victims of Sexual Abuse in Prison pamphlet does provide detailed information on how to obtain this service. Phone numbers and addresses are provided for agencies throughout the State of New York. This is available throughout the facility in areas accessible to incarcerated individuals. Contact information for St. Peters Crime victim Services is also posted on housing unit bulletin boards and is printed in the facility Inmate Orientation Handbook.

During the onsite audit, the auditor observed a poster next to every incarcerated individual phone providing information on how to access this line. Also, there is a private area where incarcerated individuals can use a phone without anyone in the vicinity listening (same phone provided for legal calls) located outside the living areas, with the assistance of the PREA Compliance Manager/PREA Point Person or ORC. This area was observed during the tour. Random incarcerated individual interviews revealed that the population is aware that there is the ability to call this number by dialing 777 for reporting. Incarcerated individual interviews mostly acknowledged they knew of the number for reporting and believed it was free and confidential. They said they knew of the poster with information if they believed they needed to use that service. They acknowledged seeing an address on the poster as well. Most were not aware of the ability to get emotional support by calling the phone but indicated they didn't have any need for that so they didn't concern themselves with this.

Additionally, the following was analyzed to determine compliance:

Documentation was provided to the auditor reflecting that the 777 number was called eleven times in the previous twelve months. This information is contained in a report that gives the number for all facilities, broken down by length of call (one to five minutes, five to ten minutes, ten to fifteen minutes, over fifteen minutes) as well as a reflection on any trends occurring for the month.

At this facility, those services are provided by St. Peters Crime Victim Services The auditor communicated with the Director of St. Peters Crime Victim Services who confirmed the following: St. Peters Crime Victims Services provides Crime Victims/Sexual Assault Counseling to survivors of sexual abuse or sexual harassment who are seeking these services at this facility. She confirmed that her organization can provide these services through the mail, in person or over the phone. Services can include the following: emotional support services, crisis intervention, information and relevant referrals. Depending on how the request is received this may also include accompaniment during forensic medical exam and accompaniment during investigatory interviews and court proceedings. Staff who perform these services are certified by the New York State Department of Health. All individuals who are requiring services receive the agency service guidelines and confidentiality limitations through the mail. They are discussed during the first session with the individual to ensure the content is understood. Individuals receiving these services are referred by the statewide crisis service phone number or a direct referral from the facility (ADS PREA).

The auditor communicated with the Program Coordinator for the Crisis Services which receives all calls statewide from the

777 number. She confirmed the following: Crisis Services provides/serves as the vendor of the New York State PREA Rape Crisis Hotline for incarcerated survivors within DOCCS facilities on behalf of the NYS Office for the Prevention of Domestic Violence. The organization provides the following: emotional support services, crisis intervention, and information. Contact is made via the phone. The individual can then receive follow up services from specialized rape crisis programs that provide PREA related services. Callers can select English or Spanish on the PREA Hotline at time of caller. If another preferred language is required, Hotline staff have access to a live, over the phone, interpretation through a contracted company. Hotline staff undergo 40 Hours of Rape Crisis and Domestic/Family Violence Advocate certification in addition to a several weeklong on the job orientation and onboarding training. Following that, staff receive regular 1:1 supervision and group supervision. Staff are required to maintain at least 10 hours of professional development towards certification annually.

As illustrated, this facility provides crisis service and on-going emotional support services to incarcerated individuals. Review of the policy, observation of the area where the phone calls can be made, and knowledge of the availability of the service as demonstrated by the incarcerated individual interviews all support a finding of compliance. The auditor believes these enhanced services provide incarcerated individuals in the NYSDOCCS comprehensive services for incarcerated individuals therefore meeting the criteria for "exceeds standards".

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · DOCCS website · Example of 3rd party report from website <p>The auditor reviewed the NYSDOCCS website which has a link to PREA which provides all information about PREA to the public including policy, history of combating sexual assault, PREA education, Reporting Sexual Abuse and how third-party reports on behalf of an incarcerated individual can be made. There is a website-initiated complaint form which allows for confidentiality and anonymity. Previous interviews with the agency investigators confirmed that they have received complaints through this process. An example was reviewed by the auditor when conducting an audit at another facility in this agency. Additionally, the auditor tested the system and received an email confirming receipt of the test complaint in less than 24 hours. Therefore, the auditor finds this standard to be deemed compliant.</p>

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interviews Random sample of staff · Interviews Medical & Mental Health staff · Interview PREA Coordinator · Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 · Employees' Manual · Office of Mental Health MOU · Directive #0700 Office of Special Investigations (OSI) · Notice to Auditor – Vulnerable Persons Central Register · HSPM 1.01 Inmate Orientation to Health Care Services – 8/21/20 Form 3102 Health Services Orientation 8/21/20 · Coordinated Response Plan – Facility specific · Watch Commander Quick Reference Chart for Sexual Abuse/Sexual Harassment related complaints · Watch Commander Sexual Abuse Response Checklist <p>(a)</p> <p>Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 Requires all employees (which includes contractors, contract employees, volunteers, interns or other state agency employees assigned to the facility) to immediately report to their immediate supervisor any information pertaining to sexual abuse, sexual harassment, or retaliation. The Employees' Manual requires staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, any retaliation against an incarcerated individual or staff who report such an incident and any neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>(b)</p> <p>Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 states that reports are confidential and only to be shared with essential employees involved in the reporting, investigation, discipline and treatment process or as otherwise required by law. The Employees' Manual also reinforces this requirement.</p> <p>(c)</p> <p>Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 specifically addresses that a medical practitioner is required to report the minimum information necessary. Additionally, improvements to ensure incarcerated individuals are informed regarding medical and mental health staff having to disclose information or suspicions regarding sexual abuse and sexual harassment prior to the initiation of services has been implemented into the health care orientation packet (required per a mandatory standard by ACA) in addition to the pamphlet incarcerated individuals receive on intake.</p> <p>(d)</p> <p>This facility does not house incarcerated individuals under the age of 18 (see 115.14). In this state, vulnerable person statutes do not apply to those incarcerated. NY Soc Serv § 492 establishes the "vulnerable persons' central register" It addresses that this section excludes persons in DOCCS custody. Interview with the PREA Coordinator indicated the following: DOCCS is not included within the statutory jurisdiction of the State entity that investigates allegations concerning vulnerable adults. As of August 6, 2020, DOCCS no longer houses any individuals under the age of 18. Previously, beginning</p>

October 1, 2018, the Department's two "Adolescent Offender Facilities" fell under the PREA Standards for Juvenile Facilities. Directive #4029 "Reporting Suspected Child Abuse or Maltreatment" was adopted in October 2018 and training regarding compliance with child abuse reporting laws was conducted at those facilities to ensure that Mandated Reporters complied with New York State Law regarding child abuse reporting to the Statewide Central Register of Child Abuse and Maltreatment. Directive #4029 was rescinded effective March 24, 2021.

(e)

As stated, the appropriate investigating agency is the OSI. Directive #0700 Office of Special Investigations (OSI) supports the following: The Sex Crimes Division (SCD) conducts investigations involving unauthorized relationships and sexual misconduct between incarcerated individuals or parolees and Departmental staff, as well as incarcerated individual-on-incarcerated individual sexual abuse. Furthermore, the SCD coordinates with outside law enforcement and prosecutors in the development of these cases for criminal prosecution. The SCD also collaborates with others within the Department to ensure compliance with the Prison Rape Elimination Act (PREA).

In addition, the MOU with OMH supports that mental health staff will report any knowledge or suspicion of sexual misconduct directly to the Watch Commander. The interview with mental health staff confirmed that she and her staff are aware of this obligation.

Interviews with security staff, security supervisors, the Watch Commander, and non-security staff support a strong knowledge of the process. The Superintendent confirmed that all allegations will be reported to the investigators via the Watch Commander. The auditor did not find any instance of an allegation that was not reported using this process during the PREA audit. In addition, staff has been issued pocket cards that reflect the process. Most staff interviewed had the card on their person. Interviews with the investigators ensured they are receiving all allegations of sexual abuse or sexual harassment immediately for their review and action. All staff interviews confirmed their knowledge of the requirement to maintain confidentiality. For all reason noted, the auditor finds this facility in substantial compliance with the requirements of the standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1166 701" style="list-style-type: none"> <li data-bbox="244 329 440 356">· Observations <li data-bbox="244 387 580 414">· Interviews A/Commissioner <li data-bbox="244 445 560 472">· Interview Superintendent <li data-bbox="244 504 539 530">· Interview Random staff <li data-bbox="244 562 855 589">· Directive #4948 - Protective Custody Status – 12/24/20 <li data-bbox="244 620 1166 647">· Form #2168A Sexual Victimization – Involuntary Protective Custody Recommendation <li data-bbox="244 678 355 705">· PAQ <p data-bbox="244 732 1461 790">The PAQ indicates there have been no times the facility determined that an incarcerated individual was at risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p data-bbox="244 822 1493 1050">Directive #4948 - Protective Custody Status – 12/24/20 addresses the use of involuntary protective custody for an inmate who is subject to a substantial risk of imminent sexual abuse. It supports that placement will occur immediately until the facility can complete an assessment. The interview with the Acting Commissioner further elaborated, “Each case is evaluated by the facility or Office of Special Investigations based upon the nature of the report and the potential harm. Supervisory rounds will also be increased as appropriate. An incarcerated individual at risk or a potential predator may be moved to another housing unit or transferred. If no other options are available, a potential victim may be temporarily placed in protective custody until other steps can be taken.”</p> <p data-bbox="244 1081 1485 1310">The interview with the Superintendent confirmed that an incarcerated individual at imminent risk of sexual abuse or any imminent risk of harm shall have immediate action taken to ensure their safety. All staff interviews confirmed to the auditor that they would take immediate action if they believed an incarcerated individual was at imminent risk of sexual abuse. Incarcerated individual interviews illustrated to the auditor that staff are approachable. Corrections Officers and supervisors confirmed that this request would be supported, and action would be taken to protect the incarcerated individual before the believed event occurred. Based on this and overall observations during the audit, the auditor found this credible and to be an integral part of the culture of this facility.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interview with A/Commissioner · Interview Superintendent · Memo: Associate Commissioner RE: PREA Standard 115.63 · Form 115.63 · Jail Administrators contact information · Documentation of notifications within 72 hours both sent and received for the previous twelve months · PAQ <p>The PAQ indicates that zero allegations were received that an incarcerated individual was abused while confined at another facility, zero allegations of sexual abuse were received from another facility.</p> <p>(a) (b) (c)</p> <p>Memo: from Jason D. Effman, Associate Commissioner RE: PREA Standard 115.63, addressed to "All Superintendents" states that allegations received from an inmate regarding abuse at another facility will be forwarded from the Superintendent to the Superintendent at the facility where the alleged incident occurred within 72 hours of receiving the report. Form 115.63 shall be used to make the notification. Additionally, the Office of Special Investigations shall be sent a copy. This process was reinforced by the written interview responses from the Acting Commissioner. He states, "Allegations received at one facility involving a different facility are forwarded to the Superintendent of the facility where the abuse allegedly occurred, with a copy of the notification to the Office of Special Investigations. Allegations from other agencies are typically received by the Office of Special Investigations or the Associate Commissioner/PREA Coordinator. The allegation is referred to the Office of Special Investigations for an investigation, and to the Superintendent or designee for appropriate documentation. If the incarcerated individual is currently in a DOCCS facility, the Assistant Deputy Superintendent PREA Compliance Manager also ensures that retaliation monitoring is initiated, and access to victim support and advocacy services is facilitated if desired."</p> <p>The interview with the Superintendent supported that these notifications are made by her office within 72 hours of receipt. Review confirmed that the notification is made from the Superintendent to the Head of the Facility immediately, typically the same day.</p> <p>(d)</p> <p>The policy, review of notification forms and interview with the A/Commissioner and Superintendent provided the auditor with sufficient evidence to support a finding of compliance. There is a process in place to ensure the requirements of this standard are met. To further ensure the efficiency of this process, the agency maintains a contact list for all Jail Administrators in the state.</p>

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Random staff · Directive #4027B Sexual Abuse Prevention & Intervention Inmate-on-Inmate · Directive #4028B Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 · Sexual Abuse Prevention and Response (SAPR) Lesson Plan · Watch Commander's Sexual Abuse Response Checklist, July 2020 · PREA Pocket Card · Facility Coordinated Response FOM 10.01 8/18/2021 · PAQ <p>The PAQ indicates there were zero allegations of sexual abuse that allowed for time to collect evidence. The auditor found no reason to dispute this during the audit process.</p> <p>(a) (b)</p> <p>Directive #4027B Sexual Abuse Prevention & Intervention Inmate-on-Inmate and Directive #4028B Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17, Watch Commander's Sexual Abuse Response Checklist, August 2021, Sexual Abuse Prevention and Response (SAPR) Lesson Plan, PREA Pocket Card all address the requirements of this standard. Whether a first responder or not, all reports go to the immediate supervisor and to the Watch Commander. The scene would be immediately secured. An victim is asked, and any alleged perpetrator is told to not take any action which could potentially destroy evidence such as washing, brushing teeth, changing clothes, urinating, defecating smoking, drinking or eating. The Watch Commander's Sexual Abuse Response Checklist, August 2021, would be initiated. All random staff responses supported this process.</p> <p>Both first responder staff and non-first responder staff attend training as required in 115.31; these requirements are reinforced at that time. Also, staff carry a Pocket Card to review in the event of a situation. All staff interviews demonstrated knowledge of the process. For these reasons noted, the auditor finds the facility in compliance with the requirements of this standard.</p>

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Facility Coordinated Response Plan 10.01 · Random staff interviews · Observations · Interview Superintendent · Interview with Watch Commander <p>Hale Creek Correctional Facility FOM 10.01 Coordinated Response to Reports of Sexual Victimization provides a detailed plan for all staff to follow in the event of a response to an incident of sexual abuse. It addresses First Party/Victim Report action, Third-party, Anonymous report actions, the details of the Coordinated Response as directed by the Watch Commander. This includes notification to OSI, Health Services, and specifics on how to arrange for outside transport and what hospitals to use. It addresses post medical assessment, mental health staff actions, and emphasizes confidentiality. All staff interviewed were knowledgeable regarding the process. The interview with the Superintendent further solidified that the facility has a Coordinated Response Plan in which staff are knowledgeable regarding it, reports are directed to the Watch Commander who ensures notifications and appropriate actions are made. The interview with the Watch Commander confirmed he receives all notifications regarding PREA allegations. Most staff interviewed had the PREA Response Card on their possession. Based on the feedback in all interviews, the review of the plan, and review of completed investigations, the auditor finds there is ample evidence to support a finding of compliance.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1452 676" style="list-style-type: none"> <li data-bbox="244 327 1452 389">· Directive #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020 <li data-bbox="244 416 1015 443">· Directive #2114, Function of the Bureau of Labor Relations - 7/10/2019 <li data-bbox="244 470 531 497">· Seven union contracts <li data-bbox="244 524 1142 551">· Union Contracts continuation after expiration – Taylor Law Tri-Borough Amendment <li data-bbox="244 577 576 604">· Interview A/Commissioner <li data-bbox="244 631 608 658">· Interview union representative <p data-bbox="244 707 308 734">(a) (b)</p> <p data-bbox="244 761 1490 922">Directive #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020, Directive #2114, Function of the Bureau of Labor Relations - 7/10/2019 both comply with the requirements of this standard. There are eight contracts that address staff at this facility. The contracts do not preclude the facility from removal of alleged staff pending an outcome of the investigation. This was reinforced by the written interview responses from the Acting Commissioner:</p> <p data-bbox="244 949 1490 1317">He states, "the current collective bargaining agreement between the State of New York and the Public Employees Federation, AFL-CIO (PEF) is for the period of 2016-2019. The current collective bargaining agreement between the State of New York and The Civil Service Employees Association, Inc. (CSEA) is for the period 2016-2021. In addition, the collective bargaining agreement between the State of New York and the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA) was ratified on January 24, 2019 and is retroactively effective for the period April 1, 2016 – March 31, 2023. The applicable contracts permit the agency to take appropriate action when warranted to remove alleged staff sexual abusers from contact with any incarcerated individual 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."</p> <p data-bbox="244 1344 1406 1406">Additionally, the auditor spoke with one staff who is a union representative. He further assured the auditor there is no concern from the union if a staff member needs to be re-assigned pending an allegation of sexual abuse.</p> <p data-bbox="244 1433 1461 1496">Review of policy, interview with the A/Commissioner, review of contracts and interview with a union representative provide the auditor with sufficient evidence to support a finding of compliance.</p>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1474 929" style="list-style-type: none"> <li data-bbox="244 329 504 356">· Employees' Manual <li data-bbox="244 387 1181 414">· Memo, Associate Commissioner – 4/18/2019 RE: Agency Protection against Retaliation <li data-bbox="244 445 783 472">· Retaliation Monitoring Form 115.67-I, 115.67 -S <li data-bbox="244 504 584 530">· Retaliation Tracking Sheets <li data-bbox="244 562 440 589">· Observations <li data-bbox="244 620 580 647">· Interviews A/Commissioner <li data-bbox="244 678 558 705">· Interview Superintendent <li data-bbox="244 736 1474 763">· Interview with designated staff members charged with monitoring for retaliation (ADS PREA and PREA Point Person) <li data-bbox="244 795 995 822">· Interviews with Incarcerated Individuals who reported a sexual abuse <li data-bbox="244 853 707 880">· Review of Retaliation Monitoring reports <li data-bbox="244 911 355 938">· PAQ <p data-bbox="244 969 1034 996">The PAQ indicates that there were no reported incidents of retaliation occurred.</p> <p data-bbox="244 1028 432 1055">(a) (b) (c) (d) (e) (f)</p> <p data-bbox="244 1086 1485 1507">Employees' Manual 2.19 requires that all employees have a duty to report retaliation against incarcerated individuals or staff who reported such an incident. Memo from Jason D. Effman, Associate Commissioner – 4/18/2019 requires each facility to use multiple protection measures such as housing changes, transfers, removal of alleged staff or incarcerated individual abusers from contact with the victim and emotional support services for incarcerated individuals or staff who fear retaliation for reporting sexual abuse, sexual harassment and/or cooperating with the investigation. It requires the monitoring for a minimum of four months, exceeding the requirements of the standard. Form 115.67 Retaliation Monitoring Form ensures that all aspects of this standard are proactively monitored and documented. There is a monitoring form for incarcerated individuals and another form for staff. It also requires the facility to conduct periodic in-person status checks at least every 30 days. The PREA ADS and PREA Point Person are responsible for coordinating these actions. In the event of an allegation, the OSI will be contacted promptly. With the consultation of the OSI, the facility shall promptly remedy the retaliation. Finally, it supports the following: "The obligation to monitor the conduct and treatment of any inmate who reported an incident of sexual abuse or sexual harassment, or who was reported to have suffered sexual abuse or sexual harassment, shall terminate if the agency determines that the allegation is unfounded or if the monitored inmate is released."</p> <p data-bbox="244 1538 1485 2161">The interview with the A/Commissioner revealed the following: Decisions on protective measures are made on a case-by-case basis. Both the facility administration and the Office of Special Investigations consider whether the present housing placement is appropriate and, if not, consider whether a move to another housing unit or a transfer to another facility is appropriate. In any case involving transportation to a hospital for a forensic examination by a SAFE/SANE provider, the incarcerated individual is returned either to the facility infirmary or the infirmary at a designated catchment facility. This ensures both a proper medical follow-up and that the incarcerated individual is placed in a safe environment while options are considered. With respect to access to emotional support services, information on the Department's "777" PREA Statewide Rape Crisis Hotline, Victim Advocacy & Emotional Support Partnership is widely distributed in the facilities and is provided by medical staff when appropriate following a medical assessment for a significant exposure. The Department, in partnership with the State Office of Victim Services, State Office for the Prevention of Domestic Violence, the New York State Coalition Against Sexual Assault and a number of providers, launched a statewide rape crisis hotline in January 2019, expanding the nearly five-year old Enhanced Victim Services pilot program. In addition to hotline services, all facilities have the capacity to provide ongoing victim advocacy and emotional support services through several community-based partner programs and other victim assistance programs. All inmates, parolees, and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other inmates or staff. This includes housing changes or transfers for incarcerated individual victims or abusers, removal of alleged staff or incarcerated individual abusers from contact with victims, and emotional support services for incarcerated individual or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Retaliation monitoring includes review of any incarcerated individual disciplinary reports, housing or program changes, or any negative</p>

performance reviews or reassignments of staff. In the case of inmates, retaliation monitoring is for a minimum of four months, subject to extension when there is a report of retaliation and includes periodic in-person status checks approximately every 30 days. In-person status checks are also encouraged for any staff who reported an incident. The Department's protocols for retaliation monitoring are initiated for any individual who cooperates with an investigation and expresses a fear of retaliation. Monitoring for signs of retaliation is coordinated by the Assistant Deputy Superintendent/PREA Compliance Manager with the assistance of the designated PREA Point Person. Any complaint or evidence of retaliation is referred to the Office of Special Investigations, Sex Crimes Division for investigation and to be promptly remedied.

During the pre-audit phase, the facility provided the spreadsheet tracking mechanism utilized to document these actions in addition to five examples of completed Retaliation Monitoring Forms. They were reviewed and found to support the requirements of the audit and policy. Interviews with the A/Commissioner, Superintendent, PREA Compliance Manager and PREA Point Person all support that retaliation monitoring is taken seriously and well documented. Even if an incarcerated individual transfers, the retaliation monitoring is continued at the next NYSDOCCS facility which is another reason for the decision of "exceeds standard."

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interviews Superintendent · Interview Staff who supervise restrictive housing · Policy regarding use of restrictive housing to protect an incarcerated individual who has suffered abuse · PAQ · Directive #4948 Protective Custody Status 12/24/20 · Form 2168A <p>The PAQ indicates there were no Incarcerated individuals who allege to have suffered sexual abuse who were held in involuntary segregation in the past 12 months for one to 24 hours awaiting completion of assessment and no inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement. The auditor found no reason to dispute this during the audit process.</p> <p>Finding of compliance based on the following: See comments on 115.43. The PAQ indicates that no incarcerated individuals have been placed in segregated housing due to suffering sexual abuse. This was confirmed by an interview with one staff who works/supervise the area. The auditor found no reason to dispute this during the audit process. Based on comments noted on 115.43 this standard is found to be compliant.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Interviews Investigative staff · Interview with the Superintendent · Investigative reports · Retention schedule · Directive #0700 Office of Special Investigations (OSI) 11/28/2018 · Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate · Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee · Response Plan and Watch Commander's Sexual Abuse Response Checklist, August 2021 · Letter to the New York State Police Superintendent · PAQ · New York Criminal Procedure Law 160.45 · Office of Special Investigations Policy Manual (confidential) <p>PAQ indicates no substantiated allegations of conduct that appeared criminal were referred for prosecution since the last PREA audit. The auditor found no reason to dispute this during the audit process.</p> <p>(a)</p> <p>Directive #0700 Office of Special Investigations (OSI) 11/28/2018 states that the Sex Crimes Division (SCD) conducts investigations involving sexual misconduct between incarcerated individuals and departmental staff as well as incarcerated individual-on-incarcerated individual sexual abuse. Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate and Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee states, A prompt, thorough, and objective investigation shall be conducted in all instances of reported sexual abuse, sexual harassment, or retaliation concerning such an incident. As directed herein and in accordance with Directive #0700, "Office of Special Investigations (OSI)," this investigation shall be initiated promptly and shall be the responsibility of the Office of Special Investigations. Allegations of sexual harassment or sexual threats shall be reviewed by the Office of Special Investigations for a determination as to the appropriate investigative steps to be taken, which may include directing specific steps to be taken in a facility investigation. Furthermore, in instances where any complaint is vague, requires clarification, or appears to lack credibility based upon all of the 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.) so that the appropriate response can be determined.</p> <p>(b)</p> <p>All investigators in the SCD receive training. See 115.34</p> <p>(c)</p> <p>The Response Plan and Watch Commander's Sexual Abuse Response Checklist, August 2021 specify that OSI SCD investigators are immediately contacted when a PREA allegation is received, in accordance with the facility's response plan/schedule. In accordance with the plan, the first responders ensure evidence is preserved; the OSI SCD investigators complete any evidence gathering required. Interview with the OSI SCD investigators supported that they are and have been immediately contacted regarding all allegations. Additionally, the review of the completed investigations supported this requirement. This plan was recently updated to further streamline this process.</p> <p>(d) (e)</p> <p>The Office of Special Investigations Policy Manual, 2021 is considered confidential but was provided to the auditor. The</p>

auditor reviewed the document and found it supports compliance with this standard. Additionally, polygraph tests are prohibited in accordance with the New York Criminal Procedure Law 160.45 and therefore not used in any aspect of the investigation for sexual abuse or sexual harassment. Review of investigations supported that the credibility of victim, suspect or witness is based on alignment with established facts. This requirement was confirmed by the interview with the investigators.

(f)

The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with this standard. The interview with the investigators did confirm that staff actions are reviewed in every case. Review of investigations support that they are in standardized, written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(g) (h)

The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with this standard. Compliance with this requirement was confirmed by the review of the confidential manual and the interview with the investigators. The SCD would be the entity to report all substantiated allegations to licensing bodies, as well as ensures all matters that rise to the level of criminal prosecution are referred for criminal handling.

(i)

Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate and Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee states supports the following: 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, shall be permanently retained. This was confirmed by an interview with the chief investigator at a previous facility audit.

(j)

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, as confirmed by the interview with the two investigators. This is further reinforced directly in the letter to the New York State Police Superintendent regarding collaboration with the investigation of potential criminal actions of staff. No investigations reviewed had an incident where the accused left employment during the audit review period. The interview with the investigators also confirmed that the investigation would continue.

(k)

Auditor is not required to audit this provision.

(l)

Directive #0700 Office of Special Investigations (OSI) states that the Sex Crimes Division (SCD) conducts investigations involving sexual misconduct between incarcerated individuals and departmental staff as well as incarcerated individual-on-incarcerated individual sexual abuse. It further states they will assist outside law enforcement in the development of cases for criminal prosecution. A memo from the Superintendent of the New York State Police dates May 2, 2014 further confirms support by stating, This will serve to confirm that the New York State Department of Corrections and Community Supervision (DOCCS), Office of the Inspector General (IG), 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-incarcerated individual and incarcerated individual-on-incarcerated individual sexual abuse that may involve criminal conduct.

The interview with the Associate Commissioner indicated the following: DOCCS Office of Special Investigations, Sex Crimes Division is the lead investigative body for our sexual abuse investigations. OSI will work cooperatively with the New York State Police (NYSP), Bureau of Criminal Investigation (BCI) and the District Attorney's Office (the local prosecuting authority), but the SCD Investigator is the lead investigator in each case and DOCCS does not relinquish jurisdiction. The BCI will often conduct certain interviews in a potentially criminal case where doing so is necessary to ensure that there are no Garrity issues. DOCCS OSI SCD, the NYSP BCI and the District Attorney's Office exchange information throughout the investigation.

Based on review of the policies, agency manual, investigations and interviews with the Associate Commissioner and investigators, the auditor concludes that investigators address investigations promptly, thoroughly, in a manner which will hold up in court, and with a review of incidents to address staff actions and assesses credibility consistently. The agency is given and "exceeds standards" due to the extensive training and specialization of investigators in the SCD of OSI.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Office of Special Investigations Policy Manual (confidential) · Interviews Investigative staff · Review of investigations using preponderance of evidence (administrative) <p>The established definition for concluding that an investigation has been substantiated supports that the agency uses a preponderance of evidence. This is noted in written policy for OSI and confirmed by the interview with two investigators. Review of the investigation supports that the agency uses a finding of substantiated based on a preponderance of the evidence.</p>

115.73	Reporting to inmates
	<p data-bbox="244 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1461 674" style="list-style-type: none"> <li data-bbox="244 329 440 358">· Observations <li data-bbox="244 387 560 416">· Interview Superintendent <li data-bbox="244 445 638 474">· Interviews with Investigative staff <li data-bbox="244 504 1461 562">· Memorandum from the Deputy Commissioner/Chief of Office of Special Investigations and Associate Commissioner for PREA Compliance - 5/17/18 RE: Notification of Investigative Determination to Inmates or Parolees/Residents <li data-bbox="244 591 898 620">· Office of Special Investigations Policy Manual (confidential) <li data-bbox="244 649 611 678">· Documentation of notifications <p data-bbox="244 707 272 736">(a)</p> <p data-bbox="244 766 1461 925">Memorandum from the Deputy Commissioner/Chief of Investigations and Associate Commissioner for PREA Compliance - 5/17/18 RE: Notification of Investigative Determination to Inmates or Parolees/Residents. Notifications of the investigations are provided to the Superintendent where the complainant/inmate is currently housed, via a "Notification of Investigation Determination" who in turn notifies the complainant/inmate via Privileged Mail which the complainant/inmate will sign for receipt.</p> <p data-bbox="244 954 272 983">(b)</p> <p data-bbox="244 1012 1461 1106">All investigations will conclude with the OSI investigator, who will therefore make the notification. As confirmed in the interviews, notifications are given to the Superintendent who then provides to the ADS PREA. He indicated he forwards the notification to the incarcerated individual at their current facility via the legal mail process.</p> <p data-bbox="244 1135 336 1164">(c) (d) (e)</p> <p data-bbox="244 1193 1485 1321">The Office of Special Investigations Policy Manual is considered exempt from disclosure. The auditor reviewed the document and found it supports compliance with all requirements of this standard. Accordingly, the investigator ensures that the notification is made either through the Facility Superintendent or in person. Notifications were confirmed during the interview and review of investigations with the investigators. The Superintendent confirmed that this is required for investigations.</p> <p data-bbox="244 1328 1485 1386">Therefore, the auditor finds there was sufficient evidence to support a finding of compliance based on policy and documents noted above.</p>

115.76	Disciplinary sanctions for staff
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations · Directive #2110 – Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020 · Employees' Manual · Directive #2111- Report of Employee Misconduct – 9/8/2020 · Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act / Presumptive Disciplinary Sanction for Staff Sexual misconduct · Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 · PAQ · OSI Manual (confidential) <p>The PAQ indicates that no staff have been terminated, nor referred to licensing bodies for violating agency sexual abuse and/or sexual harassment policy, one staff violated agency sexual abuse/sexual harassment policies.</p> <p>(a)</p> <p>Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 specifically states, Discipline and Prosecution: 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 incarcerated individual, 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.</p> <p>Directive #2110 – Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings – 4/17/2020, states, When the OSI 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 incarcerated individuals pending the outcome of an investigation.</p> <p>Employees' Manual – Rev. 2019 specially reinforces that any perpetrator of a sexual abuse incident, sexual harassment or act of staff voyeurism will be dealt with severely. It emphasizes the duty to report sexual abuse and sexual harassment.</p> <p>Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act / Presumptive Disciplinary Sanction for Staff Sexual misconduct confirms that termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an incarcerated individual. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall continue to be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories."</p> <p>Directive #2111- Report of Employee Misconduct – 9/8/2020 additionally confirms that staff will be disciplined, noting sanctions up to termination for sexual misconduct.</p> <p>(b)</p> <p>Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act / Presumptive Disciplinary Sanction for Staff Sexual misconduct supports that termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.</p> <p>(c)</p> <p>Memo: Daniel F. Martuscello III, Deputy Commissioner for Administrative Services – 2/5/16 RE: Prison Rape Elimination Act</p>

/ Presumptive Disciplinary Sanction for Staff Sexual misconduct and Directive #2111- Report of Employee Misconduct – 1/5/16 supports that disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

(d)

Office of Special Investigations Policy Manual is considered exempt from public disclosure. The auditor reviewed the document and found that it supports compliance with this standard.

Dialogue with the Superintendent, investigators, PREA Coordinator and ADS PREA support that all allegations against staff for sexual abuse, sexual harassment, retaliation or neglect are investigated and disciplinary action would be commensurate with the circumstances up to termination for sexual abuse. Therefore, this standard is deemed compliant.

115.77	Corrective action for contractors and volunteers
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1433 766" style="list-style-type: none"> <li data-bbox="244 327 571 353">· Interviews Superintendent <li data-bbox="244 387 759 414">· Directive #4750, Volunteer Services Program <li data-bbox="244 443 1398 506">· Standards of Conduct For Volunteers Within The New York State Department Of Corrections And Community Supervision <li data-bbox="244 535 1433 598">· Memo Commissioner – 9/4/18 Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (revised) <li data-bbox="244 627 1168 654">· Acknowledgements of Standards of Conduct for Volunteers and All Applicable Policies <li data-bbox="244 683 355 710">· PAQ <li data-bbox="244 739 561 766">· OSI Manual (confidential) <p data-bbox="244 795 1441 893">The PAQ notes that no contractor or volunteer has been involved in an investigation regarding sexual abuse or sexual harassment towards an incarcerated individual. The auditor found no evidence to dispute this statement during the audit process.</p> <p data-bbox="244 922 308 949">(a) (b)</p> <p data-bbox="244 978 1485 1274">Directive #4750, Volunteer Services Program, updated 7/21/2020, requires that volunteers be notified of DOCCS zero tolerance policy and that they can be criminally liable for their behavior under the definition sexual conduct with an incarcerated individual. It states, DOCCS has a zero-tolerance policy 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 §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. Additionally, it stipulates the following: During volunteer orientation, volunteers must be informed that a formal suspension/dismissal procedure exists and what constitutes grounds for suspension and/or dismissal. Grounds for suspension/dismissal of volunteers are usually based on a violation of the Standard of Conduct for Volunteers.</p> <p data-bbox="244 1303 1493 1565">Standards of Conduct For Volunteers Within The New York State Department Of Corrections And Community Supervision Relationship with Inmates states, “sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation for reporting such an incident or participating in an investigation will be thoroughly investigated. It is a crime for a volunteer or intern who provides direct services to inmates in a State Correctional Facility to engage in a sexual act with an inmate or parolee assigned to that facility, even if the inmate or parolee ‘willingly’ participates in the act. 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 and will be reported to any relevant licensing bodies.”</p> <p data-bbox="244 1594 1477 1722">The auditor observed that volunteers sign an acknowledgment that they have received this information, which confirms they will be held accountable and indicates they understand this. Examples were provided with the pre-audit documentation demonstrating compliance. In addition, as noted, the auditor randomly reviewed four volunteer folders and observed the signed acknowledgement. This acknowledgement is re-issued when the volunteer received refresher orientation.</p> <p data-bbox="244 1751 1493 1879">The interview with the Superintendent confirmed that she is able and willing to temporarily suspend volunteers and contractual staff from entering the facility if there is a suspicion of misbehavior. See comments to 115.32. Additionally, she confirmed that she has the authority to terminate the agreement and, if the incident appeared criminal, it would be referred for prosecution. After analysis of this documentation, policy, and interview, the auditor finds the standard to be compliance.</p>

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> • Observations • Interviews Superintendent • Hearing Officer Reference Book April 2017 • Directive #4028A, Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee, 11/29/17 • Directive #4401 Guidance and Counseling, 12/5/2019 • Directive #4932 – Chapter V, Standards Behavior & Allowances – 10/2/2018 • Directive #4027A, Sexual Abuse Prevention & Intervention – Inmate-on-Inmate – 11/29/17 • PAQ • Non-Sex Offense Referral Sex Offender Counseling and Treatment Program <p>The PAQ indicates there have been no administrative findings or criminal findings of incarcerated individual on incarcerated individual sexual abuse. The auditor found no reason to dispute this during the audit process.</p> <p>(a)</p> <p>Hearing Officer Reference Book (April 2017), The Hearing Officers determine guilt on misconducts received by inmates in accordance with the requirements reflected in Directive #4932 – Chapter V, Standards Behavior & Allowances – 10/2/2018. Category 101 addresses Sex Offenses. 101.10 Sex Offense An inmate shall not engage in or encourage, solicit or attempt to force another to engage in any sexual act. The Hearing Officer Reference Book provides recommended sanction ranges for different categories of sex offenses including forcing or attempting to force another to engage in any sexual act, encouraging or soliciting sexual act; and engaging in asexual act (when there is no force or coercion). Similar guidance is provided for charges including 101.11 Forcible touching, 101.20 Lewd Conduct, 101.21 Physical Contact, and 101.22 Stalking.</p> <p>(b)</p> <p>The auditor reviewed the Hearing Officer Reference Book. It provides the guidance for Hearing Officers when imposed disciplinary sanctions on incarcerated individuals' misconducts. Aggravating and mitigating factors are considered. In accordance with the Handbook, these include age of the incarcerated individual, medical condition, intellectual capacity, past disciplinary history and record of adjustment, and seriousness of the misconduct. Confinement/sanctions recommendations are based on the severity of the incident and formatted in a table to reflect appropriate graduated sanctions. For the most serious sex offense charge, recommended penalties consider whether the perpetrator used force or coercion, or previously engaged in similar misconduct.</p> <p>(c)</p> <p>Hearing Officer Reference Book addresses that a review of mentally ill inmates should be considered before imposing confinement sanctions that includes the following: referral to programming or counseling, non-confinement sanction would be most likely to correct negative behavior, if non-confinement sanctions have been tried in the past, and any other special consideration.</p> <p>Directive #4932 – Chapter V, Standards Behavior & Allowances – Rev. 8/30/18. states, mental state or intellectual capacity. When an inmate's mental state or intellectual capacity is at issue, a Hearing Officer shall consider evidence regarding the inmate's mental condition or intellectual capacity at the time of the incident and at the time of the Hearing in accordance with this Section.</p> <p>(d)</p> <p>Sex Offender Counseling and Treatment Program Guideline – December 2019 verifies that an inmate is eligible for treatment if found guilty of sexual abuse while incarcerated. The inmate will be referred to this program. Directive 4401 Guidance and Counseling, 12/5/2019 addresses treatment services, including sex offender treatment programs, available for incarcerated individuals in NYSDOCCS. It indicates that this will include guilty findings at a tier hearing per Inmate Standards of Behavior</p>

for any sexually abusive and/or assaultive act. Failure to participate, according to staff, can and will prevent an incarcerated individual from release. No examples of referral were available to review as this is the does not house incarcerated individuals convicted of a sex offense, and review of the investigations and request for misconduct reports for sexual offenses (yielding no results) demonstrated this has not occurred.

(e)

Directive #4028A, Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee, 11/29/17 supports that the agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. This was confirmed in an interview with the DSS who conducts disciplinary hearings at this facility.

(f)

Directive #4028A, Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee, 11/29/17, Directive #4027A, Sexual Abuse Prevention & Intervention – Inmate-on-Inmate – 11/29/17 support that a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

(g)

Directive #4027A, Sexual Abuse Prevention & Intervention Inmate-on-Inmate 11/29/17, consistent with Standard of Inmate Behavior indicates that unless deemed sexual abuse or sexual harassment, other sexual contact of a sexual nature is prohibited.

Review of the policies and documents noted above support a finding of compliance. The interview with the Superintendent and staff who conducts disciplinary hearings supported those sanctions are proportionate to the nature and circumstance and mental disability/illness is considered when determining sanctions in accordance with policy. Based on analysis of the evidence, the auditor finds the facility to be compliant with the requirements of this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 208 451 235">Auditor Discussion</p> <p data-bbox="244 271 1286 297">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1233 987" style="list-style-type: none"> <li data-bbox="244 329 440 356">· Observations <li data-bbox="244 387 1158 414">· Interviews Incarcerated Individuals who disclose sexual victimization at risk screening <li data-bbox="244 445 759 472">· Interview Staff Responsible for risk screening <li data-bbox="244 504 483 530">· Interview Medical <li data-bbox="244 562 863 589">· Document's showing limited information to custody staff <li data-bbox="244 620 852 647">· HSPM 1.44 – Health Screening of Inmates - 7/26/2018 <li data-bbox="244 678 660 705">· Facility PREA Risk Screening FOM <li data-bbox="244 736 1230 763">· Directive #4301 – Mental Health Satellite Services and Commitments to CNYPC – 6/10/2020 <li data-bbox="244 795 647 822">· Mental Health Referral Form 3150 <li data-bbox="244 853 416 880">· Form 3278 <li data-bbox="244 911 419 938">· OMH MOU <li data-bbox="244 969 352 996">· PAQ <p data-bbox="244 1019 1485 1113">The PAQ indicates that 100% of incarcerated individuals who disclosed prior victimization during screening who were offered a follow up meeting with medical/mental health practitioner, 100% of incarcerated individuals who disclosed previously perpetrated sexual abuse during screening who were offered a follow up meeting with medical/mental health practitioner.</p> <p data-bbox="244 1144 304 1171">(a) (b)</p> <p data-bbox="244 1202 1493 1664">HSPM 1.44 – Health Screening of Inmates - 7/26/2018 addresses information received related to sexual victimization or abusiveness. It states, upon arrival at a DOCCS 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), SHU200, or separate keep lock unit, will receive a health screening by a Registered Nurse (RN). This screening will include 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. In accordance with the National Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. 115.81, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners shall obtain informed consent (HIPAA release) from incarcerated individuals before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the incarcerated individual is under the age of 18. As above, informed consent/HIPAA release is not required for a referral to the Office of Mental Health. PREA Screening Form directs the screener to forward a copy of the form directly to Mental Health to serve as the Mental Health Referral Form. Staff can also submit a referral form.</p> <p data-bbox="244 1695 1477 1821">Hale Creek Correctional Facility PREA Risk Screening FOM indicates, If during the screening process, it is determined that the incarcerated individual previously disclosed sexual victimization or perpetrated sexual abuse whether in an institutional setting or in the community, the Sergeant shall offer to refer the incarcerated individual to OMH. The Watch Commander will be notified of the referral.</p> <p data-bbox="244 1852 1485 1946">Directive #4301 – Mental Health Satellite Services and Commitments to CNYPC – 6/10/2020, Mental Health Referral Form 3150 supports those referrals received will be addressed within fourteen days. The FOM for Hale Creek Correctional Facility, PREA Risk Screening both describe the specific steps needed to ensure a referral is made at this facility.</p> <p data-bbox="244 1977 272 2004">(c)</p> <p data-bbox="244 2036 563 2063">The facility is a prison, not a jail.</p> <p data-bbox="244 2094 304 2121">(d) (e)</p>

HSPM 1.44 – Health Screening of Inmates - 7/26/2018 states that 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 management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State, or local law. It also requires medical and mental health practitioners to obtain informed consent from incarcerated individuals before reporting information about prior sexual victimization that did not occur in an institutional setting unless the incarcerated individual is under the age of 18. The PREA Screening Form also notes an area for reports of sexual victimization that occurred outside the institutional setting, and notation regarding obtaining consent.

Form 3278 includes a brief review again of whether the inmate has been sexually abused or victimized. It is completed by health care staff upon arrival. It affords a place to obtain consent for those who report abuse that occurred outside the prison to obtain consent. It is specified that it is for inmates over the age of eighteen. It provides a referral for mental health and notification to the Watch Commander if the information triggers a concern, demonstrating that the information is only provided to staff to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments.

The PAQ notes the 100% of incarcerated individuals who disclosed prior victimization during screening were offered a follow-up meeting with medical or mental health, and 100% of incarcerated individuals who have previously perpetrated sexual abuse during the screening were offered a follow-up meeting with a mental health practitioner. The auditor finds this credible based on the process for intake.

Review of the randomly reviewed risk assessments supported that the procedure as established by this Agency is being followed. Policy, written authority, interviews with mental health staff and intake staff in addition to evidence of compliance provided on sight by the ADS PREA supports a finding of compliance with this standard.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Observations made during the tour · Interviews medical staff · HSPM 1.60 - Sexual Assault – 10/25/17 · Facility Coordinated Response FOM · New York Public Health Law § 2807-c · SAFE/SANE hospitals list <p>(a) (b) (c) (d)</p> <p>The Facility Coordinated Response Plan FOM, HSPM 1.60 Sexual Assault and the New York Public Health Law support that inmates will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. First responders will ensure medical and mental health staff are notified. These documents support that incarcerated individual victims of sexual abuse are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis and treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation. The MOU with OMH supports that mental health staff will evaluate and treat victims. The interview with the Nurse Administrator confirmed that incarcerated individuals would 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.</p> <p>Medical staff are available sixteen hours a day, seven days a week. Mental health staff are available each business day and crisis intervention is available 24/7 through referral, assessment conducted at another facility through transport or video. This occurs through a video evaluation or transport to the nearest facility for services. Interviews with medical staff, the Superintendent and PREA Deputy support that victims will receive immediate unimpeded access to emergency medical care in accordance with professionally accepted standards of care. Post Exposure prophylactic needs will be immediately evaluated prior to sending the victim to the hospital, in accordance with the HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol. A List of SANE/SAFE hospitals is maintained with Health Services and the Watch Commander.</p> <p>During the audit period, it was reported that no incarcerated individuals were sexually abused warranting medical care provided at the hospital. Based on the interviews and policy, the auditor finds the standard to be compliant as the coordinated response plan, policy and staff knowledge of the process support that this will be provided.</p>

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	<p data-bbox="244 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1428 790" style="list-style-type: none"> <li data-bbox="244 329 544 358">· Interviews medical staff <li data-bbox="244 387 703 416">· HSPM 1.60 - Sexual Assault – 10/25/17 <li data-bbox="244 445 1161 474">· HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol – 10/25/17 <li data-bbox="244 504 671 533">· Facility Coordinated Response FOM <li data-bbox="244 562 1428 622">· Directive #4401 Guidance and Counseling addresses treatment services available for incarcerated individuals at NYSDOCCS. <li data-bbox="244 651 703 680">· HSPM 1.60 - Sexual Assault – 10/25/17 <li data-bbox="244 710 687 739">· New York Public Health Law § 2807-c <li data-bbox="244 768 419 797">· OMH MOU <p data-bbox="244 826 1461 952">(a) (b) (c) HSPM 1.60 - Sexual Assault – 10/25/17 and Office of Mental Health Memorandum of Understanding 9/14/16 confirms compliance with the requirement that all victims will be provided with ongoing medical and mental health services consistent with community standards. It states, treatment will include follow-up services, treatment plans, and if needed, continuing care upon release.</p> <p data-bbox="244 981 308 1010">(d) (e)</p> <p data-bbox="244 1039 991 1068">These requirements are not applicable to this facility as it houses all males.</p> <p data-bbox="244 1097 268 1126">(f)</p> <p data-bbox="244 1155 1414 1247">HSPM 1.60 - Sexual Assault – 10/25/17, HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol – 10/25/17 confirms that a victim will be offered appropriate tests for sexually transmitted infections, in accordance with medically established timeframes.</p> <p data-bbox="244 1276 276 1305">(g)</p> <p data-bbox="244 1335 1428 1395">HSPM 1.60 - Sexual Assault – 10/25/17 supports that medical treatment will be without cost to the victim, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p data-bbox="244 1424 276 1453">(h)</p> <p data-bbox="244 1482 1485 1646">Directive #4401 Guidance and Counseling addresses treatment services available for inmates at NYSDOCCS. HSPM 1.60 - Sexual Assault – 10/25/17 confirms that a mental health evaluation of all known inmate-on-inmate abusers will be conducted within sixty (60) days. They will be referred to the Sex Offender Counseling and Treatment Program per the guideline. In accordance with the SOCTP Guidelines, inmates referred to the program receive an evaluation by specialized staff upon referral to the program.</p> <p data-bbox="244 1675 1174 1704">Policies noted above, and the interview with the medical staff support a finding of compliance.</p>

115.86	Sexual abuse incident reviews
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 331 1465 766" style="list-style-type: none"> <li data-bbox="244 331 1465 421">· Memo: Deputy Commissioner and Associate Commissioner - 5/9/14 RE: Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits <li data-bbox="244 452 834 479">· Sexual Abuse Incident Review Checklist – 9/17/2020 <li data-bbox="244 510 440 537">· Observations <li data-bbox="244 568 568 595">· Interviews Superintendent <li data-bbox="244 627 531 654">· Interviews ADS PREA <li data-bbox="244 685 655 712">· Interview DSS PREA Point Person <li data-bbox="244 743 1318 770">· Documentation supporting implementation of recommendations or reasons for not implementing them <p data-bbox="244 797 405 824">(a) (b) (c) (d) (e)</p> <p data-bbox="244 855 1465 1214">Memo: from Joseph F. Bellnier, Deputy Commissioner and Jason D. Effman, Associate Commissioner - 5/9/14 RE: Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits and the Sexual Abuse Incident Review Checklist – 9/17/2020 addresses the requirements of the standard as follows: Sexual Abuse incident reviews are required, a form has been developed which captures the review and any recommendations of the review team. Reviews are conducted by the ADS PREA, PREA Point Person/DSS and a third member; at this facility it is the SORC or member of the Executive Team. The superintendent indicated she would participate as well. Input is collected from investigators, the area sergeant, Health Services and the Office of Mental Health in addition to others deemed necessary. It requires a review within 30 days of the conclusion of the investigation unless determined to be unfounded. It also supports that the staff will work closely with the facility staff to ensure any recommendations are successfully implemented. The Sexual Abuse Incident Review Checklist – 9/17/2020 is a 6-page form which addresses and requires assessment with all requirements of the standard.</p> <p data-bbox="244 1245 1490 1308">Interviews with the Superintendent, ADS PREA and PREA Point Person confirm that incident reviews are completed for each investigation, as indicated by the standard provisions, except those deemed unfounded.</p> <p data-bbox="244 1339 1465 1402">Written authority, the established format, interviews with the staff that complete the incident reviews in addition to review of completed reviews all provided ample evidence for this standard to be deemed compliant.</p>

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul style="list-style-type: none"> · Directive #4027B, Sexual Abuse Reporting & Investigation Inmate-on-Inmate, · Directive #4028B, Sexual Abuse Reporting & Investigation Staff-on-Inmate/Staff-on-Parolee · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual · Data Dictionary · Facility Specific Form 2103SAII and 2103SASI · Observations · Interview ADS PREA · Definitions used for collecting data · Sample showing inclusion of private facility. · Completed SSV 2019 · Interview with the PREA Coordinator · Annual Report June 2021 <p>(a) (b) (c)</p> <p>Directive #4027B, Sexual Abuse Reporting & Investigation Inmate-on-Inmate, Directive #4028B, Sexual Abuse Reporting & Investigation Staff-on-Inmate/Staff-on-Parolee, Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual support that the facility will maintain monthly sexual abuse/threat incident summaries which are forwarded to the Deputy Commissioner for Correctional Facilities and the Associate Commissioner for Prison Rape Elimination Act (PREA). This provides information that can address the Survey of Sexual Victimization if requested from the Bureau of Justice Statistics. The information is used for the Agency report. An example of this monthly report specific to Hale Creek Correctional Facility was provided with the pre-audit documentation.</p> <p>(d)</p> <p>Office of Program Planning Research and Evaluation supports that the data base is set up to capture agency data from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. It describes the process for data collection, review, storage and reporting of sexual abuse data.</p> <p>(e)</p> <p>Documentation was provided demonstrating that Information from the private agencies is incorporated into the agency data base and therefore included. A separate area of the Annual Report provides statistics on community based residential program sites.</p> <p>(f)</p> <p>The agency provided documentation indicating receipt of the Survey of Sexual Victimization from the DOJ for data dated November 2019.</p> <p>The PREA Coordinator confirmed the following: “The agency does 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 and training. There is a Program Research Specialist 3 in our Program Planning Research and Evaluation Department who is dedicated to PREA matters. All of her raw data files and her final reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). Her paper records are all stored in locked file cabinets. My copies of the final data reports and other ad hoc reports are stored in my locked office. I review both regular and ad hoc reports produced by Research for me. Our Office of Special Investigations and I work closely with the PREA Program Research Specialist 3 to monitor trends. We continue to adjust our prevention strategies based on our analysis of the data. For 2021, I initiated a new</p>

report that is provided on a monthly basis to our Superintendents. This report includes a year-to-date breakdown of complaints of sexual abuse, sexual harassment and unauthorized relationships for each facility. This allows facility leadership to more closely monitor trends and be responsive. We prepare and publish an annual report of the allegations of sexual abuse and sexual harassment as reported to the Department, including information concerning reports at each facility. The Report addresses facility-specific and Department-wide corrective action. As an addendum to the report, DOCCS publishes aggregated sexual abuse data from facilities under its direct control and private facilities with which the agency contracts. We have not redacted any material. Our annual report does not provide case specific information and only aggregated data is presented to avoid identifying any individual or confidential information."

As stated above, the policies, retention schedule, review of the data gathering operation, interview with the PREA Coordinator and Assistant Deputy Superintendent PREA Compliance Manager all demonstrate that the requirements of this standard are addressed and therefore the standard is deemed to be compliant. There is a report available on the webpage for the agency that provides an in-depth analysis for the years 2014-2018. It includes aggregated data for 2019 and was completed and published June 2021.

115.88	Data review for corrective action
	<p data-bbox="244 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 273 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 327 1437 730" style="list-style-type: none"> · Observations · Interviews A/Commissioner · Interview PREA Coordinator/Associate Commissioner · Interview ADS PREA · Link to website · Annual Report on Sexual Victimization 2014 to 2018, including aggregated data from 2019 · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual <p data-bbox="244 766 371 792">(a) (b) (c) (d)</p> <p data-bbox="244 819 1490 1151">Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual requires the PREA Analyst to prepare an aggregate data collected in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention program. An annual report is prepared which compares the statistics from each year, compares the data and action plans and assesses the program towards prevention. There are no personal identifiers in the report, as required by the manual. Information that may present a clear and specific threat to the safety and security of a facility can be redacted; however, an explanation of the contents would be provided. This report is available on the NYSDOCCS website and complies with the requirements of this standard. The auditor reviewed the annual reports which analyzed the data for 2014 to 2018. Aggregated data for 2019 is additionally available. It is nineteen (19) pages. Problem areas are identified, an analysis of corrective action is provided. It is approved by the Acting Commissioner and the PREA Coordinator (noted on the document as well as indicated in their interviews).</p> <p data-bbox="244 1178 1442 1272">Additionally, the interview with the PREA Compliance Manager supports that monthly reports are maintained and sent to central office for current analysis and notation of any trends occurring. This data accumulated as additional monthly information is added. Examples were provided with the pre-audit documentation.</p> <p data-bbox="244 1299 1485 1899">The interview with the Acting Commissioner confirmed the following: "Incident-based data is primarily used to identify facilities or locations within facilities that have recurring reports of abuse. Our Research office has a researcher dedicated to work full-time on PREA matters. She works directly with the Associate Commissioner/PREA Coordinator in an effort to identify patterns and trends including common characteristics of victim prone incarcerated individuals, common characteristics of incarcerated individual abusers, and any other trends that may be addressed through training or policy changes. The data also plays a key role in keeping the Department's training on sexual abuse prevention and response current. He confirmed he approved the annual reports." Additionally, the Associate Commissioner, PREA Coordinator stated, " I review both regular and ad hoc reports produced by Research for me. Our Office of Special Investigations and I work closely with the PREA Program Research Specialist 3 to monitor trends. We continue to adjust our prevention strategies based on our analysis of the data. For 2021, I initiated a new report that is provided on a monthly basis to our Superintendents. This report includes a year-to-date breakdown of complaints of sexual abuse, sexual harassment and unauthorized relationships for each facility. This allows facility leadership to more closely monitor trends and be responsive. We prepare and publish an annual report of the allegations of sexual abuse and sexual harassment as reported to the Department, including information concerning reports at each facility. The Report addresses Facility-specific and Department-wide corrective action. As an addendum to the report, DOCCS publishes aggregated sexual abuse data from facilities under its direct control and private facilities with which the agency contracts. We have not redacted any material. Our annual report does not provide case specific information and only aggregated data is presented to avoid identifying any individual or confidential information."</p> <p data-bbox="244 1926 1493 2056">For these reasons, the auditor finds the standard compliant. The interview with the PREA Coordinator confirmed that a Program Research Specialist in the Program Planning Research and Evaluation department is dedicated to PREA matters. This person is able to monitor trends and communicate directly with the PREA Coordinator to adjust prevention strategies. As indicated above, this was supported by the written responses for the interview with the Acting Commissioner.</p>

115.89	Data storage, publication, and destruction
	<p data-bbox="244 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="244 208 451 237">Auditor Discussion</p> <p data-bbox="244 271 1286 300">The auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:</p> <ul data-bbox="244 329 1437 674" style="list-style-type: none"> · Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual · Observations · Interviews PREA Coordinator · Documentation that it is on the website · Historical data since 2012 · Interview with the A/Commissioner <p data-bbox="244 703 371 732">(a) (b) (c) (d)</p> <p data-bbox="244 761 1477 1059">Office of Program Planning Research and Evaluation – PREA Data Collection, Review, Retention and Publication Manual states that the information is securely retained by the Office of Special Investigations, retained for ten years after the date of the initial collection, personal identifiers are removed before publishing on the website. Interview with the Investigators and PREA Coordinator supported that investigations are securely retained. The auditor viewed where sexual abuse/sexual harassment data is retained at the facility. No personal identifiers required redaction on the published data. The Acting Commissioner confirmed the following: There is a Program Research Specialist 3 in our Program Planning Research and Evaluation Department who is dedicated to PREA matters. All of her raw data files and her final reports are stored in restricted drives set up by the State Office of Information Technology Services (ITS). Her paper records are all stored in locked file cabinets. My copies of the final data reports and other ad hoc reports are stored in my locked office.</p> <p data-bbox="244 1088 1278 1149">The report can be retrieved at annual-report-on-sexual-victimization-2014-2018-with-2019-aggregated-data-final.pdf (ny.gov).</p> <p data-bbox="244 1178 959 1207">Based on the above, the auditor finds this standard to be in compliance.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	See comments in the narrative report.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The auditor observed 121 completed PREA audit reports on the agency website.

Appendix: Provision Findings		
115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	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
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes

115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na

115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes

115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes

115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	na
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes

115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes

115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes

115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes

115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes
115.42 (a)	Use of screening information	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b)	Use of screening information	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c)	Use of screening information	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (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.)	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.)	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.)	na
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	na
115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	Protective Custody	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e)	Protective Custody	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	yes
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	na
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	na
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	na

115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	na
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	na
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	na
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	na
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	na
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	na
115.52 (f)	Exhaustion of administrative remedies	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	na
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	na
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	na
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	na
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	na

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes

115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes

115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes

115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes

115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	na
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes

115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes

115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	na
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes

115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (f)	Audit contents and findings	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes