

PREA AUDIT REPORT Interim **X Final
ADULT PRISONS & JAILS**

Date of report: 10 February 2017

Auditor Information			
Auditor name: Marc L. Coudriet			
Address: 5630 Paradise Drive, Midlothian, TX 76065			
Email: usmc5831@ec.rr.com			
Telephone number: 910-750-9005			
Date of facility visit: 8 - 10 February 2017			
Facility Information			
Facility name: Franklin Correctional Facility			
Facility physical address: 62 Bare Hill Road, Malone, NY 12953			
Facility mailing address: <i>(if different from above)</i> P.O. Box 10, 62 Bare Hill Road, Malone, NY 12953			
Facility telephone number: 518-483-6040			
The facility is:	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Darwin LaClair			
Number of staff assigned to the facility in the last 12 months: 536			
Designed facility capacity: 1730			
Current population of facility: 1453			
Facility security levels/Offender custody levels: Medium			
Age range of the population: 18-78			
Name of PREA Compliance Manager: Denise Sauther/Frank Quimby		Title: ADS PREA Compliance/PREA Point Person	
Email address: denise.sauther@doccs.ny.gov		Telephone number: 518-483-6040 ext. 2160	
Agency Information			
Name of agency: New York State Department of Corrections and Community Supervision			
Governing authority or parent agency: <i>(if applicable)</i> Click here to enter text.			
Physical address: 1220 Washington Avenue, Albany, NY 12226-2050			
Mailing address: <i>(if different from above)</i>			
Telephone number: 518-457-8126			
Agency Chief Executive Officer			
Name: Anthony J. Annucci		Title: Commissioner (Acting)	
Email address: commissioner@doccs.ny.gov		Telephone number: 518-457-8134	
Agency-Wide PREA Coordinator			
Name: Jason D. Effman		Title: Associate Commissioner	
Email address: jason.effman@doccs.ny.gov		Telephone number: 518-457-3955	

AUDIT FINDINGS

NARRATIVE

The PREA Audit of the Franklin Correctional Facility, New York State Department of Corrections and Community Supervision, was conducted on February 8-10, 2017, by United States Department of Justice Certified PREA Auditor Marc L. Coudriet. Prior to the audit, the Franklin Correctional Facility provided the auditor with appropriate policies, procedures and facility documentation related to the standards for review. No youthful offenders or female inmates are housed at the Franklin Correctional Facility. The audit was coordinated through the American Correctional Association, Alexandria, Virginia. An entrance briefing was conducted at 11:30 a.m. with the following personnel: Superintendent Darwin LaClair; Assistant Deputy Superintendent/PREA Compliance Manager Denise Sauther; Associate Commissioner Jason Effman, Esq. and Captain Frank Quimby, PREA Point Person.

All areas of the Franklin Correctional Facility were toured including, intake, all inmate housing units, a level 01 medical area, food service, education, law library, work areas and the recreation areas. The auditor informally interviewed (52) security staff, (16) support staff, (1) Contractor and (3) inmates during the facility tour.

The PREA Resource Audit Instrument used for Adult Prisons and Jails was furnished by the National PREA Resource Center. To summarize, there are seven sections, A through G, comprised of the following: A) Pre-Audit Questionnaire; 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.

Following the protocols of making contacts, and checking on the posting of notices (posting was initiated through the American Correctional Association (ACA) and the Franklin Correctional Facility) this auditor reviewed each item on the Pre-Audit Questionnaire and additional material sent prior to discussion and the audit visit.

Assistant Deputy Superintendent/PREA Compliance Manager Denise Sauther provided the PREA standards files for preliminary review, these files were used to complete most of the information on the PREA Compliance Audit Instrument Checklist of Policies/Procedures and other documents in advance to identify additional information that might be required during the site visit. Additional information of the Franklin Correctional Facility was provided during the site visit.

The New York State Department of Corrections and Community Supervision contracted with ACA to conduct a PREA Audit of the Franklin Correctional Facility, February 8 - 10, 2017. This auditor stayed in Malone, New York and was transported to the Franklin Correctional Facility daily by New York State Department of Corrections and Community Supervision personnel. During this site visit the auditor conducted formal interviews with thirty staff (30) and forty (40) inmates. During these interviews correctional staff from all shifts, specialized staff, civilian staff, and agency level staff were interviewed. A total of ninety-nine (99) staff and (43) inmates were formally or informally interviewed during this site visit. Formal interviews were conducted utilizing the PREA questionnaires with the following facility staff: Acting Commissioner Anthony Annucci; Superintendent, PREA Compliance Manager/PREA Point Person, Human Resource Managers, one high level staff, Chaplain, Investigators, medical staff, staff who perform screening for risk of victimization and abusiveness, staff on the critical incident review team, the designated staff member charged with monitoring retaliation, intake staff, volunteers, Associate Commissioner/Agency-wide PREA Coordinator, and random staff. During the formal interviews with the inmates, (2) were disabled; (2) identified as gay/bi-sexual, (3) identified as transgender and (1) was Spanish speaking who conducted his interview with a staff translator.

The mission of the New York State Department of Corrections and Community Supervision is to improve public safety by providing a continuity of appropriate treatment services in safe and secure facilities where all inmates' needs are addressed and they are prepared for release, followed by supportive services for all parolees under community supervision to facilitate a successful completion of their sentence. The Franklin Correctional Facility Mission is the same as the Agency's mission.

SUMMARY OF AUDIT FINDINGS

Number of standards exceeded: 5

Number of standards met: 34

Number of standards not met: 0

Number of standards not applicable: 4

DESCRIPTION OF FACILITY CHARACTERISTICS

The Franklin Correctional Facility is a medium-security prison in Malone, New York, in Franklin County. Franklin Correctional Facility is located near Bare Hill Correctional Facility, a medium security prison and Upstate Correctional Facility, a maximum-security prison. All three prisons, along with other upstate facilities, provide employment in this area of the state.

Franklin Correctional prison opened in 1986. Among the programs offered to the inmates is participation in social programs to aid residents of the region. Almost every prisoner has a work assignment, either within or outside the prison. The Franklin Correctional Facility has a designed capacity of 1,730 inmates.

The Franklin Correctional Facility has two fulltime Chaplains that administers to the needs of the offender population as well as to any staff needs. Volunteer ministry services are also conducted at the Franklin Correctional Facility. The Franklin Correctional Facility has an on-site Medical Department that is staffed 24 hours daily and advanced emergency care that is available 24 hours a day at a nearby hospital, if needed. The Medical and Mental Health Program is provided by the State of New York. The Franklin Correctional Facility also has an onsite TELEMED system for medical and mental health services. Franklin Correctional Facility's medical department has (18) patient beds, (6) medical isolation rooms for communicable illnesses and 3 Quad rooms for overnight treatment.

The Franklin Correctional Facility has twenty-eight (28) housing units with a total maximum capacity of one thousand seven hundred-thirty (1730) multi-occupancy living areas and thirty-two (32) single occupancy cells for Restrictive Housing. Each of the housing Areas have three (3) living areas, Sleeping Area, Day Room with Telephones and Bathroom/Shower area.

Two chain link fences with razor wire surround the Franklin Correctional Facility. Other structures include administrative spaces, security towers, and maintenance. Security at the front gate provides control for all staff /visitor entry and exit and a rear gate for vehicle entrance. Access Control posts are located throughout the Franklin Correctional Facility and in each housing area. The Franklin Correctional Facility has electronic equipment to monitor the Franklin Correctional Facility in specific areas.

The Franklin Correctional Facility offers educational programs sponsored by the DOCCS that includes academic and vocational opportunities to eligible offenders.

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

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

DOCCS Directives 4027A and 4027B establish that coerced inmate on inmate sexual harassment, assault, and abuse and all staff on inmate sexual harassment, assault, and abuse are prohibited. An Agency Wide PREA Coordinator was appointed on March 4, 2012. This individual is an Associate Commissioner who is responsible for developing, implementing, and overseeing DOCCS efforts to comply with PREA standards throughout the DOCCS. At facility level, an Assistant Deputy Superintendent/PREA Compliance Manger will be responsible for the staff training and implementation of the PREA compliance program. Additionally, a Captain has been designated as the PREA Point Person. Staff personnel at Franklin Correctional Facility are issued a pocket card which outlines the Zero Tolerance Policy and explains how to report sexual harassment, abuse, and assault on one side of the card. The other side of the card reviews the first responder duties.

Supervisory Staff are given a PREA Overview and Quick Response Guide which covers the history of PREA, definitions of sexual harassment and abuse, incident response, and other PREA issues. Random staff who were interviewed knew clearly the Zero Tolerance Policy on sexual abuse and assault and the reporting process for PREA incidents. Zero Tolerance PREA information is also included in the Employee Manual. Inmates interviewed were aware of the DOCCS Zero Tolerance Policy on Sexual Abuse, Harassment, and Assault. This information is included in the issued Inmate handbook and they are shown the PREA Video upon arrival.

Based on observations during the tour, interviews with inmates and staff, and a review of documentation Franklin Correctional Facility has created a PREA compliant culture and exceeds this standard.

Standard 115.12 Contracting with other entities for the confinement of offenders

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

X Not Applicable - Franklin Correctional Facility does not contract for the confinement of their inmates with any private agencies or other entities.

Standard 115.13 Supervision and monitoring

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

Franklin Correctional Facility has established a staffing plan which provides for adequate levels of staffing and where applicable, video monitoring to protect inmates against sexual abuse. Franklin Correctional Facility provided their staffing plan (plot plan) to this auditor for review.

The interview with the Superintendent verified that the staffing plan was developed considering the generally acceptable correctional practices; any judicial findings, any findings of inadequacy from Federal investigative agencies, any findings of inadequacy from internal or external oversight bodies, all components of the physical plant, the inmate population, the number and placement of supervisory staff, institutional programs and the shifts they occur on applicable state or local laws or regulations, the prevalence of substantiated and unsubstantiated incidents of sexual abuse and any other relevant information. The annual review of the staffing plan took place on November 29, 2016. Any deviations from the staffing plan were documented and the reasons for the deviation noted. Intermediate and higher level staff are making unannounced rounds as required. This was verified by review of log books, Weekly Administrative Activity Reports and the Daily Security Supervisors Report. Staff are prohibited from notifying other staff that Supervisory rounds are being conducted by Directive #4001, Facility Administrative Coverage & Supervisory Rounds and the Employee Manual.

Based on my review of DOCCS Directives, the Franklin Correctional Facility staffing plan, and interviews with supervisory staff, Franklin Correctional Facility meets this standard.

Standard 115.14 Youthful Offenders

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

X Not Applicable - The Franklin Correctional Facility does not house Youthful Offenders.

Standard 115.15 Limits to cross-gender viewing and searches

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

This auditor reviewed Directive #2230, Guidelines for Assignment of Male and Female Correctional Officers, Directive #4001, Facility Administrative Coverage & Supervisory Rounds, Directive #4910 Control and Search of Contraband, the Sexual Abuse Prevention and Response Lesson Plan, HSPM 1.37 Body Cavity Searches, and HSPM 1.19 Health Appraisals and training records that show Franklin Correctional Facility has established processes to limit cross gender viewing. Franklin Correctional Facility houses only male inmates. Cross gender strip searches are required to be documented on Report of Strip Search or Strip Frisk form #1140. Only staff of the same gender may be present during a strip search.

No cross-gender strip searches or cross gender visual body cavity searches have been performed at Franklin Correctional Facility during this audit period. Staff interviewed knew that they would not search or physically examine a transgender or intersex inmate solely to determine his genital status. Inmates interviewed indicated that they are not seen fully naked by female staff.

Based on my review of DOCCS Directives, interviews with staff and inmates, Franklin Correctional Facility meets this standard.

Standard 115.16 Offenders with disabilities and Offenders who are limited English proficient

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

This auditor reviewed Directive #2612, Inmates with Sensorial Disabilities, Directive #4490, Cultural and Language Access Service, Memorandum from the Associate Commissioner/Agency PREA Coordinator about the language availability of the PREA Video, Franklin Correctional Facility Directive #0068. An inmate at Franklin in need of mental health services beyond what can be offered at the facility will be transferred to Clinton Correctional Facility or another facility with the services that can fully meet the inmate's needs.

The facility takes all necessary steps to ensure inmates with limited English proficiency have an opportunity to participate in and benefit from the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Bilingual Posters were observed throughout the facility in inmate housing units, library and law library, program areas, and medical areas. The PREA Video is available in eight languages, English, Spanish, Polish, Russian, Haitian-Creole, Italian, Chinese, and Korean. I have not seen the PREA Video or PREA Pamphlets available in this variety of languages in any of my previous audits. This is clearly above the "minimum" standard requirement. Sexual abuse prevention pamphlets are also available in multiple languages.

Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service are available to the facility for interpretation services as needed.

Based on my review of DOCCS Directives, posters, and signs throughout the facility, the multiple languages that the PREA video pamphlets are available in and interviews with staff and inmates, Franklin Correctional Facility exceeds this standard.

Standard 115.17 Hiring and promotion decisions

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

This auditor reviewed Directive #2012, Release of Employee Personnel and Payroll Information, Directive #2112, Report of Criminal Charges, Directive # 2216, Fingerprinting/Criminal History Inquiry-New Employees and Contractors, Memorandum from the Deputy Commissioner and Counsel, Division of Criminal Justice Services, Reference PREA Background Checks, and other provided memorandums and personnel forms. Franklin Correctional Facility does not hire or promote any individual who has engaged in sexual abuse in any prison, jail or lockup. Nor do they hire or promote any persons who have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force or threats or intimidation. DOCCS and Franklin Correctional Facility make its best effort to contact all prior institutional employers for information on any substantiated allegations of sexual abuse or harassment. Initial Background checks are conducted by the DOCCS Employee Investigations Unit.

The Employee Investigations Unit and Franklin Correctional Facility are immediately notified of any staff and contractors if they have been arrested. This exceeds the requirement of background checks every five years as this notification is immediate. Additionally, the employee or contractor is required to report any subsequent arrest to their immediate supervisor before reporting for duty.

Interviews were conducted with the Human Resource Manager, the Superintendent, and the PREA Point Person and these verified that Franklin Correctional Facility is following the provisions of this standard in hiring and promotion decisions.

Based on my review of DOCCS Directives, Memorandums and other provided forms, an interview with the Human Resource Manager and Superintendent, Franklin Correctional Facility meets this standard.

Standard 115.18 Upgrades to facilities and technologies

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

X Not Applicable- Franklin Correctional Facility has this policy in place; however, they have not had any renovations to this facility since August 20, 2012.

Standard 115.21 Evidence protocol and forensic medical examinations

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

This auditor reviewed Directive #4027B Sexual Abuse Reporting and Investigations which outlined a very detailed and thorough investigative process coordinated by the Office of Special Investigations which is responsible for investigating all allegations of sexual abuse or sexual assault. The Sex Crimes Division conducts these investigations. DOCCS and Franklin Correctional Facility use the New York Department of Health Protocol for the Acute Care of the Adult Patient Reporting Sexual Abuse for evidence protocols and forensic medical examinations. Also reviewed was HSPM 1.60, Sexual Assaults, which provides for the use of emergency off site healthcare, provided at no cost to the inmates.

This healthcare includes forensic examinations by SAFE/SANE nurses where appropriate. Additionally, a victim advocate will be provided, if requested, to provide emotional support. The DOCCS and the New York State Police Bureau of Criminal Investigation have a working relationship to work cooperatively in all sexual assault/abuse investigations. This auditor interviewed two investigators from the Office of the Special Investigations who normally respond to incidents of sexual abuse/sexual assault. Both were extremely knowledgeable of the sexual assault investigative process, use of the Sexual Abuse Checklist, and evidence protocols. Both had completion certificates for the National Institute of Corrections Investigating Sexual Abuse in a Confinement Setting webinar.

Based on my review of DOCCS Directives, completed case investigations, and interviews with OSI Investigator, Franklin Correctional Facility meets this standard.

Standard 115.22 Policies to ensure referrals of allegations for investigations

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

This auditor reviewed Directives #0700, Office of Special Investigations which requires that all complaints and information received relative to possible investigations be reviewed, processed, and documented; Directive #4027B, Sexual Abuse Reporting & Investigation Inmate on Inmate and Directive #4028B, Sexual Abuse Reporting & Investigation Staff on Inmate which require the Deputy Superintendent for Security to compile a Monthly Sexual Abuse/Threat Incident Summary that shall be a chronological listing of each sexual abuse or threat incident during the month. This is submitted thru the Superintendent to the Deputy Commissioner for Correctional Facilities.

Based on my review of DOCCS Directives 0700, 4027B and 4028B, the Monthly Sexual Abuse/Threat Incident Summary, and interviews with OSI Investigators, Franklin Correctional Facility meets this standard.

Standard 115.31 Employee training

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

This auditor reviewed Training Manual Subject: 0.100, Frequency Training Chart and Training Bulletin; Training Bulletin #7, PREA Sexual Abuse Prevention and Response; Training Manual Subject: 6.500, Facility Familiarization; Training Manual Subject: 6.600, Initial Employee Training/40 Hours Orientation; Memorandums on the Sexual Abuse Prevention and Response Training from the Deputy Commissioner and Associate Commissioner; and the Sexual Abuse Prevention and Response Training Lesson Plan.

New York DOCCS has been training their staff on sexual abuse prevention since 1996 when sexual relationships with inmates was criminalized. The number of hours required training for staff increased in 2015 to three hours initially, with an hour refresher every two years.

The aforementioned lesson plan is very detailed and addresses all the PREA requirements: the zero tolerance policy; the agency policy and procedures for prevention; reporting and response to a sexual assault or sexual harassment incident, and the dynamics of sexual abuse and harassment in a confinement setting; common reactions of sexual abuse and sexual harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with inmates; how to communicate effectively and professionally with inmates; and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Additional PREA training is conducted throughout the year at line up and staff meeting training. Both formal and informal interviews with staff indicate that they are well trained in Sexual Assault Prevention and Response and their duties as first responders. Staff personnel at Franklin Correctional Facility are issued a pocket card which outlines the Zero Tolerance Policy and explains how to report sexual harassment, abuse and assault on one side of the card. The other side of the card reviews the first responder duties.

Supervisory Staff are given a PREA Overview and Quick Response Guide which covers the history of PREA, definitions of sexual harassment and abuse, incident response, and other PREA issues. Random staff who were interviewed knew clearly the Zero Tolerance Policy on sexual abuse and assault and the reporting process for PREA incidents.

Based on my review of the Training Manual Subjects listed above, a review of the Sexual Abuse Prevention and Response Lesson Plan and interviews with both line staff and supervisory staff, Franklin Correctional Facility exceeds this standard.

Standard 115.32 Volunteer and contractor training

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

This auditor reviewed Directive #4027A Sexual Abuse Prevention and Intervention Inmate on inmate, Directive #4028A Sexual Abuse Prevention and Intervention Staff on Inmate and Directive #4750 Volunteer Services Program which address the requirement for volunteer and contractor orientation, training and acknowledgement that they understand the training. All contractors and volunteers who have contact with inmates at the Franklin Correctional Facility receive PREA training prior to assuming their responsibilities.

This orientation training includes the agency's policy and procedures regarding sexual abuse and sexual harassment prevention, detention, reporting, and response including zero tolerance. Upon completion, they acknowledge this training through a written quiz and signed acknowledgement page. Franklin Correctional Facility Volunteer and Contractor training records were reviewed and they indicated that the training was presented and that it was understood. Franklin Correctional Facility had contractors currently working at this facility for repairs. During this site audit the contractor interviewed confirmed they all received the necessary PREA training, prior to conducting any services or coming in contact with inmates.

Based on my review of Directives #4027A and #4750, a review volunteer and contractor training records and interviewing the contractors on site, Franklin Correctional Facility meets this standard.

Standard 115.33 Offender Education

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

This auditor reviewed Directives #4021, Offender Reception/Classification; #4027A. Sexual Abuse Prevention & Intervention, Various Memorandums from the Deputy Commissioner and the Associate Commissioner about Inmate Orientation Film Implementation, New and Updated PREA Materials, Reasonable Accommodations Information; the Inmate Orientation Outline, and completed PREA Risk Screening Forms.

When inmates arrive at Franklin Correctional Facility they receive an Inmate Orientation Manual and a pamphlet "The Prevention of Sexual Abuse in Prison." These materials cover the agency's zero tolerance policy and how to report incidents. These pamphlets are primarily in English and Spanish but they are also available in Polish, Russian, Haitian-Creole, Italian, Chinese and Korean.

Audio tapes, cassettes tapes, and CD's are available to the visually impaired. Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service are available to the facility for interpretation services as needed.

Within seven days following arrival at Franklin Correctional Facility, inmates participate in an orientation program that includes a comprehensive PREA education session consisting of a video and staff-led discussion. The PREA Video is available in eight languages, English, Spanish, Polish Russian, Haitian-Creole, Italian, Chinese and Korean. I have not seen the PREA Video or PREA Pamphlets available in this variety of languages in any of my previous audits. This is clearly above the "minimum" standard requirement. Sexual abuse prevention pamphlets are also available in multiple languages.

Inmates assigned to Franklin Correctional Facility prior to the implementation of the PREA Standards, were required to see the PREA Video no later than August 14, 2015, in accordance with DOCCS directions. Formal and informal inmate interviews conducted throughout the course of the on-site audit indicated that they were knowledgeable of the Zero Tolerance Policy and how to report an incident if it occurred.

Based on my review of the above Directives, Memorandums and Intake Screening Forms, observations and interviews with inmates, Franklin Correctional Facility exceeds this standard.

Standard 115.34 Specialized training: Investigations

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

This auditor reviewed OSI Policy and Procedure, Training Requirements for Sex Crimes investigators; Power Point Presentation Excerpt; PREA Specialized Training; Investigations; and Power Point Presentation Excerpt: Sexual Abuse Investigations and PREA. OSI Sex Crimes Unit Investigators are required to complete the following training curriculum Specialized Training: Investigations, OSI Overview Training, NIC PREA Investigating Sexual Abuse in a Confinement Setting, and Evidence Collection Training, and Sexual Abuse Investigations and PREA. Additionally, these investigators complete all annual training required of all DOCCS staff. Both investigators interviewed during the on-site audit had completed multiple training courses including the NIC PREA Investigating Sexual Abuse in a Confinement Setting. There are currently twenty-two OSI Sex Crimes Investigators in DOCCS. These investigators are not assigned to a specific facility but respond as needed.

Based on my review of the above policies, and power point presentation excerpts, and the interview with OSI Investigators, Franklin Correctional Facility meets this standard.

Standard 115.35 Specialized training: Medical and mental health care

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

This auditor has reviewed the Office of Mental Health Memorandum of Understanding with DOCCS; Directive 4750, Volunteer Services Program; Power Point Presentation: PREA: Medical and Mental Health Care HSPM 1.60 and PREA Standards; Training Manual Subject: 6.600 Initial Employee Training/40 Hour Orientation; Franklin Correctional Facility Medical and Mental Health Staff Training Documentation. All full and part time medical and mental health staff are required to complete all training outlined in this standard.

The training required includes how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and who to report allegations or suspicions of sexual abuse and sexual harassment. Office of Mental Health staff who work at Franklin Correctional Facility are covered by the MOU with the DOCCS in regards to receiving the required PREA training. Training was verified by review of sign in sheet.

Interviews with medical and mental health staff indicate that they are knowledgeable of their duties and responsibilities under PREA and know how to properly respond to or report an allegation of sexual abuse or assault. No forensic medical exams are conducted at Franklin Correctional Facility but can provide emergency medical healthcare if needed. Forensic examinations by SANE/SAFE staff are provided at the outside hospital, Alyce Hyde Hospital in Malone, NY; approximately 5 miles from the Franklin Correctional Facility. There is an alternate SANE/SAFE hospital that can be used if they cannot make it to Alyce Hyde Hospital for any reason. These services are at no cost to the inmate.

Based on my review of the Memorandum of Understanding, Training Manual, Power Point Presentation, sign in sheets completed by medical and mental health staff and staff interviews, Franklin Correctional Facility meets this standard.

Standard 115.41 Screening for risk of victimization and abusiveness

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

This auditor has reviewed Directive #4027A, Sexual Abuse Prevention and Intervention; PREA Risk Screening Form, FM 115.41M; Memorandum from Deputy Commissioners, New Procedure Necessitated by Directive #4027A; Memorandum from Associate Commissioner and Assistant Commissioner, New/Revised Other Security Characteristics regarding Sexual Orientation and Gender Identity. Initial assessment is conducted of all newly confined inmates at the reception center. This initial assessment is available to staff at receiving institutions and will alert them to any PREA issues involved with transferring inmates.

Franklin Correctional Facility intake staff complete the FM 115.41M on all arriving inmates within the required 72 hours. The screening form include questions regarding mental, physical, and developmental disabilities; age of the inmate; physical build of the inmate; whether the inmate has been previously incarcerated; whether the inmate's criminal history is exclusively nonviolent; whether the inmate has prior convictions against an adult or child; whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether or not the inmate has previously experienced sexual victimization; and the inmate's own perception of vulnerability. The Form Other Security Characteristics regarding Sexual Orientation and Gender Identity is used depending on the inmates' answers to specific questions.

The Offender Rehabilitation Coordinators will reassess the inmate's risks of victimization and abusiveness within 21 working days. Reassessment of inmate's risk level occur when warranted by a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization. Quarterly reviews are conducted with the inmate to determine if there are any changes as part of the caseload reviews with the guidance staff. As part of the quarterly caseload reviews, the staff member will review the inmate disciplinary history and any notes in the inmate's files prior to the meeting. During the inmate, initial medical examination at the facility, additional questions are asked regarding sexual abuse history.

Based on my review of Directive #4027A, Sexual Abuse Prevention and Intervention; PREA Risk Screening Form, FM 115.41M; Memorandum from Deputy Commissioners, New Procedure Necessitated by Directive #4027A; Memorandum from Associate Commissioner and Assistant Commissioner, New/Revised Other Security Characteristics regarding Sexual Orientation and Gender Identity, interviews with Franklin Correctional Facility intake and medical and mental health staff, Franklin Correctional Facility meets this standard.

Standard 115.42 Use of screening information

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

This auditor has reviewed Directive #4009, Minimum Provisions for Health and Morale; Directive #4027A, Sexual Abuse Prevention and Intervention; Directive #4001, Guidance and Counseling Services, Memorandums from Deputy Commissioners, New Procedures Necessitated by Directive #4027A; and PREA Risk Screening Forms. Franklin Correctional Facility does not house gay, bisexual, transgender or intersex inmates in dedicated units.

Housing is determined on a case by case basis with the inmate's own view with respect to their own safety given serious consideration. Placement and programming assignments for each transgender, or intersex inmate is reassessed at least twice each year per Directive #4401. In accordance with Directive #4009, transgender and intersex inmates may request to shower separately from other inmates. Information collected from the PREA Risk Screening form, intake assessments are available on a "need to know" only basis to staff.

Based on my review of Directive #4009, Minimum Provisions for Health and Morale; Directive #4027A, Sexual Abuse Prevention and Intervention and Directive #4001, Guidance and Counseling Services, observations and interviews with inmates and medical, mental health and security staff, Franklin Correctional Facility meets this standard.

Standard 115.43 Protective custody

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

This auditor has reviewed Directive #4948, Protective Custody Status which clearly spells out the process for involuntary placement of 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. Inmates placed in Segregation must be reviewed every 30 days. No inmates have been placed in involuntary segregated housing due to being deemed at high risk for sexual victimization in the past twelve months at Franklin Correctional Facility. Franklin Correctional Facility does have dedicated Special Housing Unit staff and the supervisors and staff are aware of their duties and responsibilities under this standard if an inmate needs to be temporarily housed in the Special Housing Unit.

Based on my review of Directive #4948, Protective Custody Status and interviews with staff, Franklin Correctional Facility meets this standard.

Standard 115.51 Offender reporting

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

This auditor has reviewed the Employee Manual, Section-2.20; Directive #4027A, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028A, Sexual Abuse Prevention and Intervention, Staff on Inmate; the Sexual Abuse Prevention and Response Lesson Plan; The Prevention of Sexual Abuse in Prison, What Inmates Need PREA Audit Report to Know Pamphlet and the letter from the Chairman of the State Commission of Corrections to the DOCCS Acting Commissioner. Multiple procedures, internally and externally, have been established to allow inmates to report sexual abuse and assault. Inmates receive a copy of The Prevention of Sexual Abuse in Prison, What Inmates Need to Know Pamphlet, at intake which tells the inmate they can contact any staff member or the DOCCS Office of Special Investigation to report sexual abuse or assault internally.

Additionally, there are posters throughout the facility which also tell the inmate the reporting options. To report to an external organization, inmates can contact the New York State Commission of Corrections. Reports to the New York State Commission of Correction may be made confidentially and remain anonymous upon request. The New York State Commission of Correction immediately forwards any reports of sexual abuse and sexual harassment to the OSI for investigation.

Inmates may also report allegations to third parties who in turn would contact the DOCCS concerning the allegations. All allegations, including anonymous allegations, are investigated. Even though Franklin Correctional Facility does not house inmates solely for civil immigration offenses, consular official contact information is available in the library and the legal library. Inmates interviewed indicated they were familiar with the various ways to report sexual abuse or assault information.

The PREA pocket card given to all staff explains how staff can privately report sexual abuse or assault allegations to OSI Sex Crimes Division. Staff interviewed were familiar with the methods to report sexual abuse or assault. They knew that inmates could report sexual assault or abuse allegations verbally or in writing.

Based on my review of the Employee Manual, Directive #4027A, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028A, Sexual Abuse Prevention and Intervention, Staff on Inmate; the Sexual Abuse Prevention and Response Lesson Plan; The Prevention of Sexual Abuse in Prison Pamphlet, observations and interviews with staff and inmates, Franklin Correctional Facility meets this standard.

Standard 115.52 Exhaustion of administrative remedies

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

X Not Applicable - Directive #4040, Inmate Grievance Program states that an inmate is not required to submit a grievance to report sexual assault or abuse. If a grievance is filed it is deemed exhausted upon filing with regards to the Prison Litigation Reform Act. Grievance so filed would be removed from the grievance process and given to the Watch Commander for review and further processing in accordance with the agency's PREA policies. The Watch Commander does not investigate the allegation, but he or she would be responsible for further reporting and coordination with OSI.

Standard 115.53 Offender access to outside confidential support services

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

This auditor has reviewed Directive #4404, Inmate Legal Visits; Directive #4421, Privileged Correspondence; Directive #4423, Inmate Telephone Calls; the Memorandum from the Associate Commissioner: Just Detention International Resource Guide and the Franklin Correctional Facility Inmate Orientation Manual. The Inmate Orientation Manual contains detailed information concerning how inmates can access outside confidential support services.

The New York Resource Guide prepared by Just Detention International is available in the library, the law library and at Transitional Services. This guide contains a detailed list of programs that can provide services to address needs related to sexual abuse. Inmates can add the phone number to Rape Crisis Center to their authorized phone list by submitting a request to their assigned counselor. Inmates have been informed by memorandum previously that conversations with representatives of Rape Crisis Programs are confidential and information can only be shared with the department if the inmate authorizes it. Inmates can correspond with Rape Crisis Center as privilege correspondence or "legal" mail and victim advocates can visit and have the same privileges as an attorney visit. Staff can assist with "legal" calls with rape crisis program providers and these calls will not be monitored as they are considered confidential.

Based on my review of Directive #4404, Inmate Legal Visits; Directive #4421, Privileged Correspondence; Directive #4423, Inmate Telephone Calls; the Memorandum from the Associate Commissioner: Just Detention International Resource Guide; the Franklin Correctional Facility Inmate Orientation Manual, observations and interviews with inmates and staff, Franklin Correctional Facility meets this standard.

Standard 115.54 Third-party reporting

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

This auditor reviewed the New York DOCCS website and verified that it contains information under the PREA link on third party reporting of alleged PREA incidents. The information on the web site encourages third parties to report allegations to the facility Superintendent, Watch Commander, PREA Coordinator or the OSI. This information is included in the Prevention of Sexual Abuse in Prison Pamphlet which is provided to each inmate. This information is posted throughout the facility and available in the law library and library.

Based on this information and my observations during the tour, Franklin Correctional Facility meets this standard.

Standard 115.61 Staff and agency reporting duties

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

This auditor has reviewed the Employee Manual Section -2.20; Directive #0700, Office of Special Investigations; Directive #4027A, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028A, Sexual Abuse Prevention and Intervention, Staff on Inmate; the Memorandum from Associate Commissioner, Sexual Abuse Response and Containment Checklist; and the Office of Mental Health (OMH) Memorandum of Understanding. The Employee Manual and the above Directives require that all staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. It also states that staff are not to reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. Staff are prohibited from discussing this information with any staff that do not have an official "need to know".

All allegations of sexual abuse, including third party reporting are referred to OSI Sex Crimes Unit for investigation. The Sexual Abuse Response and Containment Checklist provides for a systematic method to ensure all steps in the initial investigation and notification process are completed and documented. The PREA pocket cards given to staff which outlines the steps taken as the first responder, how to report sexual abuse allegations and how to privately report those allegations to OSI if needed. The OMH Memorandum of Understanding with DOCCS outlines the staff reporting responsibilities regarding allegations of sexual abuse. Interviews with random and Specialized staff indicated that they were familiar with their reporting responsibilities and how to report any allegations or suspicions of sexual abuse, assault, or harassment immediately.

Based on my review of the Employee Manual Section -2.20; Directive #0700, Office of Special Investigations; Directive #4027A, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028A, Sexual Abuse Prevention and Intervention, Staff on Inmate; the Memorandum from Associate Commissioner, Sexual Abuse Response and Containment Checklist; and the Office of Mental Health (OMH) Memorandum of Understanding, interviews with random and specialized staff, Franklin Correctional Facility meets this standard.

Standard 115.62 Agency protection duties

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

This auditor reviewed Directive #4040, Inmate Grievance Program; Directive #4948, Protective Custody Status and Directive #4027A Sexual Abuse Prevention and Intervention Inmate and Inmate and #4028A Sexual Abuse Prevention and Intervention Staff and Inmate; and Franklin Correctional Facility specific documentation.

The PREA Pocket card given to all staff clearly states the first duty is to separate and isolate potential victims, abusers or witnesses. Additionally, Directives #4027A and #4028A require that immediate action be taken by staff to protect any inmate subject to sexual abuse. All staff interviewed knew the first step was to immediately isolate and protect potential victims of sexual abuse. In the past twelve months, there were no reported instances where inmates had told staff that they were at substantial risk of imminent sexual abuse.

Based on my review of Directive #4040, Inmate Grievance Program; Directive #4948, Protective Custody Status and Directive #4027A Sexual Abuse Prevention and Intervention Inmate and Inmate, and #4028A Sexual Abuse Prevention and Intervention Staff and Inmate, and Franklin Correctional Facility specific documentation and the fact that there were no reported instances where inmates claimed to be at imminent risk, Franklin Correctional Facility meets this standard.

Standard 115.63 Reporting to other confinement facilities

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

This auditor reviewed the Memorandum for the Associate Commissioner, Reporting to Other Confinement Facilities and Form 115.63 Report of Sexual Abuse. DOCCS has clearly established procedures to follow in the event of receiving an allegation from another facility or how to report to another facility that an allegation has been made that an inmate was sexually assaulted or abused.

Notification is made electronically by the Superintendent of one institution to the Superintendent of the other institution. OSI Sex Crimes Unit must also be notified so that an investigation can be initiated. Allegations will also be recorded in the Sexual Abuse/Threat Incident Log. Specialized staff and the Superintendent were knowledgeable of their roles if an allegation is received.

During this audit period, there was one allegation received from another facility that an inmate had been sexually abused/assaulted while at Franklin Correctional Facility several years earlier. A review of the documentation indicates that proper steps were taken and OSI notified.

Based on my review of the Memorandum for the Associate Commissioner, Reporting to Other Confinement Facilities; Form 115.63 Report of Sexual Abuse, interviews with the Superintendent and Specialized staff and a review of the provided documentations, Franklin Correctional Facility meets this standard.

Standard 115.64 Staff first responder duties

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

This auditor has reviewed Directive #4027B, Sexual Abuse Reporting and Investigations, Inmate on Inmate; Directive # 4028B, Sexual Abuse Reporting and Investigation, Staff on Inmate; Memorandum from the Associate Commissioner, PREA Coordinated Response Plan, Sexual Abuse Response and Containment Checklist; and Memorandum from Deputy Commissioner/Chief Medical Officer and Associate Commissioner, Response to Inmate Sexual Activity and the Sexual Abuse Prevention and Response Lesson Plan. Staff are required by multiple DOC CS directives to immediately report any knowledge, suspicion, or information regarding any instance of sexual assault/abuse.

The PREA pocket card has been given to staff, and it outlines the first responder's steps to separate the alleged victim and abuser; preserve and protect the crime scene; and request the alleged victim and alleged abuser take no action to destroy evidence. The responding staff is to immediately notify their immediate supervisor and the Watch Commander. The Watch Commander will make further notifications to the Superintendent, medical, mental health, and OSI, as noted on the Sexual Abuse and Containment Checklist. Interviews were conducted with OSI Investigators, higher and intermediate level supervisors, and random staff. It was demonstrated that staff were knowledgeable in the steps as first responder. All staff are considered first responders.

Based on my review of Directive #4027B, Sexual Abuse Reporting and Investigations; Directive # 4028B, Sexual Abuse Reporting and Investigation; Memorandum from the Associate Commissioner, PREA Coordinated Response Plan, Sexual Abuse Response and Containment Checklist; Memorandum from Deputy Commissioner/Chief Medical Officer and Associate Commissioner, Response to Inmate Sexual Activity and the Sexual Abuse Prevention and Response Lesson Plan, interviews with supervisory and line staff, Franklin Correctional Facility exceeds this standard.

Standard 115.65 Coordinated response

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

This auditor reviewed the Memorandum from the Associate Commissioner, PREA Coordinated Response Plan and the Franklin Correctional Facility Form 2006, Coordinated Response Plan to an Incident of Inmate Sexual Abuse. Franklin Correctional Facility's written institutional plan is in their Facility's Operational Manual #423 Coordinated Response Plan to an Incident of Inmate Sexual Abuse.

This plan coordinates the actions taken in response to an incident of sexual abuse among first responders, security, medical and mental health practitioners, OSI, facility leadership, and victim advocates. A checklist, Sexual Abuser Response and Containment Checklist Form, is utilized to ensure all steps are properly completed and appropriate notifications are made in a timely manner. Interviews with staff indicate that each area is aware of their specific responsibilities under this plan.

Based on the above, Franklin Correctional Facility meets this standard.

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

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

This auditor has reviewed Directive #2110, Employee discipline, Suspension from Duty During Continuation of Disciplinary Proceedings; Directive #2114, Functions of the Bureau of Labor; Union Contracts continuation after Expiration –Taylor Law Triborough Amendment and Duration of Agreements on various Bargaining Units. DOCCS has not entered or renewed any collective bargaining agreements since August 20, 2012.

The state has state union contracts with: Administrative Services Unit; Institutional Services Unit; Operational Services Unit; Security Services Unit; Professional, Scientific, and Technical Services Unit, and Security Supervisors Unit. DOCCS union contracts allow removing alleged staff sexual abusers from contact with inmates pending the outcome of the investigations or of a determination of whether and to what extent discipline is warranted. The facility can remove alleged staff sexual abusers from contact with any inmates or place an employee on administrative leave pending the outcome of an investigation. The interview with the Superintendent verifies that there are no restrictions from removing an employee from inmate contact during an investigation. Documentation would be retained in the individual’s personnel file if the allegation was substantiated and removed from the file if not substantiated.

Based on my review of reviewed Directive #2110, Employee discipline, Suspension from Duty During Continuation of Disciplinary Proceedings; Directive #2114, Functions of the Bureau of Labor; Union Contracts continuation after Expiration –Taylor Law Triborough amendment and Duration of Agreements on various Bargaining Units and interview with the Superintendent, Franklin Correctional Facility meets this standard.

Standard 115.67 Agency protection against retaliation

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

This auditor has reviewed the Employee Manual 2.19; Memorandum from the Associate Commissioner, Agency Protection against Retaliation, PREA Standard 115.67; and Completed PREA Retaliation Monitoring Forms 115.67. Franklin Correctional Facility has designated one Assistant Deputy Superintendent/PREA Compliance Manager and the PREA Point Person as the designated staff members who monitor retaliation. Monitoring will include a review of any new disciplinary reports, program changes, housing changes, and any other pertinent information. My interview with the responsible senior staff members indicated that they are knowledgeable of these duties. They track inmates by use of a spread sheet and completes the PREA Retaliation Monitoring Form on each inmate being monitored. They know that they can monitor inmates if necessary, though normally monitoring will not extend beyond 90 days.

Based on my review of the Employee Manual 2.19; Memorandum from the Associate Commissioner, Agency Protection against Retaliation, PREA Standard 115.67; PREA Retaliation Monitoring Forms 115.67 and interview with the Deputy Superintendent Security, Franklin Correctional Facility meets this standard.

Standard 115.68 Post-allegation protective custody

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

This auditor has reviewed Directive# 4948, Protective Custody Status. This Directive prohibits the placement of inmates who alleged to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Inmates that are placed in protective custody on this basis shall have access to programs privileges, education, and work opportunities in accordance with PREA Standard 115.43. If an inmate is placed in involuntary protective custody; his status is reviewed every thirty days. There were no inmates who alleged sexual abuse or were victims of sexual abuse held in involuntary segregation housing in the past twelve months.

Based on my review of the directives and supporting documentation, Franklin Correctional Facility meets this standard.

Standard 115.71 Criminal and administrative agency investigations

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

This auditor reviewed New York Criminal Procedure Law 160.45 Polygraph Test: prohibitions; Directive #0700 Office of Special Investigations; Directive #2011, Disposition of Department Records; OSI Policy & Procedure: Training Requirements for Sex Crime Investigators; OSI Policy & Procedure; Intake and Case Management Unit; OSI Sex Crimes Unit Dispatch and Operational Guidelines, Inmate on Inmate Sexual Abuse; OSI Sex Crimes Unit Dispatch and Operational Guidelines, Staff on Inmate Sexual Abuse; Power Point Presentation: PREA Specialized Training; Letter to the Acting Commissioner from Superintendent New York State Police.

DOCCS OSI Sex Crimes Unit has primary jurisdiction to investigate initial allegations of inmate sexual abuse occurring within Franklin Correctional Facility. They work cooperatively with the New York State Police in investigating criminal misconduct. A review of closed investigations and interviews with two OSI Investigators indicate that they follow a uniform evidence protocol to investigate sexual abuse and sexual harassments. Sexual investigations are conducted promptly, early, and objectively including third party and anonymous reports, and the use of investigators who have been specially trained in sexual abuse investigation. Both investigators had completed multiple training courses including the NIC PREA Investigating Sexual Abuse in a Confinement Setting webinar in accordance with standard 115.34 and explained the investigative process clearly. They explained that they had a sound working relationship with the New York State Police concerning inmate sexual abuse incidents. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as an inmate or staff.

Inmates who allege sexual abuse are not required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Additionally, the departure of the alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation.

Based on my review of New York Criminal Procedure Law 160.45 Polygraph Test: prohibitions; Directive #0700 Office of Special Investigations; Directive #2011, Disposition of Department Records; OSI Policy & Procedure: Training Requirements for Sex Crime Investigators; OSI Policy & Procedure; Intake and Case management Unit; OSI Sex Crimes Unit Dispatch and Operational Guidelines, Inmate on Inmate Sexual Abuse; Sex Crimes Unit Dispatch and Operational Guidelines, Staff on Inmate Sexual Abuse; Power Point Presentation: PREA Specialized Training; Letter to the Acting Commissioner from Superintendent New York State Police, interviews with OSI investigator and review of closed investigations, Franklin Correctional Facility meets this standard.

Standard 115.72 Evidentiary standard for administrative investigations

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

This auditor has reviewed the Memorandum from Deputy Chief of Investigations: Sex Crimes Division Close out Procedures and the Power Point Presentation Excerpt: PREA Specialized Training: Investigation which clearly states no standard greater than a preponderance of the evidence for determining whether allegations of sexual abuse or harassment are substantiated. This was confirmed during my interview with two OSI investigators.

Based on my review of the directives and supporting documentation, Franklin Correctional Facility meets this standard.

Standard 115.73 Reporting to Offenders

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

This auditor has reviewed the Memorandum from Chief, Office of Special Investigations, Notification of Investigative Determination; the Memorandum from the Deputy Chief of Special Investigations and Sex Crimes Division Close Out Procedures. All inmates who make allegations of sexual abuse shall be informed whether the allegations have been substantiated, unsubstantiated, or unfounded.

The OSI investigator is to notify the inmate in person if the outcome of the investigation is determined to be substantiated or unsubstantiated. This notification is documented in the investigative file. For cases that are unfounded, this notification will be made by the facility. All notifications are documented. An inmate who makes allegations that the sexual abuse was perpetrated by a staff member shall be notified of the status of the staff member to include whether the staff member is no longer posted within the inmate's unit, the staff member is no longer employed at the facility, the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility, and/or the agency learns the staff member has been convicted on a charge related to sexual abuse within the facility. If the allegation was sexual abuse by another inmate, the facility informs the inmate whether the alleged abuser has been indicted on a charge related to sexual abuse within the facility and/or convicted on a charge related to sexual abuse within the facility.

Interviews with the Superintendent and OSI investigators verified that the facility is following the documented procedures. During the past twelve months, no notifications were made to inmates at Franklin Correctional Facility.

Based on my review of the Memorandum from Chief, Office of Special Investigations, Notification of Investigative Determination; the Memorandum from the Deputy Chief of Special Investigations and Sex Crimes Division Close Out Procedures; interview with the Superintendent and interviews with the OSI Investigators, Franklin Correctional Facility meets this standard.

Standard 115.76 Disciplinary sanctions for staff

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

This auditor has reviewed Directive #2110, Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings; Directive #2111, Report of Employee Misconduct; Directive #2605, Sexual harassment in the workplace; Directive # 4028B Sexual Abuse Prevention and Intervention, Staff on Inmate; Directive # 4028A, Sexual Abuse Prevention and Intervention, Inmate on Inmate; and Memorandum from the Deputy Commissioner for Administrative Services, Prison Rape Elimination Act Presumptive Disciplinary Sanctions for Staff Sexual Misconduct.

These Directives address all elements in this standard. Staff who are involved in sexual abuse, sexual harassment, or voyeurism with an inmate will be prosecuted fully allowed by law. Termination is the presumptive disciplinary sanction for staff who have committed sexual abuse of an inmate. These directives also provide disciplinary sanctions for violations of the agency's policies relating to sexual abuse or sexual harassment 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. Staff who would have been terminated if not for their resignation will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past twelve months, there have been no terminations or discipline imposed on any staff member for sexual abuse or sexual harassment.

Based on my review of the above listed Directives and Memorandum, Franklin Correctional Facility meets this standard.

Standard 115.77 Corrective action for contractors and volunteers

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

This auditor reviewed Directive #4750 Volunteer Service Program, Memorandum from the Acting Commissioner reference the Policy on the Prevention of Sexual Abuse of Offenders, and OSI Reporting of Misconduct to Outside Agencies. These documents prohibit contractors or volunteers who engaged in sexual abuse to have contact with inmates and require they be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Interviews verified that volunteers and contractors were knowledgeable of these directives and policy. There have been no instances in the past twelve months involving contractors or volunteers being accused of PREA violations with inmates.

Based on my review of the above Directives and Memorandum, Franklin Correctional Facility meets this standard.

Standard 115.78 Disciplinary sanctions for Offenders

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

This auditor has reviewed Directive #4027A Sexual Abuse Prevention and Intervention Inmate on Inmate; Directive #4028A Sexual Abuse Prevention and Intervention, Staff on Inmate; Directive #4932, Chapter V, Standards Behavior and Allowances; Memorandum from Deputy Commissioner, Disciplinary Disposition Guidelines; and Sex Offender Counseling and Treatment Program Guidelines. Directive #4027A and the above reference memorandum outline disciplinary sanctions for inmates for sexual abuse and sexual harassment.

Inmates are subject to disciplinary sanctions imposed by a formal disciplinary process following administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Additionally, it shall be determined whether the inmate's mental disabilities or mental illness contributed to his behavior. Rule violation, tier levels (I, II, III), types of misbehavior, and confinement time clearly indicating a formal disciplinary process resulting in administrative findings are spelled out in the Guidelines for Disciplinary Disposition.

DOCCS directives prohibit all sexual activity between inmates to include consensual sexual activity and will process discipline on inmates, but will not consider it sexual abuse. An inmate may be disciplined for sexual conduct with staff only upon finding that the staff did not consent to such contact. The directives state an inmate reporting a sexual abuse in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the investigation does not establish sufficient evidence to substantiate the allegation for purposes of disciplinary action. In the past twelve months, there were no administrative findings of inmate on inmate sexual abuse. There was no criminal finding of guilty for inmate on inmate sexual abuse.

Based on my review of reviewed Directive #4027A Sexual Abuse Prevention and Intervention Inmate on Inmate; Directive #4028A Sexual Abuse Prevention and Intervention, Staff on Inmate; Directive #4932, Chapter V, Standards Behavior and Allowances; Memorandum from Deputy Commissioner, Disciplinary Disposition Guidelines; and Sex Offender Counseling and Treatment Program Guidelines, Franklin Correctional Facility meets this standard.

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

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

This auditor has reviewed Directive #4301, Mental Health Satellite Services and Commitments to CNYPC & Mental Health Referral Form 3150; HSPM 1.44, Health Screening for Inmates; Memorandum from Deputy Commissioner/Chief Medical Officer, Health Screening Forms 3278RC & 3278 TR; and the Memorandum of Understanding between the Department of Mental Health and the New York DOCCS. Directive #4301 requires all medical and mental health follow-up within fourteen days for those inmates who disclosed during screening prior sexual victimization or previously perpetrated sexual abuse whether it occurred in an institutional setting or in the community.

At the initial intake inmate screening, if the inmate has disclosed prior sexual victimization and/or previously perpetrated sexual abuse, the inmate is referred for medical and mental health services. Additionally, routine medical and mental health referrals will be seen within 14 days. This was verified by interviews with medical and mental health staff. All information about sexual victimization or abusiveness is strictly limited to medical and mental health staff and other staff as needed.

Medical Screening information is shared with appropriate staff, as needed, to make housing, bed, work, education, and program assignments. Informed consents are obtained before reporting prior sexual victimization that did not occur in an institutional setting. Inmate interviews confirmed that medical and mental health services are available as needed.

Based on my review of Directive #4301, Mental Health Satellite Services and Commitments to CNYPC & Mental Health Referral Form 3150; HSPM 1.44, Health Screening for Inmates; Memorandum from Deputy Commissioner/Chief Medical Officer, Health Screening Forms 3278RC & 3278 TR; and Memorandum of Understanding between the Department of Mental Health and the New York DOCCS, interviews with medical and mental health staff and inmate interviews, Franklin Correctional Facility meets this standard.

Standard 115.82 Access to emergency medical and mental health services

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

This auditor has reviewed Directive #4027 B, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028B, Sexual Abuse Prevention and Intervention, Staff on Inmate; and HSPM 1.60, Sexual Assaults, SAFE/SANE hospitals. The above referenced Directives and Policy require that inmates who are victims of sexual abuse be afforded access to forensic medical examinations at an outside facility without financial cost where evidentiary or medically appropriate. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners per their professional judgment.

Forensic exams are not conducted onsite. If needed, the inmate would be taken to an offsite hospital for the exam. HSPM 1.60, list all the available hospitals in the commuting area that have SAFE/SANE nurses available. These exams would be conducted at no cost to the inmate. Franklin Correctional Facility has a Medical Level 01 Unit onsite and emergency medical attention for inmates are provided on site, if possible. As with all significant incidents, the Watch Commander would initiate notifications to the necessary parties, including medical and mental health for all sexual abuse/assault incidents. Interviews with medical and mental health staff, and supervisory security staff verified that this process is in accordance with policy. Inmate interviews verified that emergency medical and mental health treatment is available to them as needed and at no cost.

Based on my review of Directive #4027 B, Sexual Abuse Prevention and Intervention, Inmate on Inmate; Directive #4028B, Sexual Abuse Prevention and Intervention, Staff on Inmate; HSPM 1.60, Sexual Assaults, SAFE/SANE hospitals, interviews with security, medical and mental health staff and inmates, Franklin Correctional Facility meets this standard.

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

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

This auditor has reviewed HSPM#1.44, Health Screening of Inmates; HSPM1.12B Inmate Blood borne Pathogens Significant Exposure Protocol; HSPM#1.60 Sexual Assault, and the Office of Mental Health Memorandum of Understanding with the New York DOCCS.

These policies address all elements of the standards. Section (d) & (e) of this standard are non-applicable as Franklin Correctional Facility houses only male inmates. Medical and mental treatment including evaluations, ongoing care, and treatment to all inmates that have been identified as victims and/or abusers are provided at no cost to the inmates and are consistent with the community level of care.

Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Interviews with medical and medical health staff, inmates, and file reviews verify and document the process.

Based on my review of HSPM#1.44, Health Screening of Inmates; HSPM1.12B Inmate Blood borne Pathogens Significant Exposure Protocol; HSPM#1.60 Sexual Assault, and the Office of Mental Health Memorandum of Understanding with the New York DOCCS, interviews with medical and mental health staff and interviews with inmates, Franklin Correctional Facility meets this standard.

Standard 115.86 Sexual abuse incident reviews

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

This auditor has reviewed the Memorandum from the Deputy Commissioner and the Associate Commissioner, Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits.

This memorandum requires that a sexual abuse incident review must be conducted within 30 days of the conclusion of the investigation, unless the allegation is deemed to be unfounded. The Assistant Deputy Superintendent/PREA Compliance Manger will normally chair the Incident Review Team. The PREA Point Person will normally be the Security representative to the team and a third member designated by the Superintendent. Input will also be obtained from the investigator, area sergeant, crisis invention team, mental health, medical, and others as deemed appropriate to complete the review.

The team completes the Sexual Abuse Response and Containment Checklist and considers whether the allegation or investigation indicate a need to change policy or practice to better detect, or respond to sexual abuse; 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 affliction, or was motivated or otherwise caused by other group dynamics at the facility; an examination of the area in the facility where the incident alleged occurred to assess whether physical barriers in the area may enable abuse; an assessment of the adequacy of staffing levels in that area during different shifts; and an assessment as to whether monitoring technology should be deployed or augmented to supplement supervision by staff. Upon completion of the report it is forwarded to the Superintendent, Facility PREA Compliance Manager, and Agency PREA Coordinator for review. The facility shall implement recommendations that result from the review, or document the reasons for not making the implementations.

Based on my review of Memorandum from the Deputy Commissioner and the Associate Commissioner, Prison Rape Elimination Act Procedural Enhancements Sexual Abuse Response and Containment Checklist; Sexual Abuse Incident Reviews and Security Staffing Audits, interviews with the Superintendent and the PREA Point Person, Franklin Correctional Facility meets this standard.

Standard 115.87 Data collection

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

This auditor reviewed the Office of Program Planning Research and Evaluation; PREA Data Collection, Review, Retention and Publications Manual and the DATA Dictionary which address all elements of this standard. The DATA Dictionary defines the elements of information collected by the Office of Program, Planning, Research and Evaluation from all incident based documents. The facility's Deputy Superintendent for Security is responsible for collecting and reporting monthly of all sexual abuse data. The latest Annual Report on Sexual Victimization report covering the period 2013-2014 is available on the DOCCS website and was reviewed by this auditor.

Based on my review of the directives and supporting documentation, Franklin Correctional Facility meets this standard.

Standard 115.88 Data review for corrective action

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

The auditor reviewed the Office of Program Planning Research and Evaluation; PREA Data Collection, Review, Retention and Publications Manual which address all elements of this standard. The PREA Analysis prepares and aggregates data collected in coordination with the Sexual Abuse Prevention & Education Office and the OSI Sex Crimes Division order to assess and improve the effectiveness of its sexual abuse prevention, detection and response polices and training.

An annual report is prepared and includes a comparison with the prior year's data and is published on the Agency website addressing facility specific and Department wide corrective actions. The report does not address any case specific information.

Only aggregated data is published after review and approval by the Acting Commissioner. The latest Annual Report on Sexual Victimization report covering the period 2013-2014 is available on the DOCCS website and was reviewed by this auditor.

Based on my review of the directives and supporting documentation, Franklin Correctional Facility meets this standard.

Standard 115.89 Data storage, publication, and destruction

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

This auditor reviewed the Office of Program Planning Research and Evaluation; PREA data Collection, Review, Retention and Publication Manual which address all elements of this standard. Additionally, the 2013-2014 Annual PREA Report is posted on the DOCCS web site which documents availability to the public of the compiled aggregate agency wide data. Data collected is maintained by the Office of Special Investigations and is maintained for at least 10 years as required by PREA standard 115.87. The latest Annual Report on Sexual Victimization report covering the period 2013-2014 is available on the DOCCS website and was reviewed by this auditor.

Based on my review of the directives and supporting documentation, Franklin Correctional Facility meets this standard.

AUDITOR CERTIFICATION

I certify that:

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

Marc L. Coudriet

Marc L. Coudriet

2/17/2017

Auditor Signature

Date