

PREA Facility Audit Report: Final

Name of Facility: Marcy Correctional Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 05/17/2022

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: Alton Baskerville	Date of Signature: 05/17/2022

AUDITOR INFORMATION	
Auditor name:	Baskerville, Alton
Email:	alton.abm@preaauditors.com
Start Date of On-Site Audit:	04/06/2022
End Date of On-Site Audit:	04/08/2022

FACILITY INFORMATION	
Facility name:	Marcy Correctional Facility
Facility physical address:	9005 Old River Rd, Marcy, New York - 13403
Facility mailing address:	

Primary Contact	
Name:	Courtney Laliberte
Email Address:	Courtney.laliberte@doccs.ny.gov
Telephone Number:	315-768-1400 ext.

Warden/Jail Administrator/Sheriff/Director	
Name:	Patrick Reardon
Email Address:	Patrick.reardon@doccs.ny.gov
Telephone Number:	315-768-1400

Facility PREA Compliance Manager	
Name:	Vito Valenzano
Email Address:	vito.valenzano@doccs.ny.gov
Telephone Number:	
Name:	Courtney Laliberte
Email Address:	Courtney.Laliberte@doccs.ny.gov
Telephone Number:	
Name:	Joanne Lalyer
Email Address:	joanne.lalyer@doccs.ny.gov
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Shehab Zaki
Email Address:	Shehab.zaki@doccs.ny.gov
Telephone Number:	315-768-1400

Facility Characteristics	
Designed facility capacity:	1043
Current population of facility:	804
Average daily population for the past 12 months:	832
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:	19-84
Facility security levels/inmate custody levels:	max/med
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	544
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	11
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	15

AGENCY INFORMATION	
Name of agency:	New York 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

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
4	<ul style="list-style-type: none"> • 115.34 - Specialized training: Investigations • 115.53 - Inmate access to outside confidential support services • 115.65 - Coordinated response • 115.71 - Criminal and administrative agency investigations
Number of standards met:	
41	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2022-04-06
2. End date of the onsite portion of the audit:	2022-04-08

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Crime Victims Assistance Program at Samaritan Hospital, Troy, New York

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1316
15. Average daily population for the past 12 months:	1050
16. Number of inmate/resident/detainee housing units:	860
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

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

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

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	860
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	20
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	20
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	20

41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	20
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	20
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	16
44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	2
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	2
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	0
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	There was a total of 20 inmates that were identified with the cognitive, physically disabled and Limited English Proficient as of the first day of the onsite portion of the audit.
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	511
50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	17
51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	11
52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	I have no additional comments to make concerning the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit.
INTERVIEWS	
Inmate/Resident/Detainee Interviews	
Random Inmate/Resident/Detainee Interviews	

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	18
54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	<input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None
55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	Inmates were randomly selected from each housing area, race, ethnicity and age group to insure a geographically sample to interview.
56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	There were some inmates in the mental health unit who refused to be interviewed. Other inmates in that area were randomly selected.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	12
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	1

<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>This information was not given to me by the staff.</p>
<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>3</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>2</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>3</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>1</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Department policy, information in the PAQ, interviews with staff and inmates support the practice of not placing inmates with risk of sexual victimization in segregated housing.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>There were no problems in interviewing the inmates.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>If "Other," describe:</p>	<p>I select to interview female officers; they were a small percentage of the security staff.</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>I was able to interview a good cross section of the security staff. Staff from all three shifts were interviewed.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>18</p>

76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

<p>80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Agency contract administrator <input checked="" type="checkbox"/> Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment <input type="checkbox"/> Line staff who supervise youthful inmates (if applicable) <input type="checkbox"/> Education and program staff who work with youthful inmates (if applicable) <input checked="" type="checkbox"/> Medical staff <input checked="" type="checkbox"/> Mental health staff <input checked="" type="checkbox"/> Non-medical staff involved in cross-gender strip or visual searches <input checked="" type="checkbox"/> Administrative (human resources) staff <input type="checkbox"/> Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff <input checked="" type="checkbox"/> Investigative staff responsible for conducting administrative investigations <input checked="" type="checkbox"/> Investigative staff responsible for conducting criminal investigations <input checked="" type="checkbox"/> Staff who perform screening for risk of victimization and abusiveness <input checked="" type="checkbox"/> Staff who supervise inmates in segregated housing/residents in isolation <input checked="" type="checkbox"/> Staff on the sexual abuse incident review team <input checked="" type="checkbox"/> Designated staff member charged with monitoring retaliation <input checked="" type="checkbox"/> First responders, both security and non-security staff <input checked="" type="checkbox"/> Intake staff <input type="checkbox"/> Other
<p>81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?</p>	<ul style="list-style-type: none"> <input checked="" type="radio"/> Yes <input type="radio"/> No
<p>a. Enter the total number of VOLUNTEERS who were interviewed:</p>	<p>2</p>

<p>b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Education/programming</p> <p><input type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Mental health/counseling</p> <p><input type="checkbox"/> Religious</p> <p><input type="checkbox"/> Other</p>
<p>82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>a. Enter the total number of CONTRACTORS who were interviewed:</p>	<p>2</p>
<p>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Security/detention</p> <p><input type="checkbox"/> Education/programming</p> <p><input checked="" type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Food service</p> <p><input type="checkbox"/> Maintenance/construction</p> <p><input type="checkbox"/> Other</p>
<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>Specialized staff was readily available to be interviewed. They expressed good knowledge of PREA requirements.</p>

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

<p>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
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86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
88. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).	All areas were accessible to the auditor, and have informal conversation on the tour with staff and inmates in their work/housing areas.

Documentation Sampling

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

90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?	<input checked="" type="radio"/> Yes <input type="radio"/> No
91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).	I selected twelve random inmate record files and twelve random employee files to check for PREA compliance. The files were in good order, and documented PREA requirements.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	3	3	0	0
Staff-on-inmate sexual abuse	4	4	0	0
Total	7	7	0	0

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

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	0	0	0	0
Staff-on-inmate sexual harassment	1	0	1	0
Total	1	0	1	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	2	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	2	0	0	0	0

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	1	0
Staff-on-inmate sexual abuse	1	0	1	0
Total	1	0	2	0

Sexual Harassment Investigation Outcomes

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

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

	Ongoing	Referred for Prosecution	Indicted/Court Case Filed	Convicted/Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	3	0	0	0	0
Total	3	0	0	0	0

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

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

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled:	9
99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)

Inmate-on-inmate sexual abuse investigation files

100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	2
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101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
Staff-on-inmate sexual abuse investigation files	
103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	8
104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	3
107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	1

<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>Staff-on-inmate sexual harassment investigation files</p>	
<p>111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>2</p>
<p>112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)</p>
<p>114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.</p>	<p>The auditor was able to review all investigative sexual abuse and sexual harassment files for the past twelve months.</p>
<p>SUPPORT STAFF INFORMATION</p>	
<p>DOJ-certified PREA Auditors Support Staff</p>	
<p>115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
<p>Non-certified Support Staff</p>	
<p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
Identify the name of the third-party auditing entity	American Correctional Association

Standards

Auditor Overall Determination Definitions

- 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

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.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Policy, Materials, Interviews and Other Evidence Reviewed

- Directive #4027 Sexual Victimization Prevention & Response-02/15/2022
- Directive #4028A Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parole 11/29/2017
- Sexual Victimization Prevention Policy Manual (SVPPM) 001.0 02/15/22
- Employees' Manual
- Memorandums/Emails
- DOCCS Organizational Chart which indicates that the PREA Coordinator reports directly to the Commissioner.
- Facility Organization Chart
- Position Descriptions
- Interview with the PREA Coordinator
- Interview with the ADS PREA
- Interview with the PREA Point Person

New York State Department of Corrections and Community Supervision has two written policies mandating zero tolerance toward all forms of sexual abuse and sexual harassment (DIR##4027 Sexual Victimization Prevention & Response). This policy collectively outline the agency's approach to preventing, detecting, and responding to sexual abuse, sexual harassment, and sexual threats. Policies state sexual abuse and sexual harassment violate Department rules and threaten security and that all allegations of sexual abuse, sexual harassment, or retaliation for reporting such an incident of participating in an investigation will be thoroughly investigated. Policy states that perpetrators will be dealt with severely through discipline or prosecution to the fullest extent permitted by law. Policy provides definitions consistent with those found in Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. §15609. Under § 130.05 of New York State Penal Law, it is a crime for staff to engage in a sexual act with an inmate or parolee. Strategies for prevention and response include training, a duty to report, requirements, and enforcement of discipline and prosecution for those who offend.

Jason Effman currently serves as Associate Commissioner/PREA Coordinator, as designated through memorandum dated April 23, 2013 from then Commissioner Brian Fischer. The PREA Coordinator is an upper-level position in the agency hierarchy and reports directly to the Agency Head as indicated by New York State Department of Corrections and Community Supervision Central Office Organization Chart and interviews with PREA Coordinator and Agency Head.

The Associate Commissioner/PREA Coordinator is a dedicated position and through interview with Associate Commissioner Effman, it was confirmed that his time is almost exclusively devoted to overseeing the agency's efforts to develop, implement and oversee agency efforts to comply with PREA standards in all his facilities and he has sufficient time and authority to do so. He further manages this through regular and direct coordination with fifteen (15) Assistant Deputy Superintendent/ PREA Compliance Managers who are instrumental in PREA coordination and execution at the facility level. Acting Commissioner Anthony J. Annucci articulated complete support of efforts by Associate Commissioner Effman, the Zero Tolerance mandate throughout the agency, and a continued commitment for agency compliance. Associate Commissioner Effman also communicated to the auditor his actual and implied authority and his ability to carry out duties without impediment and receiving support from the agency head.

Courtney Laliberte has been appointed Assistant Deputy Superintendent PREA Compliance Manager at Mid-State Correctional from Offender Rehabilitation Coordinator at Mid-State Correctional Facility. Assistant Deputy Superintendent Laliberete also serves as PREA Compliance Manager for Mohawk, Marcy, and Hale Creek Correctional Facilities. She was promoted to this position effective January 18, 2022. The Assistant Deputy Superintendent/PREA Compliance Manager is an upper-level position at the facility and reports to the facility Superintendent with joint reporting to Agency Associate Commissioner for PREA. Memorandum dated February 25, 2022, subject Facility PREA Point Person, from Deputy Superintendent for Security Services/Acting Superintendent for Correctional Facilities and Associate Commissioner for PREA designates the Assistant Deputy Superintendent as the facility compliance manager and directs each facility to identify and designate a PREA Point Person to assist the facility compliance manager in efforts to comply with PREA standards. Additionally, this directive outlines specific responsibilities of these local positions. These responsibilities include maintaining a direct and open line of communication with the ADS/PREA compliance manager, assisting with monitoring retaliation, ensuring response to allegations, and serves as a member of the incident review team. The PREA Point Person for Marcy Correctional Facility is Captain Valenzano.

Conclusion:

Based on auditor's analysis of related policy, review of executive memorandums, review of agency and facility organization charts, and formal staff interviews it is determined that Marcy Correctional Facility satisfies all elements required of this standard.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Request for Application for Community Based Residential Programs (CBRP) • Statement of compliance PREA Coordinator • NY CLS § Corrections 121 • CBRP PREA Schedule <p>New York State Department of Corrections and Community Supervision maintains no contracts for confinement of inmates. According to New York State Correction Law section 121, New York State Department of Corrections and Community Supervision is not permitted to enter into contracts for the confinement of inmates; therefore, no private prisons are operated on behalf of the Agency. However, New York State Department of Corrections and Community Supervision holds 12 contracts for confinement of Parolees in Community Based Residential Programs.</p> <p>In compliance with PREA requirements, these contracts permit monitoring and require the program to achieve and maintain PREA Compliance and to arrange for PREA Audits on a schedule set in consultation with the New York State Department of Corrections and Community Supervision PREA Coordinator.</p> <p>Conclusion</p> <p>Based on review of contracts and verification from PREA Coordinator Effman and PREA Manager Courtney Laliberte, Marcy Correctional Facility and New York State Department of Corrections and Community Supervision meets this standard.</p>

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • DIR #4001 July 8, 2021 Facility Administrative Coverage & Supervisory Rounds • Staffing Plan Annual Review April 16, 2021 • Post Closure Reports – examples provided and randomly requested • Post Closure Key • Annual Supervision and Monitoring Plan Review- 2019-2021 • Chart and Staff Review • Unannounced rounds/Weekly Activity Report • Daily Security Supervisor Report • Logbook entries • Employees' Manual • Interview with the Superintendent • Interview with the PREA Coordinator • Interviews with the ADS PREA • Interviews with supervisors who conduct unannounced rounds • Interviews with random staff <p>Directive #4001 VII. Rounds</p> <p>The Superintendent or Acting Superintendent shall establish a schedule whereby the Superintendent or designee, Executive Team members, and designated Division Heads will (when practical) make rounds of the facility's living and activity areas, at least weekly to encourage informal contact with staff and incarcerated individuals, as well as observe living and working conditions. Each respective logbook will be signed in red ink and shall indicate that their round of the area was unannounced or announced after reviewing and signing the logbook. NOTE: This should not be interpreted as meaning that every individual is to conduct rounds of the entire facility. The Superintendent has the discretion to establish a schedule and select staff from the titles mentioned in Section VI-A, so that all areas of the facility will be covered on a weekly basis.</p> <p>Executive Team Members and Designated Division Heads: Shall complete and forward Form #4001A to the Superintendent upon completion of their assigned rounds. Superintendents should ensure that Executive Team members make rounds in areas not necessarily under their direct responsibility. If facility policy allows for weekly rounds to be conducted by teams, a signal Weekly Administrative Action Report and Form #4001A must be submitted by the Executive Team.</p> <p>Security Supervisors: All Sergeants and Lieutenants who are assigned to an area within the facility (e.g., housing unit, program area, etc.) will complete and forward Form #4001B to their supervisor upon completion of their assigned rounds. The completed Form #4001B is to be turned in to the Watch Commander for review, then forwarded to DSS and maintained for a minimum of three years. Watch Commanders are required to complete Form #4001B and submit it directly to their supervisor upon completion of their assigned rounds.</p> <p>Employees are prohibited from alerting other employees that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.</p> <p>Staffing Plan</p> <p>New York State Department of Corrections and Community Supervision ensures that each facility has developed and documented a staffing plan that provides for adequate levels of staffing. A comprehensive and extensive staffing plan is developed and established through the New York State Department of Corrections and Community Supervision Security Information Staffing Unit. The Staffing memo dated April 16, 2021 indicated a formal review of the established Marcy Correctional Facility Staffing Plan. The staffing plan for Marcy Correctional Facility is predicated on 1043 inmates. The average daily number of inmates since the last PREA audit is 947.</p> <p>The current plan calls for (369 security positions), 23 sergeants, 11 lieutenants and 3 captains. There are 189 corrections officer posts located throughout the facility in the housing units, medical units, school area, academic area, mess hall/kitchen, yards and gymnasium, program and activities buildings, walkway, lawn and grounds, and outside perimeter. The six most common reasons for deviating from the staffing plan are emergency trips, post closures, staffing shortage, non-participation in services (rec), overtime management and consolidation services. 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 December 30, 2021 demonstrating the process for having deviations documented.</p> <p>As indicated in the referenced memorandum, the review included generally accepted guidelines and practices:</p>

- Any judicial finding of inadequacy (none)
- Any findings of inadequacy from federal investigative agencies (none).
- Findings of inadequacy from internal or external oversight bodies: (a) All allegations of sexual abuse at Marcy Correctional Facility, reported or suspected, are forwarded to the Office of Special Investigations (OSI) in accordance with the Facility Coordinated Response to Reports of Sexual Victimization. The OSI investigations are focused on findings related to potential criminal misconduct or administrative rule violations by incarcerated individuals or by staff. The investigations are documented in writing. (b) Each sexual abuse report, and other serious reports of related misconduct, results in a post-incident review that is submitted by the Incident Review Team to the Superintendent with a copy to the Associate Commissioner and PREA Coordinator for review. The review may or may not result in a recommendation for a change in staffing plans, or other related modifications pertaining to supervision or monitoring of a particular area.
- All components of the facility's physical plant (Including "blind spots" or areas where staff or incarcerated individuals may be isolated). a. The capacity of Marcy Correctional Facility is 1316. The average daily population is 1050 incarcerated individuals. Marcy Correctional Facility utilizes direct and indirect supervision. Security rounds are made in housing areas a minimum of hourly during which every incarcerated individual is physically viewed by staff. Incarcerated individuals are forbidden to create any obstruction, or otherwise inhibit any line of sight, except when changing in their cell, cube or room, or when using in cell toilet facilities. The Rounds Tracker system is also utilized in the special housing unit to enhance tracking of regular and unannounced rounds.
- The composition of the incarcerated individual population. a. Marcy Correctional Facility is a medium security general population facility with a special housing unit. All staff are trained to properly supervise this population. The population is representative of the demographics of the jurisdictions that we serve.

Employee Manual

Employee Manual 2.44 Employees are prohibited from alerting other employees that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

Conclusion

In conclusion, Marcy Correctional Facility is committed to operating in compliance with Department policy and the Prison Rape Elimination Act. Staffing, the use of monitoring technology and the resources available to meet the facility staffing plan will be reviewed on a regular basis to ensure the facility continues to comply with all standards and requirements.

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • NYS CLS Correc §80 • Interviews Acting Superintendent, PREA Coordinator, and Compliance Manager. <p>NYS CLS Correc §80 The department and the office of children and family services shall jointly 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 on or before October first, two thousand twenty. The plan and protocol shall be completed on or before July first, two thousand twenty.</p> <p>Conclusion 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>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul 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 • Directive #4001 Facility Administrative Coverage & Supervisory Rounds 07/08/2021 • Employee Manual 2019 • HSPM 1.37 Body Cavity Search 9/23/2021 • HSPM 1.19 Health Appraisal 09/22/2020 • Form #1140 Report of Strip Search or Strip Frisk- 06/2021 • Form #1140C Report of Cross Gender Pat Frisk-Female Inmate - 06/2021 • Marcy RTF Contraband Frisk • 2021 Contraband and Frisk 17008 • Interviews <p>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>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>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>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.</p> <p>Most 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. Some incarcerated individuals expressed concern regarding a recent change to the glazing of the window into the showers. The auditor viewed all shower and toilet areas and found there was sufficient protection to provide privacy yet not impede the ability of security staff to maintain security in those areas. 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.</p> <p>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.</p> <p>HSPM 1.19 Health Appraisal 9/22/2020 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 the inmate's genital status is unknown, it may be determined during conversations with the inmate or by reviewing medical records. A medical practitioner may conduct a full physical examination of an inmate, including a transgender inmate, when relevant to the treatment of the patient. Such an exam is to be conducted in private and with the patient's consent. Findings are to be recorded in the Ambulatory Health Record.</p> <p>HSPM 1.37 Body Cavity Searches by DOCCS primary care providers (PCP) (i.e., physicians, nurse practitioners, physician assistants, dentists) may be authorized only by the Superintendent, Acting Superintendent or Facility Officer of the Day upon receiving approval from the Deputy Commissioner/Chief Medical Officer, or designee, when there is imminent danger to an incarcerated individual's health or facility safety. The body cavity search will only be considered for authorization if there is the ability to see inside the cavity. Rectal cavity searches will not be authorized. A correction officer the same sex as the incarcerated individual will be present during the exam. Documentation of the body cavity search is done in the incarcerated</p>

individual's Ambulatory Health Record Progress Note Form 3105. The PCP must document the authorization from the Deputy Commissioner/Chief Medical Officer, or designee, the length of time of the search, the individuals present during the search and the outcome of the search.

Staff is prohibited, and the facility always refrains from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status. Should a determination be necessary it is obtained through communications with the inmate, a review of medical records, or as part of a broader medical examination conducted in private by a medical practitioner. The facility indicates no searches of this nature have occurred in the past 12 months.

One Hundred percent (100%) of all security staff receive training on cross-gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. Course is given at the Training Academy. Presently all security staff assigned to Marcy CF have taken this course. Therefore, no security staff would be listed on the Marcy KHRT report for the audit time frame.

Employee Manual -11.12 Staff of the opposite gender shall verbally announce their arrival on a housing unit at a minimum upon each change of shift and when the gender supervision on a housing unit changes from exclusively same gender to mixed or cross gender supervision to avoid unnecessarily invading the privacy of incarcerated individuals of the opposite gender, unless emergency circumstances dictate otherwise. The announcement(s) by staff must be accomplished in a manner that is easily heard and/or understood by all incarcerated individuals on the unit. This announcement shall be recorded in the unit logbook.

Conclusion

The auditor is finding this facility is compliant with this standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #2612 Inmates with Sensorial Disabilities -10/1/2020 • Directive #4490 Cultural and Language Access Services 01/6/2020 • Language Access Line Contract • Memorandum • New York DOCCS Facilitators Guide • Inmate Education Facilitator Training NY DOCCS • Prevention of Sexual Victimization in Prisons (English and Haitian-Creole) • Form 4021A – 05-15-2020 • Interviews <p>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>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. Auditor observed Zero Tolerance Posters visible in both English and Spanish in the housing units and other common areas accessed by inmates. PREA Education Film “Ending Sexual Abuse Behind the Walls: An Orientation” is provided in DVD format appropriate to the gender classification of facility and with tracks and captioning in English, Spanish, Bengali, Chinese, Haitian Creole, Korean, and Russian. The PREA Sexual Abuse Brochures are available in each of these languages. Upon arrival at each facility, it is documented on the Draft Receipt which language an inmate receives the brochure.</p> <p>The agency refrains from use of inmate interpreters, inmate readers, or inmate assistance barring exigent circumstances such as when a delay could compromise an inmate’s safety, performance of first-response duties, or the investigation of the inmate’s allegation. This was verified by Acting Commissioner, Associate Commissioner/PREA Coordinator, various staff and inmates and further supported by documentation where staff or Language Line interpreters have been used over the past 12 months when needed.</p> <p>Conclusion</p> <p>Auditor’s analysis of documented interpretive services, contracts, interviews with staff and inmates concludes Marcy Correctional Facility meets provisions of this standard. In addition, the Agency’s efforts to have readily available the PREA education video in seven (7) languages (audio & captions) beyond English and Spanish is sufficient in this auditor’s evaluation to meet requirements of this standard.</p>

115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 304 1294 600" style="list-style-type: none"> • Directive #2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors – 11/01/2018 • Directive #2216 11/1/2018-Attachment A • Directive #2232 Report of Criminal Charges 11/5/20 • Directive #2112 Report of Criminal Charges 4/10/18 • Personnel Procedure Manual #407, Civilian Promotions • Personnel Procedure Manual #407A, Security Promotions • Personnel Procedure Manual #406A, Recruitment Process • Agency policy #2012, Release of Employee Personnel and Payroll • Interviews <p data-bbox="240 629 1485 824">Personnel Procedure Manual #407, Civilian Promotions and #407A, Security Promotions, direct that candidates for employment and contractors will be bypassed and not considered for hiring or promotion if they have engaged in any activity delineated in the five subsections of element (a) of this standard, thereby prohibiting the enlistment of services of any candidate who meets the criteria. New York State Civil Service regulates hiring procedures for all state agencies. Security positions are hired from the Civil Service registry and processed through a structured, centralized protocol by the Department's Employee Investigation Unit (EIU).</p> <p data-bbox="240 853 1485 1014">Any incidents of sexual harassment will be considered in determining whether to hire an individual or to enlist the services of a contractor who may have contact with offenders as directed by Personnel Procedures Manual #407, Civilian Promotions and #407A, Security Promotions. The Director of Personnel will review requests to promote a candidate who have engaged in an incident of sexual harassment and subsequently determine if it is in the best interest of the Department to promote the candidate.</p> <p data-bbox="240 1043 1485 1339">Personnel Procedure Manual #406A, Recruitment Process establishes policy for contacting the former institutional employer for candidates who have been previously employed by a prison, jail, lockup, community confinement facility or juvenile facility. Each facility is required to complete a Recruitment Process Checklist (406A1) upon recommending a vacant position be filled and thereby attesting to have contacted all prior institutional employers regarding substantiated allegations of sexual abuse or resignations during a pending investigation of an allegation of sexual abuse and to have sent emails to ODM, Office of Special Investigations and Labor Relations for inquiries on current employees considered for promotion. Interview with Human Resources Manager and review of local personnel files indicates this checklist is completed on all civilian employee hires. Applications cannot be submitted for onboarding without documentation that prior institutional employers have been contacted.</p> <p data-bbox="240 1368 1417 1431">Criminal background checks were conducted on a total of 11 contractors and 15volunteers. Human Resource records indicate date of check, date fingerprints submitted (where applicable) and date of EIU response clearing for hire.</p> <p data-bbox="240 1460 1485 1691">DIR# 2216, Fingerprinting/Criminal History Inquiry - New Employees and Contractors establishes the policy that all employees and contractors of the New York State Department of Corrections and Community Supervision will be subjected to a criminal history inquiry in order to obtain background information pertinent to the security of operations, to verify data on employment applications, and to receive notification when Department employees are arrested. Criminal history inquiries are conducted by the Department's Employee Investigation Unit (EIU) and must be completed prior to the first date of employment. Criminal background records checks are not conducted after an employee's initial hire as the Agency has a system in place to capture this information on an ongoing basis.</p> <p data-bbox="240 1720 1485 2145">DIR #2112, Report of Criminal Charges creates policy to require employees to report when they are charged with the commission of a felony or misdemeanor. Each employee is required to complete a Personal History Questionnaire, Form EIU23. This questionnaire requires yes/no responses to the following questions: 1) "Have you ever been the subject of disciplinary action in connection with any employment? This would include, but is not limited to: suspension, termination, written warning, verbal warning, or formal counseling."; 2) Have you ever been named in any allegations of sexual abuse (i.e., engaging in or attempting to engage in any form of sexual activity with a person by force, overt or implied threats of force, or coercion; without the person's consent, or when the victim was unable to consent) or sexual harassment?"; 3) Have you ever been asked to resign from any employment in lieu of termination or resigned during a pending investigation?"; 4) Have you ever been convicted of a crime where you engaged in or attempted to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion; or if the victim did not consent; or if the victim was unable to consent?"; 5) Have you ever been civilly or administratively adjudicated to have engaged in or attempted to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion; or if the victim did not consent, or if the victim was unable to consent?"; 6) Have you ever engaged in sexual abuse in a prison, jail, lockup, community</p>

confinement facility, juvenile facility, or other institution. DIR# 2112, Report of Criminal Charges, imposes upon employees a continuing affirmative duty to disclose any of the above misconduct.

Personal History Questionnaire, Form EIU23, informs every applicant for employment that material omissions regarding misconduct or the provision of materially false information are grounds for rejection for appointment and termination.

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

Conclusion

Interviews conducted with Superintendent, and Human Resources Manager combined with the review of twelve random employee files validate the protocols identified in above narrative are followed at Marcy Correctional Facility finding compliance with this standard.

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #3053, Alterations and Construction Request 4/22/2019 • Example Form 1612 • Interviews • Observations <p>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. Marcy Correctional Facility has not acquired a new facility or made a substantial expansion to the facility since the last PREA audit.</p> <p>Marcy Correctional Facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since their last PREA audit. However, DIR #3053, Alterations/Construction Request establishes policy that requires consideration of how such technology may enhance the agency's ability to protect inmates from sexual abuse when installing or updating electronic monitoring technology. Review of the Staffing Plan indicates of use of electronic surveillance is a consideration when the annual reviews are conducted.</p> <p>Conclusion</p> <p>Compliance with this standard was determined based on policy review and interviews with Superintendent and PREA Compliance Manager. No new construction has been conducted since the last PREA audit. Marcy Correctional Facility meets provisions of this standard.</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Policy, Materials, Interviews and Other Evidence Reviewed

- 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
- New York State DOCCS Division of Health Services Policy #1.60
- A National Protocol for Sexual Assault Medical Forensic Examinations 10/2021
- List of SANE certified hospitals for the state of New York
- Notice to Auditor
- Interviews

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.

New York State Department of Corrections and Community Supervision Division of Health Services Policy #1.60 directs that all inmate allegations of sexual assault be addressed consistent with community standards for handling allegations of sexual assault and outlines specific procedures to be followed and that are in accordance with the National PREA Standards 115.21 and 115.82. All victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentially or medically appropriate. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. No incident occurred at Marcy Correctional Facility in the last 12 months as verified in interviews with the medical administrator and Sex Crimes Division Investigator.

SAFE/SANE examinations will be provided at University Hospital SUNY Health Science Center in Syracuse, NY which is the nearest hospital providing these services. St. Joseph's Hospital Health Center in Syracuse, NY, would be a secondary location for use if SUNY could not provide. St. Elizabeth Medical Center, Emergency Department in Utica, NY is also an alternate location for these services. The New York Public Health Law section 2807-c states that no general hospital shall refuse to provide hospital services to a person presented or proposed to be presented for admission to such general hospital by a representative of a correctional facility based solely on the grounds such person is an inmate of such correctional facility. No general hospital may demand or request any charge for hospital services provided to such person in addition to the charges or rates authorized in accordance with this article, except for charges for identifiable additional hospital costs associated with or reasonable additional charges associated with security arrangements for such person.

New York State Department of Corrections and Community Supervision, Division of Health Services, Policy #1.60, Sexual Assault, Section: Health Care Services, directs all victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility, without financial cost, where evidentially or medically appropriate. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Expedition transportation will be coordinated with the Watch Commander to take the inmate victim to an outside hospital emergency department staffed with a certified Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE) List of SAFE/SANE Hospitals or any other hospital upon confirmation that a SANE/SAFE and a Victim Advocate are available to provide services. Interviews with medical supervisor, and PREA facility point person confirmed inmates would quickly be provided victim's advocate and/or rape crisis center services.

There were (0) number of forensic medical exams conducted during the past 12 months; (0) number of exams performed by SANES/SAFEs during the past 12 months; (0) number of exams performed by a qualified medical practitioner during the past 12 months.

Conclusion

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. The auditor finds that the facility meets the standard.

115.22	Policies to ensure referrals of allegations for investigations
	<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="244 273 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="244 331 1278 654" style="list-style-type: none"> • Directive #4027 Sexual Victimization Prevention & Response-02/15/2022(11/29/17) • Directive #4027B Sexual Abuse Reporting & Investigation -Inmate on Inmate (11/29/2017) • Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee (11/29/17) • Directive #4028B Sexual Abuse Reporting & Investigation -Staff on Inmate/Staff-on-Parolee (11/29/17) • Directive #0700 Office of Special Investigations 9/10/20 • Notice to auditor regarding OSI authority to conduct administrative and criminal investigations • Facility example Form 2103SAII (11/17) • Facility example Form 2103 SASI (11/17) • Observations • Interviews <p data-bbox="244 689 1493 981">In accordance with DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate, DIR #4027B, Sexual Abuse Reporting & Investigation – Inmate-on-Inmate, DIR #4028A Sexual Abuse Prevention & Intervention – Staff on Inmate/Staff on Parolee, and DIR #4028B, Sexual Abuse Reporting & Investigation – Staff on Inmate/Staff on Parolee the Agency ensures an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. A Monthly Sexual Abuse/Threat Incident Summary is completed by the Associate Commissioner. Marcy Correctional Facility Associate Commissioner provided the last 12 months of monthly reports for review. Reports were detailed and inclusive. Nine (9) allegations of sexual abuse and sexual harassment were received, one (1) resulted in an administrative investigation and eight (8) resulted in a criminal investigation. Investigative files were reviewed with the Office of Special Investigations investigators indicating protocols were followed and an investigation is completed.</p> <p data-bbox="244 1016 1493 1406">DIR #0700 authorizes and designates the Office of Special Investigations as the official investigative body for all administrative and criminal investigations for the New York State Department of Corrections and Community Supervision under Section 112 of the Correction Law. The Office of Special Investigations is further charged with ensuring that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action. All complaints and information received by Office of Special Investigations relative to possible investigations are documented, reviewed, and processed. Office of Special Investigation Sex Crime Unit has the authority to refer them to New York BCI Bureau of Criminal Investigations and would work in conjunction with the local District Attorney’s Office. Interviews with the Senior Investigator of the Sex Crimes Division confirmed procedures are well established and followed. In the past 12 months, there were seven (7) number of allegations of sexual abuse and sexual harassment received. In the past 12 months, there was one (1) number of allegations resulting in an administrative investigation. In the past 12 months, there were seven (7) number of allegations referred for criminal investigation. During the time of this audit there were five (5) were ongoing/not completed.</p> <p data-bbox="244 1442 1493 1630">DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate and DIR #4028A Sexual Abuse Prevention & Intervention - Staff-on-Inmate/Staff-on-Parolee, are published on the Agency’s public website at http://www.doccs.ny.gov/PREA/PREAINfo.html. Both policies explain the policy and practice to ensure allegations are reported to the Office of Special Investigations. This auditor reviewed the New York State Department of Corrections and Community Supervision website which is complete and thorough and contains the above noted policies. Interviews with the superintendent and OSI investigator confirmed that all incidents are handled appropriately and timely.</p> <p data-bbox="244 1666 368 1693">Conclusion</p> <p data-bbox="244 1729 1437 1783">Auditor’s analysis of policy review, investigative file review, interviews with Superintendent, and OSI Deputy Chief Investigator, and personal observations indicate Marcy Correctional Facility is compliant with provisions of this standard.</p>

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul 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 • Sexual Abuse Prevention and Response Training (code 35029) • 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 • Memo – Deputy Commissioner/Associate Commissioner (PREA Coordinator) 4/8/2015 RE: Sexual Abuse Prevention and Response Training • Sexual Abuse Prevention and Response Introduction – Transfer Lesson Plan 17093 1/2018 • Training Bulletin 5/17/21 • Memo – Commissioner 7/8/2021 RE: Policies and Standards Generally Applicable to all Employees • Sexual Abuse Prevention and Response Refresher Training Lesson Plan – January 2020 • Report of Training Form (17093): Sexual Abuse Prevention and Response Introduction – Transfer (PREA) RTF – PREA 7/2017 • KHRT Report Course and Completion #35029 and #17078 • Observations • Interviews <p>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. 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. 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. 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>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 harassment, dynamics of sexual abuse and sexual harassment in confinement for male 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. 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.</p> <p>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.</p> <p>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 and formal interviews with staff confirmed to the auditor that staff have been trained as required by this standard. The training form signed by staff</p>

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.

Conclusion

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: Meets Standard
	Auditor Discussion

Policy, Materials, Interviews and Other Evidence Reviewed

- Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 Section I, IV A 2
- Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee, 11/29/17 Section I, V A 2
- Directive #4750 Volunteer Services Program 7/21/20
- Directive # 4071 Guidelines for Construction Projects 03/23/2021 Section III D 3
- Guidelines for Construction Projects FORM #4071A 01/2021
- Standards of Conduct for Volunteers 12/2018 Section 11
- Application for Volunteer Status 12/18 Form MFVS 3080
- Review volunteer/contractor training records
- Interviews

DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention and Intervention - Staff on Inmate/Staff on Parolee designates that all contractors and contract employees, volunteers, and interns shall receive orientation and periodic in-service training consistent with their level of inmate contact relating to the prevention, detection, and response to inmate-on-inmate sexual abuse and sexual harassment. DIR #4750, Volunteer Services Program, directs that during orientation, volunteers must be cautioned regarding the seriousness of personal/emotional involvement with inmates to include visiting, corresponding, and accepting phone calls and that volunteers are prohibited from having any sexual contact or engaging in any sexual conduct with an inmate. For purposes of applicability, Penal Law section 130.05 states an employee also includes any person, including a volunteer, providing direct services to inmates in a State correctional facility pursuant to a contractual arrangement or written agreement with the Agency, thereby inclusive of volunteers providing services to inmates. All volunteer applicants must read the most updated version of the Policy on the Prevention of Sexual Abuse of Inmates and acknowledge that they understand the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents. All volunteers are to be provided with training and DIR #4027A, Sexual Abuse Prevention and Intervention - Inmate on Inmate, and DIR #4028A, Sexual Abuse Prevention and Intervention - Staff on Inmate. All volunteer applicants must acknowledge receipt in writing that they will be held accountable for and act in accordance with the policy and the law. This job specific training is delivered by the volunteer's staff supervisor. Interviews with three (2) volunteers and review of their training records, indicate delivery, recording, and tracking of training has occurred.

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

Per DIR #4760, Volunteer Services Program, directs the job-specific training for the volunteer to be given by the volunteer's Staff Supervisor. Form #4750D, Required Training for Various Categories of Volunteers. DIR #4071A, Guidelines for Construction Projects, directs the contractor training to be delivered by a New York State Department of Corrections and Community Supervision employee. Memo from Acting Commissioner Anthony J. Annucci regarding the Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (Revised) September 4, 2018, pertains to All Employees, Contractors, Volunteers and Interns. This memorandum reinforces the zero-tolerance policy and provides an explanation of the terms sexual abuse and sexual harassment and the duty to report for all employees, contractors, volunteers and interns.

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

Conclusion

A list of 76 authorized volunteers who have received required PREA training was provided to the auditor for review. Fifteen (15) number of volunteers and contractors have been trained in the agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection, and response. After review of the related policies, observations during the tour, formal and informal interviews with contract employees and volunteers, and observation of the training records and training curriculum, this auditor finds Marcy Correctional Facility meets the requirements of this standard.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #4021 Inmate Reception/Classification dated 01/23/2019 • Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate, 11/29/2017 • Draft Receipt 05-15-2020 • Memo Deputy Commissioner/Associate Commissioner 6/18/2015 RE: PREA Inmate Orientation Film Implementation • Memo Associate Commissioner – 12/28/2015 RE: New and Updated PREA Materials • Inmate Orientation Outline • Form 115.33L Report of Inmate Training 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 • Brochure Language Guide Poster -06-2020 • Prevention of Sexual Victimization in Prison (English and Spanish) 05/2020 • Memo Associate Commissioner – 10/26/2015 RE: Ending Sexual Abuse Behind the Walls: An Orientation Memo Associate <p>DIR #4021, Inmate Reception/Classification, provides that upon arrival at the facility, each inmate receives a gender-specific pamphlet “The Prevention of Sexual Abuse in Prison”, Form #DC055. This information explains the agency's zero tolerance policy regarding sexual abuse and sexual harassment: it addresses prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling. This information is provided in formats accessible to all inmates. The brochures and handbooks are available in English, Spanish, Haitian-Creole, and Russian.</p> <p>DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, ensures that inmates receive during orientation information which addresses sexual abuse and sexual harassment, and the information is to be communicated orally and in writing, in a language clearly understood by the inmates. Each inmate receives an Inmate Orientation Manual that includes PREA information and Audio education is available to the visually impaired through CDs and cassette tapes. Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service is available to the facility for interpretation services when needed.</p> <p>DIR #4021, Inmate Reception/Classification, provides for a comprehensive, gender specific PREA education to be delivered to the inmate population beginning at reception into the agency. The document, PREA-Sexual Abuse Prevention Inmate Orientation Outline, was reviewed by auditor. This information is a general outline to give presenting staff members background information needed to conduct the Sexual Abuse Prevention Inmate Orientation. It is provided to assist with information necessary to answer questions that may be asked during the presentation. The outline includes for the presenter: 1) Introduction and history, explains the role and duties of PREA Coordinator, the role and duties of the Assistant Deputy Superintendent/PREA Compliance Manager, and explains multiple ways to make a report; 2) defines PREA; 3) defines the Agency's zero tolerance policy; 4) explains the right of every inmate to be free from sexual abuse or sexual harassment and what that means; 5) explains the inmate behavior expectations and defines sexual abuse and sexual harassment; 6) explains what to do if abused; 7) explains how and to whom to report, including 3rd party and anonymous reports; 8) covers the consequences of a false report; 9) explains availability of Victim Services; 9) explains the difference between an authorized Pat Frisk and sexual abuse; 10) covers confidentiality; 12) explains the requirement of opposite gender staff to announce presence on housing unit and why it is done; 13) provides for a questions and answer period.</p> <p>During the orientation process and within the first week of arrival, inmates view the PREA video “Ending Sexual Abuse Behind the Walls: An Orientation” which is facilitated by staff. This video is available in English, Spanish, Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian, and close caption and is gender specific. This video covers the agency's zero tolerance policy; prevention; self-protection; how to report sexual abuse suspicions, assaults, and harassment; and how to utilize the PREA hotline for emotional support. The video is impactful with actual inmates providing testimonies and input on how to stay safe in the correctional setting. Staff conducting the training expands on the previous information provided in the handbook and pamphlet using the PREA-Sexual Abuse Prevention Inmate Orientation Outline, as discussed in previous paragraph.</p> <p>In addition to addressing PREA during facility orientation for all inmates at Marcy, inmates who are assigned to Marcy as their first general confinement facility out of a reception center participate in Transitional Services Phase 1. The Phase 1 program is a comprehensive overview to assist inmates to transition into prison. It includes four modules: Making a Change; Pro-Social Development; Personal Development; and Prison Rape Elimination Act. Phase 1 is taught over one week and the PREA Module is delivered on the last day (approximately three (3) hours of instruction). The PREA Module is co-facilitated by Transitional Services staff and Inmate Program Associates (peer educators) who have been carefully selected and</p>

trained to deliver the curriculum. The PREA Module includes a guided discussion defining sexual abuse and sexual harassment; an additional viewing of the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation" followed by a detailed guided discussion; overview of reporting mechanisms, barriers and responses; and avenues to obtain victim support. The training relies on a number of scenarios to engage the participants in discussion.

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

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

All inmates transferred to Marcy Correctional Facility receive a PREA pamphlet in preferred language upon arrival, explaining the agency's and facility's zero-tolerance policy regarding sexual abuse and sexual harassment and explaining how to report incidents or suspicions of sexual abuse or sexual harassment. The PREA Pamphlet is offered during the interview with the Draft Sergeant who covers the Zero Tolerance policy verbally and tells the inmate how to make a report. This process was observed by auditor during the site visit and further validated through inmate interviews.

All incoming transfers also receive PREA orientation which includes viewing the PREA video "Ending Sexual Abuse Behind the Walls: An Orientation", facilitated by staff, and are educated on policies and procedures specific to Marcy Correctional Facility within 10 days. Marcy Correctional Facility PREA-Sexual Abuse Prevention A video checkout log is maintained to record the date and to whom the video was checked out and when returned. Inmate Orientation Outline provides detailed background information to staff presenting the Sexual Abuse Prevention Inmate Orientation to ensure comprehensive orientation for every newly received offender. This education is delivered in a classroom setting and is documented through signatures of the inmates on the Report of Inmate PREA Training Participation Form 115.33. Auditor's review of the documented training indicates the orientation takes place generally within five days, but at least within one week of arrival. Inmate training records selected from the interview list and an additional selected inmate training records were reviewed indicating all have received orientation according to procedures stated above.

There are 1067 inmates at Marcy Correctional Facility who were admitted to the facility prior to August 20, 2012 and were provided the comprehensive PREA education between July 20- August 14, 2015. There were 969 inmates admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. Random inmates interviewed and during discussion on the facility tour all acknowledged they have received PREA information upon arrival at the facility and that it is reinforced and readily available through staff interaction and information posted in the housing areas. They were able to explain how to report an incident and were aware of the zero-tolerance policy. Auditors observed a variety of culturally diverse, informative PREA posters posted in English and Spanish throughout the facility. Some of these posters address the zero tolerance, other indicate how to access victim advocacy services and a third poster specifically for reporting includes: "Report Sexual Abuse" in large lettering with a paragraph about reporting on the left in English and the right in Spanish and "Report Sexual Abuse" translated in Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian across the bottom.

DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, directs that the PREA information and education shall be communicated orally and in writing, in a language clearly understood by the inmates. This information addresses prevention, self-protection (situation avoidance), reporting sexual abuse, and sexual harassment, and the availability of treatment and counseling. Educational information is provided in formats accessible to all inmates. The brochures "The Prevention of Sexual Abuse in Prison - What Inmates Need to Know", "Help for Victims of Sexual Abuse in Prison-Victim Support", and handbooks are available in English, Spanish, Mandarin Chinese, Haitian-Creole, Italian, Korean, Polish, and Russian. Audio education is available to the visually impaired through CDs and cassette tapes. Facility staff, the Office of Cultural and Language Access Services staff interpreters, and a Language Line Service is available to the facility for interpretation services when needed.

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

thorough display of posters and accessibility of the Inmate Handbook.

Inmates were well versed on the zero-tolerance policy and knew how to access help. Inmates were able to explain their right to be free from sexual abuse and sexual harassment, and their right to be free from retaliation for making a report. Inmates were aware they could make a report on behalf of another inmate and were aware that a report could be made on their behalf by a 3rd party. Some inmates referenced being able to look in the handbook or get information from the posters displayed throughout the facility. Most inmates said they would be able to talk directly to staff if they needed to tell someone. The inmates interviewed expressed feeling safe at Marcy Correctional and denied being aware of any sexual activity at the facility. More than half of the inmates interviewed said they knew about the outside advocacy services, but most said they really hadn't paid attention to it because they haven't had a need.

Conclusion

New York State Department of Corrections and Community Supervision provides a comprehensive inmate PREA education to the inmate population beginning at reception into the agency. The facility is only required by standards to provide education to new inmates related to facility specific information; however, Marcy Correctional Facility provides the same comprehensive education that is provided at reception facilities and in a variety of formats. Based on personal observations, facility tour, documentation review, training records review, review of handbook and pamphlets, inmate education curriculum review, inmate interviews, and interviews with Prison staff, Marcy Correctional Facility meets requirements of this standard.

115.34	Specialized training: Investigations
	<p data-bbox="242 145 766 174">Auditor Overall Determination: Exceeds Standard</p> <p data-bbox="242 208 454 237">Auditor Discussion</p> <p data-bbox="242 271 874 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 329 1104 555" style="list-style-type: none"> • Memo Associate Commissioner – 05/11/2021 RE: Specialize Training: Investigations • Specialized Training Investigations 09/18/18 • Investigating Physical and Sexual Abuse in Institutional Settings • Investigating Sexual Assault in Confinement Overview • Report of Training Form • KHRT for Course OSI Investigators Trained 08-23-2021 • Interviews <p data-bbox="242 589 1484 913">In accordance with Office of Special Investigations Policy Manual Chapter 5, Section III.2., in addition to the general training provided to all employees and discussed in 115.31, the agency ensures its investigators receive training in conducting sexual abuse investigations in confinement settings. Office of Special Investigations Sex Crimes Division investigators receive specialized training. All new Office of Special Investigations Sex Crimes Division Investigators attend Basic Office of Special Investigations Investigator School which includes the following curricula: New York State Department of Corrections and Community Supervision Office of Special Investigations Overview Training, NIC PREA course “Investigating Sexual Abuse in a Confinement Setting” initial and advanced, and Communicating Effectively and Professionally with LGBTI Offenders. Office of Special Investigations specific training is documented utilizing the RTF-PREA submitted to and maintained by the Office of Special Investigations Training Coordinator. This demonstrates the investigators have completed the specialized training.</p> <p data-bbox="242 947 1484 1070">Auditor’s review of the specialized training curricula discussed in section (a) above reveals instruction for 1) conducting sexual abuse investigations in confinement settings; 2) techniques for interviewing sexual abuse victims; 3) proper use of Miranda and Garrity warnings; 4) sexual abuse evidence collection in confinement settings; 5) criteria and evidence required to substantiate a case for administrative action or prosecution referral. consistent with requirements of this standard.</p> <p data-bbox="242 1104 1484 1328">New York State Department of Corrections and Community Supervision maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations through participation rosters and hours entered into the training database upon completion. Training records are maintained by the Office of Special Investigations Training Coordinator. There are thirty-one (31) investigators employed by the agency and/or facility who are responsible for conducting criminal investigations into allegations of sexual abuse or sexual harassment. There are 63 investigators employed by agency and/or facility who are responsible for conducting administrative investigations into allegations of sexual abuse or sexual harassment.</p> <p data-bbox="242 1361 1484 1619">OSI Investigators have gone above and beyond the mandatory training; showing excellence in their commitment to trauma informed approach at interviewing victims and learning the most up to date practices for evidence collection and technology employed to be more receptive in the changing ways in which they are able to investigate sexual abuse and sexual harassment. Some of those training include Interview and Interrogation, Strangulation, NIC-Investigating Sexual Abuse in a Confinement Setting-Advance Investigations, Investigating Physical and Sexual Abuse in Institutional Settings, FETI (Forensic Experiential Trauma Interviewing), NIC Trauma Informed Treatment & Theory, Advocate training, Basic Investigative Photography Course, Police Crime Scene and Evidence Specialist Course, Certified Inspector General Investigator Institute, Reid Technique Interview and Interrogation-Advanced, and Cellebrite.</p> <p data-bbox="242 1653 367 1682">Conclusion</p> <p data-bbox="242 1715 1484 1839">Policy, training curriculum, interview with OSI investigator, 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 standard.</p>

115.35	Specialized training: Medical and mental health care
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 329 1409 555" 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 • Inmate Sexual Assault Post Exposure Protocol/PREA (317083) • Office of Mental Health Memorandum of Understanding – 9/14/2016 • Report of training form • Observations • Interviews medical staff and mental health staff <p data-bbox="242 586 1489 880">According to the MOU between the New York State Office of Mental Health (OMH) and the New York State Department of Corrections and Community Supervision dated 9-14-16, New York State Department of Corrections and Community Supervision provides a standardized orientation to all new OMH employees working in correctional facilities. All full and part time OMH employees working in any New York State Department of Corrections and Community Supervision facility participate in this training as required by the Prison Rape Elimination Act (PREA). Additionally, all full and part time mental health care practitioners (a mental health professional who, by virtue of education, credentials, and experience is permitted by law to evaluate and care for patients within the scope of his or her professional practice) shall participate in specialized training provided by New York State Department of Corrections and Community Supervision as required by PREA, 28 C.F.R. § 115.35.</p> <p data-bbox="242 911 1489 1173">Medical and mental health providers receive Inmate Sexual Assault Post Exposure Protocol/PREA (317083) which includes: (1) How to detect and access signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This specialized training curriculum was reviewed by auditor, finding it inclusive of all stated objectives above and consistent with 115.35 requirements. In addition, this lesson covers related agency medical and investigative policy and procedures and encourages a collaborative, victim centered approach to assessing sexual abuse incidents. This program is designed to increase the employee's knowledge of this protocol so that he/she can adopt work practices which will maintain a high level of care for the inmate population.</p> <p data-bbox="242 1205 1422 1263">Facility medical staff does not perform forensic examination, offenders are taken to nearest hospital for this service, as supported by agency policy and interviews with Deputy Superintendent for Health and Acting Superintendent.</p> <p data-bbox="242 1294 1469 1556">Training Manual, Subject: 7.000, 40 Hour Orientation/Initial Employee Training, dated 8-13-2018, dictates all full and part-time medical and mental health employees are required to attend the civilian (non-peace officer) training. This training consists of the Initial Employee Training Program (code 27018) including the following classes: 35029 Sexual Abuse Prevention and Response (3 Hours) Job Specific – Immediate Supervisor: Policy on the Prevention of Sexual Abuse of Offenders (September 4, 2013). All employees receive training on DOCCS Zero Tolerance Policy for sexual abuse and harassment, and how you can fulfill your responsibilities under our policies. Refresher training is provided every other year and each year refresher information training is provided via training bulletin #7 and the Commissioner's policy statement on the Prevention of Sexual Abuse of Incarcerated Individuals and Parolees.</p> <p data-bbox="242 1588 368 1617">Conclusion</p> <p data-bbox="242 1648 1453 1839">This auditor interviewed medical and mental health supervisors in Marcy Correctional Facility as well as informal conversations with employees scheduled to work in those areas. Staff spoken to were knowledgeable about the training received and they all confirmed having received the general and specialized training upon hire and then annually at in-service. A review of their training documentation provides evidence the training has been delivered and the participants understand the training and requirements of PREA. Based on interviews, training and personnel documentation, curricula and policy review, Marcy Correctional Facility meets requirements of this standard.</p>

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • SVPPM 115.41-Screening for Risk of Sexual Victimization and Abusiveness, (02/15/2022) • Directive #4021 Inmate Reception/Classification (1/23/2019) • Form 4021A Draft Receipt (rev. 05-15-20) • Facility Operations Manual (FOM) PREA Risk Screening 47.01 (01/27/2022) • 115.41M PREA Risk Screening Form Male (10/2020) • 115.41 Gender Identity Form (06/2020) • Interviews Specialized Staff • Observations <p>SVPPM 115.41, Screening for Risk of Sexual Victimization Abusiveness outlines all incarcerated individuals will be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other incarcerated individuals or sexually abusive towards other incarcerated individuals. Each Facility shall assess each incarcerated individual for their risk of being sexually abused by other incarcerated individuals or sexually abusive towards other incarcerated individuals in accordance with a procedure outlined in the Facility Operation Manual item entitled "PREA Risk Screening." This policy shall delineate facility-specific procedures to assess an incarcerated individual's risk.</p> <p>Each Facility PREA Risk Screening policy shall be derived from the approved Risk Screening FOM Template. Consistent with recommendations from the U.S. Department of Justice, the PREA Risk Screening shall address the following risk factors utilizing an objective screening instrument, Form 115.41M for male classified facilities and Form 115.41F for female classified facilities.</p> <p>It is the policy of Marcy Correctional Facility, that all incarcerated individuals received into Marcy Correctional Facility shall be screened by a Sergeant or above, within 24- hours of arrival at the facility, and reassessed by an assigned Offender Rehabilitation Coordinator (ORC) ordinarily within 14-days of arrival at the facility. The Assistant Deputy Superintendent PREA Compliance Manager shall make a final risk assessment determination ordinarily within 30 days of the incarcerated individual's arrival at the facility. When the Assistant Deputy Superintendent PREA Compliance Manager is absent from the facility, the PREA Point Person shall act in their place with respect to implementation of PREA Risk Screening procedures. Incarcerated individuals shall not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked pursuant to the PREA Risk Screening process.</p> <p>All incarcerated individuals shall be assessed for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals upon arrival at the facility. This includes all incarcerated individuals being received into Marcy Correctional Facility from any other DOCCS facility, local correctional facility (County Jail), or from any other agency (e.g., OMH). 2. The Draft Sergeant/Assigned Area Sergeant will screen the incarcerated individual upon transfer within 24-hours after arrival using the PREA Risk Screening Form #115.41[M].</p> <p>The New York State Department of Corrections and Community Supervision PREA Risk Screening Form #115.41M is a comprehensive, fact-finding and objective instrument. The instrument allows for recording the responses of the inmate. Auditor's analysis of the questions asked to the inmate, and the information collected on this instrument, it is determined to be a factual based instrument.</p> <p>The New York State Department of Corrections and Community Supervision PREA Risk Screening Form #115.41M includes questions for all criteria found in 1-9 of the elements stated in this provision of the standard to be considered during screening. Element 10 is not assessed because New York State Department of Corrections and Community Supervision does not hold inmates solely for civil immigration purposes, although this is captured on each risk screening instrument.</p> <p>Marcy Correctional Facility local operating procedure FOM #1.09, PREA Risk Screening directs each inmate to be reassessed if at any time additional information is received due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. These assessments shall be conducted by the Assistant Deputy Superintendent/PREA Compliance Manager.</p> <p>Marcy Correctional Facility local operating procedure FOM #1.09, PREA Risk Screening directs that inmate are not to be disciplined for refusing to answer or for not disclosing complete information in response to questions asked pursuant to the PREA Risk Screening process. Language is also printed on the Risk Screening Form that inmates cannot be disciplined for refusing to answer or not completely disclosing information. Interviews with Draft Sergeant, Captain, Deputy Superintendent for Security and Assistant Deputy Superintendent/PREA Compliance Manager confirm this never occurs.</p> <p>Sensitive information collected during the risk screening process is controlled and disseminated only as needed to</p>

appropriate parties to ensure proper care, housing, and other assignments for protection of the inmate and others. The Risk Screening Form includes the following language: 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. Marcy Correctional Facility local operating procedure FOM #1.09, PREA Risk Screening directs the PREA risk screening interviews to be conducted in a private setting. After the intake sergeant conducts the initial screening upon arrival, the form is then forwarded to the Supervising Offender Rehabilitation Coordinator who distributes the screening forms to the inmate's assigned counselor. Once completed, the Offender Rehabilitation Coordinator forwards the completed reassessment to the Assistant Deputy Superintendent/PREA Compliance Manager for the final risk assessment review with a copy to the Deputy Superintendent for Security/PREA Point Person and Watch Commander. The original risk screening form is retained in the inmate's file in locked cabinets within the Guidance Department where only authorized staff have access. Interviews with all concerned parties indicate the risk screening forms are kept in a locked file cabinet, in a locked office/room with the identified persons listed only having access.

Conclusion

The number of inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 72 hours or more and who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility: (1066). The number of inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake: (969).

Auditor's analysis of PREA Risk Screening Forms, personal observations, review of inmate files, and interviews with Captain Valenzano, Sgt. Lansing, and C. Laliberte, Assistant Deputy Superintendent/PREA Compliance Manager, conclude Marcy Correctional Facility meets all provisions of this standard.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 304 1453 629" style="list-style-type: none"> • SVPPM 115.42 Use of Screening Information: Screening for Risk of Sexual Victimization and Abusiveness (02/15/2022) • Forms 4021A Draft Receipt (05/15/2020) • Form 115.42 Report of Risk Screening Results (12/2021) • Form 115.41M PREA Risk Screening Male (10/2020) • Directive #4401 Guidance & Counseling Services 8/21/20 • Directive #4009, Minimum Provisions for Health and Morale, 9/17/2021 • Form -115.41GI Gender Identity Interview 6/20/20 • Memo re: Showers and Bathroom Areas (01/04/2019) • FOM 47.01 - PREA Risk Screening (01/27/2022) • Interviews <p data-bbox="242 663 1485 987">SVPPM 115.42 states “When an incarcerated individual has been determined to be high risk of sexual victimization and/or abusiveness pursuant to the procedures set forth in SVPPM 115.41, the Assistant Deputy Superintendent PREA Compliance Manager or PREA Point Person (if the ADS PREA Compliance Manager is away from the facility) shall complete Form 115.42, “Report of Risk Screening Results,” to notify appropriate staff of an incarcerated individual’s assessment as potentially being at “high risk of sexual victimization” or “high risk of being sexual abusive” with the goals of keeping separate those incarcerated individuals at high risk of being sexual victimized from those at high risk of being sexually abusive.” The Assistant Deputy Superintendent/PREA Compliance Manager completes Form 115.42 to notify appropriate staff of an inmate’s assessment as potentially being at high risk for victimization or abusiveness and provides a copy to: a) Movement and Control Officer to inform housing and bed assignments; b) Housing Unit Sergeant; and c) Program Committee Chairperson to inform work, education, and program assignments.</p> <p data-bbox="242 1021 1485 1245">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 demonstrated this occurred; it was noted in the chronological section of the incarcerated individual’s file.</p> <p data-bbox="242 1279 1485 1536">Guidance & Counseling Services directs the procedure for a transgender or intersex inmate to make a request for consideration of placement in a facility for male of female inmates by advising their Offender Rehabilitation Counselor of their desire for such placement and providing any information that will assist the Agency in assessing the request. This request is made by completion of Gender Identity Interview Form #115.41GI by the inmate’s counselor and will be evaluated by a multidisciplinary Central Office Transgender/Intersex Inmate Placement Review Committee. This Committee will consider the inmate’s own views with respect to safety, the inmate’s gender identity, the inmate’s security level, criminal and disciplinary history, current gender expression, medical and mental health information, vulnerability to sexual victimization, and likelihood of perpetrating abuse.</p> <p data-bbox="242 1570 1485 1760">DIR# 4009, Minimum Provisions for Health and Morale, directs authorization statewide for transgender and intersex inmates to be given opportunity to shower separately from other inmates. A memo to security staff has been authored by the superintendent authorizing separate shower times for transgender/intersex incarcerated individuals. Interviews with (2) transgender/intersex incarcerated individuals confirmed that the shower arrangements are acceptable. Interviews with staff indicate widespread knowledge of this practice. Marcy Correctional Facility is equipped with individual shower stalls that contain opaque shower curtains covering full body and providing adequate privacy for all inmates to shower.</p> <p data-bbox="242 1794 1485 2051">FOM 47.01 states “It is the policy of Marcy Correctional Facility, that all incarcerated individuals received into Marcy Correctional Facility shall be screened by a Sergeant or above, within 24- hours of arrival at the facility, and reassessed by an assigned Offender Rehabilitation Coordinator (ORC) ordinarily within 14-days of arrival at the facility. The Assistant Deputy Superintendent PREA Compliance Manager shall make a final risk assessment determination ordinarily within 30 days of the incarcerated individual’s arrival at the facility. When the Assistant Deputy Superintendent PREA Compliance Manager is absent from the facility, the PREA Point Person shall act in their place with respect to implementation of PREA Risk Screening procedures. Incarcerated individuals shall not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked pursuant to the PREA Risk Screening process.”</p> <p data-bbox="242 2085 1485 2141">Documentation supporting this process was provided to the auditor with the review of the randomly requested documentation. The interview with the Sgt. Lansing confirmed this process. A PREA binder/procedure, observed by the</p>

auditor, outlines where to house individuals who are at risk for victimization or those who are potential abusers at this facility.

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

Jason D. Effman, Associate Commissioner/ 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.

Conclusion

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 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/sexual 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. The (2) transgender/intersex incarcerated individuals interviewed confirmed they have no issues with showers and confirmed that their views on safety are given serious consideration. Additionally, the facility has an organization for gender non-conforming incarcerated individuals which helps identify and address any concerns that arise with this population. Based upon this analysis of written authority, completed documentation, interviews with, A/C Jason Effman, C. Laliberte, ADS/PCM and Sgt. Lansing and incarcerated individuals all provide sound evidence for the auditor to find the facility meets compliance with this standard.

115.43	Protective Custody
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 329 775 488" style="list-style-type: none"> • Directive #4948 Protective Custody Status 12/24/20 • Forms #2168A, #2170A and #4948A • Observations: During the tour of Restricted Housing • Interview Staff • Interviews -Inmates <p data-bbox="242 519 1490 813">DIR #4948, Protective Custody Status sets forth minimum conditions of confinement for inmates in Protective Custody Status within the Department and directs that an inmate's confinement to Sexual Victimization Involuntary Protective Custody solely because he/she is at high risk for sexual victimization or following a report that the inmate was the victim of sexual abuse, must be done only after an assessment of all available alternatives has been made and determined that there is no available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in Involuntary Protective Custody for less than 24 hours while completing the assessment using Form #2168A. The Assistant Deputy Superintendent/PREA Compliance Manager must be notified of these assignments not later than next business day, who will then notify the Associate Commissioner/PREA Coordinator, in writing, of the date and time Form #2168A was completed and the date and time of the inmate's removal from this status, if removed.</p> <p data-bbox="242 844 1469 1137">In accordance with DIR #4948, Protective Custody Status, inmates in this status will be afforded access to recreation, telephone calls, visiting, programs, exercise, religious counseling, counseling services, law library services, legal services, general library services, education, commissary/packages, Family Reunion Program, grievance program, laundry services, and personal property. To the extent possible, access to these services is the same as afforded to general population. Any restrictions and reason for limitations to access is documented. Administrative Segregation Plan, Attachment A, indicates offenders are allowed group recreation, television, commissary, property, programming, in-cell correspondence course materials. Any restrictions to an inmate's access to programs, privileges, education, or work opportunities must be documented on Form #4948A, Restriction of Inmate's Program-Participation which includes: 1) the opportunities that have been limited; 2) the duration of limitation; and 3) the reasons for such limitation.</p> <p data-bbox="242 1169 1474 1397">In accordance with DIR #4948, Protective Custody Status, the facility assigns inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Form #2168A includes the basis for the facility's concerns for the inmate's safety and documentation of what alternatives were considered and assessed to be unavailable. An assignment should ordinarily not exceed a period of 30 days. If this status extends beyond the 30 days, the status will be reviewed every seven (7) 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.</p> <p data-bbox="242 1429 1485 1520">In accordance with DIR #4948, Protective Custody Status, Form #2168A must be clearly documented with the facility's concerns for the inmate's safety and explanation of what alternatives were considered and assessed to be unavailable when inmate was placed on Involuntary Protective Custody for high risk of victimization.</p> <p data-bbox="242 1552 1490 1680">In accordance with DIR# 4948, Protective Custody Status, an assignment should ordinarily not exceed a period of 30 days. If this status extends beyond the 30 days, the status will be reviewed every seven (7) 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.</p> <p data-bbox="242 1711 368 1740">Conclusion</p> <p data-bbox="242 1771 1490 1960">The facility reports no inmates were assigned to involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment and that no inmates were placed on Sexual Victimization Involuntary Protective Custody status for the past 12 months. Auditor confirmed through interviews with ADS/PCM C. Laliberte, Lieutenant Dudley Schwebe, Supervisor for Segregated Housing, and Correctional Officers who work segregated housing unit that facility staff are aware of the required protocols yet do not use Sexual Victimization Involuntary Protective Custody status as a viable practice. Marcy Correctional Facility meets every element of this standard.</p>

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 329 1262 723" style="list-style-type: none"> • Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate - 11/29/17 • Directive 4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17 • Sexual Abuse Prevention and Response (SAPR) Lesson Plan • OSI 444 Poster for Internal Reporting • Letter The New York State Commission of Correction (SCOC) Inmate and Resident reporting • Prevention of Sexual Victimization in Prison: What You Need to Know brochure • Employee Manual • Notice to Auditor • PREA Pocket Card • Interviews Incarcerated Individuals • Interviews Staff • Review of investigations <p data-bbox="240 754 1493 1283">DIR #4027A states provides that an inmate or parolee may report an incident of sexual abuse, sexual harassment, sexual threats, or any act of retaliation for reporting such an incident or for participating in an investigation of such an allegation to any employee. The initial inmate or parolee report may be verbal or in writing. All inmate interviews with those targeted, those randomly selected and the informal conversations confirmed that inmates were fully aware of options to privately report any incident or concern regarding PREA. All inmates confirmed they were provided methods to report staff neglect or violation of responsibilities that may have contributed to sexual harassment or abuse. All inmates interviewed were fully aware of the hotline now available and the ability to privately report through that mechanism. Posters are provided throughout the facility in all areas where inmates may live, work, congregate and/or visit as verified during the auditor tours of the facility. Additionally, as part of orientation to Marcy Correctional Facility, each inmate signs they have received the Pamphlet, "The Prevention of Sexual Abuse in Prison - What Inmates Need to Know". This provides the office and address for offenders to write to the New York State Commission of Correction. The New York State Commission of Correction (SCOC) agrees to receive all written inmate and resident reports containing sexual abuse and sexual harassment allegations and then immediately forward them to New York State Department of Corrections and Community Supervision officials. SCOC will comply with any inmate or resident request to remain anonymous. Upon receipt of such a report, SCOC will enter basic information into our complaint database and then forward the report to New York State Department of Corrections and Community Supervision Office of Special Investigations".</p> <p data-bbox="240 1314 1477 1473">Employees are aware of this outside agency and the options for inmates to report anonymously as verified in interviews and per the Albany Training Academy class titled, Sexual Abuse Prevention and Response. It specifically states that inmates or parolees may choose to report to the New York State Commission of Correction (SCOC). The SCOC agrees to receive all written inmate and resident reports containing sexual abuse and sexual harassment and then immediately forward them to Department officials. The SCOC will comply with any inmate or resident request to remain anonymous.</p> <p data-bbox="240 1505 1458 1632">The New York State Department of Corrections and Community Supervision does not detain inmates solely for civil immigration purposes, so this element of the provision is not applicable. However, information on how to contact relevant consular officials is available. A Jailhouse Lawyer's Manual: Immigration & Consular Access Supplement is available in all facility Law Libraries.</p> <p data-bbox="240 1664 1493 2024">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 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.</p> <p data-bbox="240 2056 1426 2148">Albany Training Academy Lesson Plan, Sexual Abuse Prevention and Response - PREA - NYSDOCCS - August 2015 states the duty to report includes third-party and anonymous reports (e.g., family and friends, lawyers, other inmates/parolees/residents). The initial first responder steps are not taken when receiving a third-party report, i.e., staff</p>

should not seek out and ask the alleged victim for any information, escort him or her to medical, secure the crime scene, or discuss the preservation of physical evidence with either the alleged victim or aggressor. Third-party and anonymous reports must be reported to an immediate supervisor (or above, as previously stated) who will forward the information through the chain of command. The report will be documented and referred to the Office of Special Investigations for further direction or to initiate an investigation.

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. Auditor confirmed with the PREA Point Person at Marcy that he is immediately notified of all allegations received through the grievance process and that process was verified in the onsite visit.

Conclusion

Auditor's review of the investigation files indicates reports are processed according to stated procedures in above narrative. Auditor was provided a memorandum from the Chairman of the New York State Commission of Correction delineating the agreement to receive inmate reports of sexual abuse or sexual harassment and immediately forward the same to the Office of Special Investigations. Policy review and interviews with PREA Point Person, Captain Valenzano, ADS/PCM C. Laliberte, Director of PREA Compliance J. Woodworth and OSI, Christian Nunez combined with auditor's observations during tour, interviews with inmates, interviews with staff, review of handbook and other available literature indicates Marcy Correctional Facility meets requirements of this standard.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The agency is exempt in accordance with DIR #4040 Inmate Grievance Program and #702.2(i) Correction Law, section 139.9, 9 NYCRR Part 7695. A grievance filed is deemed exhausted upon filing with regards to the Prison Litigation Reform Act. The agency policy, #4040, The Inmate Grievance Program states that the Inmate Grievance Program Supervisor shall refer any grievance of an emergency nature directly to the appropriate response level having authority to issue an immediate or expeditious and meaningful response. During the audit, the Inmate Grievance Program Supervisor was interviewed regarding the grievance process. If a sexual abuse or sexual harassment allegation is received through a grievance, it is removed from the grievance process and submitted to the PREA Point Person, Watch Commander or Superintendent to investigate as a PREA occurrence immediately. This process was also confirmed through an interview with Captain Valenzano and Sgt. Lansing. There are no grievance codes for sexual abuse or harassment. During this audit period, no allegations were tracked through the grievance procedure. Marcy Correctional Facility meets this standard by non-applicability with all elements.</p>

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 331 1310 790" style="list-style-type: none"> • SVPPM 115.53 incarcerated Individual Access to Outside Confidential Support Services (02/15/2022) • Directive #4423 Inmate Individual Telephone Calls 5/21/2015 • Directive #4421, Privileged Correspondence 6/02/2016 • Directive #4404 Inmate Legal Visits 9/18/19 • Memo, Associate Commissioner RE: Implementation of A PREA Statewide Rape Crisis Hotline 12/8/2019 • Incarcerated Individual Orientation Handbook (11/2021) • Contract NYSCASA with OVS 04/01/2021 – 09/30/2022 • OVS-OPDV MOU 10/1/2018 • Unity House Hotline Contract (10/01/2021 – 09/30/2024) • NEHF – SPCVS Contract – FY 04/01/2021 – 09/30/2022 • Poster PREA brochures, “Help for Victims of Sexual Abuse in Prison” • Poster Sexual Abuse Hotline 777 Program (English and Spanish) • Interviews-Offenders • Interview-Mailroom Supervisor <p data-bbox="240 824 1497 981">A memo from Jason D. Effman, Associate Commissioner indicates the following: A PREA Statewide Rape Crisis Hotline went into effect January 8, 2019. Starting January 8, 2019, calls placed on the 777 hotline will route to Crisis Services, Inc., in Buffalo. Crisis Services' Hotline Counselors will provide crisis counseling services and as requested, a referral to a Rape Crisis Program for follow-up services. As requested by the caller, they will also make referrals or reports to DOCCS via OSI, the facility Assistant Deputy Superintendent PREA Compliance Manager, the designated facility PREA Point Person, or me.</p> <p data-bbox="240 1014 1497 1339">In an immediate emergency (e.g., a report of a sexual assault that occurred within the prior 120 hours, suicidal ideation, or imminent threat to harm staff or another person), Crisis Services supervisors will immediately notify the facility Watch Commander by telephone with a follow-up e-mail to the ADS PREA Compliance Manager, PREA Point Person, OSI and myself. This expansion to a statewide hotline was made possible through cooperation with the State Office of Victim Services (OVS) and State Office for the Prevention of Domestic Violence (OPDV). Funding is through Federal VOCA funds that have been designated for this purpose by OVS and transferred to OPDV. OPDV has amended their existing contract for the NYS Domestic and Sexual Violence Hotline to add the parallel hotline specifically to provide services to incarcerated individuals under PREA. Ongoing emotional support and victim advocacy services will continue to be provided via legal calls and, in some locations, via legal visits. Services will primarily be provided through our network of community-based rape crisis programs (“PREA Centers”).</p> <p data-bbox="240 1373 1465 1496">These programs are Crisis Services, Inc., Crime Victims Treatment Center (CVTC), RESTORE Sexual Assault Services, Safe Harbors of the Finger Lakes, Sexual Assault & Crime Victims Assistance Program at Samaritan Hospital, and Victims Assistance Services WestCOP, Inc. Again, OVS has increased the VOCA Grants to these programs to pay for services under PREA.</p> <p data-bbox="240 1529 1497 1686">DIR #4421 defines Privileged Correspondence as correspondence addressed by an inmate to any of the following persons or entities at their official business address, or, except as noted in Section II-B below, received from such persons or entities: Rape Crisis Program: Any local, State, or National organization authorized to provide rape crisis services, victim advocacy services, and emotional support services, including but not limited to, organizations approved to provide such services in New York State by the Department of Health pursuant to Public Health Law §206(15).</p> <p data-bbox="240 1720 1465 1877">New York State Department of Corrections and Community Supervision Help for Victims of Sexual Abuse in Prison poster posted at all telephones throughout Marcy Correctional Facility in English and Spanish reads as follows: DOCCS PREA program provides a Rape Crisis Hotline and enhanced victim services to incarcerated victims of sexual abuse. You can contact the statewide hotline for rape crisis counseling and for referral to a partner program for victim advocacy and emotional support services by dialing 777 from any inmate phone.</p> <p data-bbox="240 1910 1497 2101">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.</p> <p data-bbox="240 2134 1497 2161">In addition this pamphlet provides victim support information on how to report abuse, and outlining the PREA Statewide Rape</p>

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

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 those 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 facility provided examples of ongoing counseling via telephone for numerous incarcerated individuals during the audit period.

The following policy directives support this process: Directive #4423 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 and additionally provided the auditor with documentation from the Privileged Correspondence log.

DIR #4404, Inmate Legal Visits, provides guidance on visits between an inmate and a representative, including an employee or registered volunteer, or a rape crisis program and directs the Superintendent shall designate an area for these visits. Area designated should ensure the confidentiality of all communications during the visit.

New York State Department of Corrections and Community Supervision is the beneficiary of an agreement with New York State Coalition Against Sexual Assault through the NYS Office of Victim Services with the overarching goal to address the needs of sexual assault victims who are incarcerated in New York State prisons county jails and other facilities.

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

New York State Department of Corrections and Community Supervision is a recipient of benefits of the contract between NYSCASA and Sexual Assault and Crime Victims Assistance Program at Samaritan Hospital. Contract is dated April 1, 2021 – September 30, 2022. This contract provides inmate victims of sexual abuse with rape crisis counseling, advocacy, and emotional support services; follow-up with inmates who made direct contact seeking rape crisis services via telephone or mail, or as requested by New York State Department of Corrections and Community Supervision; maintain active confidential communication with New York State Department of Corrections and Community Supervision staff in order to facilitate treatment for inmate victims' rights to confidentiality; complete; and participate in training provided by NYSCASA.

Auditor reviewed copies of all contracts mentioned above to ensure services are available for emotional and mental professional assistance at any time through contact with the facility health services; emotional support can also be accessed through the Chaplain, their case manager, or the Offender Rehabilitation Coordinator. Offenders are notified of these services in the offender training and at orientation; it is provided in the offender brochures and in the offender handbook.

DOCCS provides an unrestricted, unmonitored, accessible hotline for all inmates to use while phones are available to receive crisis services above and beyond the Rape Crisis Centers that provide short or long term victim centered trauma services. DOCCS works closely with the providers for both the centers and the hotline to respond promptly to any issues or concerns whether it relates to mental health, new reports or assistance in resolving other issues. The hotline and PREA centers providers work closely and train with DOCCS PREA ADS's, OSI and SAPEO staff to establish a close working relationship to address the unique needs of the incarcerated individuals.

Conclusion

Based on policy review, interviews with Captain Valenzano/PREA Point Person and Assistant Deputy Superintendent/PREA Compliance Manager, C. Laliberte; review of correspondence between Marcy Correctional Facility and community rape crisis centers, and hotline call tracking reports provided, Marcy Correctional Facility exceeds the requirements of this standard.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	<p data-bbox="244 210 451 237">Auditor Discussion</p> <p data-bbox="244 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="244 331 667 423" style="list-style-type: none"> • Observations • DOCCS website • Example of 3rd party report from website <p data-bbox="244 456 1461 613">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.</p> <p data-bbox="244 647 368 674">Conclusion</p> <p data-bbox="244 707 1485 799">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

Policy, Materials, Interviews and Other Evidence Reviewed

- Directive #4027A Sexual Abuse Prevention & Intervention Inmate-on-Inmate
- Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee - 11/29/17
- Directive #0700 Office of Special Investigations (OSI)
- Employees' Manual
- Office of Mental Health MOU
- 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
- Interviews - Staff
- Interviews Medical & Mental Health staff
- Interview PREA Coordinator
- Observations

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

In accordance with DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, reports of sexual abuse and sexual harassment are confidential and information is only to be shared with essential employees involved in the reporting, investigation, discipline and treatment process, or as otherwise required by law. Coordinated Response Plan to an incident of Sexual Abuse further reinforces the mandate of handling information associated with allegations of sexual abuse as confidential. Random staff interviews indicated common knowledge of this employee standards of conduct expectation.

Memorandum of Understanding between The New York State Office of Mental Health and New York State Department of Corrections and Community Supervision, dated 09/14/16 acknowledges that medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph 115.61(a) and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality at the initiation of services. The consent of an inmate-patient is not required in these cases.

In accordance with New York Consolidated Laws, Social Services Law - SOS § 488-497. Vulnerable persons' central register, New York State Department of Corrections and Community Supervision is exempt from the vulnerable persons' central register requirements to receive reportable incidents involving covered persons.

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

DIR #0700, Office of Special Investigations establishes and grants authority to the Office of Special Investigations, Sex Crimes Division to conduct investigations involving sexual misconduct between inmates and Departmental staff as well as inmate on inmate sexual abuse and assists outside law enforcement in the development of cases for criminal prosecution. All complaints and information received by Office of Special Investigations are documented, reviewed, and processed. The Marcy Coordinated Response Plan specifies the responsibility of Watch Commander to document any reports and to refer to the Office of Special Investigations/Sex Crimes Division. Manual, Rule 2.20 reinforces the Agency Directives cited in paragraph one above, to include the duty to report third part and anonymous reports.

Conclusion

A review of agency policy, review of case files, review of Marcy Correctional Facility Coordinated Response Plan and interviews auditors conclude Marcy Correctional Facility meets every provision of this standard.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #4948 - Protective Custody Status – 12/24/20 • Form #2168A Sexual Victimization – Involuntary Protective Custody Recommendation • Interviews A/Commissioner • Interview Superintendent • Interview Random staff • Observations <p>In accordance with DIR #4948, Protective Custody Status, New York State Department of Corrections and Community Supervision maximizes the safety and security of the inmates who are subject to a substantial risk of imminent sexual abuse. Inmates may be placed in one of three Protective Custody Statuses: 1) Voluntary, Involuntary, and Sexual Victimization Involuntary. The facility reports zero (0) time the facility determined that an inmate was subject.</p> <p>Conclusion</p> <p>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 standard is compliant.</p>

115.63	Reporting to other confinement facilities
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 329 1265 591" style="list-style-type: none"> • SVPPM 115.63-Reporting to Other Confinement Facilities 02/15/2022 • 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 <p data-bbox="242 620 1452 781">In accordance with PREA Standard 115.63/263, upon receiving an allegation that an incarcerated individual was sexually abused while confined at another facility, the head of the facility that received the allegation must notify the head of the facility or appropriate office of the agency or facility where the sexual abuse is alleged to have occurred by receipt via electronic mail. This notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.</p> <p data-bbox="242 810 1490 938">Ten (10) allegations were received within the last 12 months that an inmate had been abused while confined at another facility. Auditor reviewed documentation provided for these reports and found that these reports received over the past 12 months that allegedly occurred at another institution reflected notification was made by the Superintendent within the 72-hour requirement.</p> <p data-bbox="242 967 1490 1196">Office of Special Investigations/Sex Crimes Division ensures that an investigation is conducted or verifies that one has been conducted when notified of an allegation of sexual abuse reported to have occurred in a New York State Department of Corrections and Community Supervision facility. Office of Special Investigations/Sex Crimes Division will advise the facility Superintendent where the sexual abuse is alleged to have occurred, as to the action to be taken. Twelve (12) allegation was received within the last 12 months from another facility that an inmate had been sexually. Auditor reviewed documentation for this report and found that an investigation was initiated with Office of Special Investigations within 24 hours after being notified by the other facility.</p> <p data-bbox="242 1225 368 1254">Conclusion</p> <p data-bbox="242 1283 1485 1346">Auditor's review of policy, documentation noted in narrative above, and interviews with Superintendent, Security/PREA Point Person, Marcy Correctional Facility meets all provisions of this standard.</p>

115.64	Staff first responder duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • 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, August 2021 • PREA Pocket Card • Interview with a staff who has acted as a first responder • FOM 9.14 Coordinated Response to Reports of Sexual Victimization • Observations • Random staff <p>DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate and DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee establishes the facility Coordinated Response Plan will be followed as protocol for staff first responder duties. First Party/Victim Report of Observed Inmate Sexual Activity Procedures provides the following instructions to Staff, regardless of title, when an inmate reports that he/she is the victim of sexual abuse or when two or more inmates are observed engaging in sexual activity: 1) direct the participants to cease act, separate and remain in the area; 2) assess situation and contact medical if immediate onsite medical care be necessary; 3) notify immediate supervisor who shall immediately notify the Watch Commander (Watch Commander may be notified directly by staff should immediate supervisor not be available); 4) instruct the participants not to take any actions that could destroy physical evidence; 5) report the specific details, in writing, to the Watch Commander as soon as possible, and no later than the end of the shift. The Security Staff first responder shall: 1) ensure that the participants and any witness(es) are removed from the area of incident, separated and isolated; 2) ensure all reported participants do not take any action t destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; 3) ensure that the potential crime scene is secure; 4) notify and report the specific details, in writing, to the Watch Commander as soon as possible, and no later than end of the shift.</p> <p>All staff receive 1st Responder Training and steps identified in above paragraph as addressed in Agency policy is a part of the curriculum for Sexual Abuse Prevention and Response, Objective 4: Actions of a 1st Responder. Auditor observed PREA First Responder Pocket Cards in the possession of numerous employees during formal interviews and while on tour during informal interviews. Interviews with security and non-security staff indicated a solid awareness and knowledge of First Responder duties. In the past 12 months there were seven (7) allegations that an inmate was sexually abused.</p> <p>The interview with the staff that has acted as a first responder confirmed the process in policy. This situation occurred prior to the twelve-month review period. 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.</p> <p>Conclusion</p> <p>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: Exceeds Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 331 1085 488" style="list-style-type: none"> • FOM 47.02 Coordinated Response to Reports of Sexual Victimization (02/07/2022) • Random staff interviews • Observations • Interview Superintendent • Interview with Watch Commander <p data-bbox="242 521 1481 779">FOM 47.02 Coordinated Response to Reports of Sexual Victimization 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.</p> <p data-bbox="242 813 1493 1003">The PREA Department and OSI have develop a comprehensive response, in addition to a response chart that is used by the Watch Commanders receiving reports that make their role clear and concise as to the exact steps and in what order they should take to include a tracking sheet that gives them specific checks and balances ensuring not only the standards are being followed, but the additional policies that have been established to preserve the integrity for each and every allegation of sexual abuse. Training has been conducted by OSI and the PREA ADS with security supervisors to ensure this process is understood.</p> <p data-bbox="242 1037 368 1064">Conclusion</p> <p data-bbox="242 1097 1442 1187">The interview with the Watch Commander confirmed he receives all notifications regarding PREA allegations. All staff interviewed had received the PREA Response Card. 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 an exceeds standard.</p>

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #2110 Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings 3.24.21 • Directive #2114 Functions of the Bureau of Labor Relations 7.10.19 • Union Contracts continuation after expiration Taylor Law Triborough Amendment • NYS Governors Office of Employee Relations (GOER) • 2009-2016 Security Supervisors Unit • 2016-2019-Professional Scientific Technical Unit • 2016-2021-Administrative Services Unit • 2016-2021-Institutional Services Unit <p>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.</p> <p>New York State currently has collective bargaining agreements with three unions: 1) Public Employees Federation, AFL-CIO (PEF); 2) Civil Service Employees Association, Inc. (CSEA) is for the period 2016-2021; and 3) New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA) was ratified on January 24, 2019 and is retroactively effective for the period of April 1, 2016-March 31, 2023.</p> <p>In accordance with DIR #4028A, Sexual Abuse Prevention & Intervention - Staff on Inmate/Staff on Parolee, and DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee, when the Office of Special Investigations receives a report of staff sexual misconduct, they shall evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, including removal of the employee from contact with any inmates pending the outcome of the investigation. Additional guidance on bargaining unit agreements under DIR #2114, Functions of the Bureau of Labor Relations.</p> <p>All the contracts noted above permit New York State Department of Corrections and Community Supervision to take appropriate action when warranted, to remove alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation or a final determination of whether and to what extent discipline is warranted. The contracts permit the agency to suspend an employee without pay or temporarily reassign an employee when a determination is made that there is probable cause that such employee's continued presence on the job represents a potential danger to persons or property or would severely interfere with operations.</p> <p>Conclusion</p> <p>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. 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>

115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	<p data-bbox="242 210 451 237">Auditor Discussion</p> <p data-bbox="242 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 331 1437 656" style="list-style-type: none"> • Employees' Manual - Revised 2019 • SVPPM 115.67- Agency Protection Against Retaliation 02/15/2022 • Protection against Retaliation Tracking Sheet Inmates and Staff • Retaliation Monitoring Form Inmate • Retaliation Monitoring Form Staff • Interviews A/Commissioner • Interview Superintendent • Interview with designated staff members charged with monitoring for retaliation (ADS - PREA and PREA Point Person) • Interviews with Incarcerated Individuals who reported a sexual abuse • Observations <p data-bbox="242 689 1485 913">State of New York Department of Corrections and Community Supervision Employee's Manual, Rule 2.19 defines the Agency's zero tolerance policy for sexual abuse, sexual harassment, and retaliation against any person who reports such an incident or participates in an investigation. Rule 2.20 directs staff to report any retaliation against inmates or staff. SVPPM- Agency Protection Against Retaliation; 02/15/2022 directs protection of inmates, parolees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The designees for monitoring retaliation at Marcy Correctional Facility are Captain Roger Murphy and Assistant Deputy Superintendent/PREA Compliance Manager Laliberte.</p> <p data-bbox="242 947 1426 1037">Per SVPPM 115.67-Agency Protection Against Retaliation; if any other individual who cooperates with an investigation expresses a fear of retaliation, the facility and agency shall take appropriate measures to protect that individual against retaliation.</p> <p data-bbox="242 1070 1477 1227">After review/investigation by Office of Special Investigations, and subsequent consultation, the facility shall act promptly to take necessary action to remedy any retaliation complaint including, when necessary, housing or bed moves, post assignments or facility assignments for staff. Decisions on protective measures are made on a case-by-case basis. General counseling services will be provided by the inmate's Offender Rehabilitation Coordinator and if a mental health referral is deemed necessary, any staff member may initiate.</p> <p data-bbox="242 1261 1489 1451">There were zero (0) staff monitoring for retaliation was necessary over the last 12 months as reported by the facility. Inmates who were reported to have suffered sexual abuse or harassment, inmates who reported the sexual abuse, staff who reported sexual abuse, or any person who participates with a subsequent investigation will be monitored for retaliation for at least 90 days following a report. Monitoring includes periodic in-person status checks approximately every 30 days. Areas monitored include inmate disciplinary reports, housing or program changes, or any negative performance reviews or reassignments of staff. If indicated, the monitoring may continue beyond the initial 90-day period.</p> <p data-bbox="242 1485 368 1512">Conclusion</p> <p data-bbox="242 1545 1398 1635">Based on review of the retaliation monitoring log, review of monitoring documents and related policy, combined with interviews with Superintendent, and Assistant Deputy Superintendent/PREA Compliance Manager Laliberte; auditor concludes the retaliation monitoring process is well established at Marcy and every element of this standard is met.</p>

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #4948 Protective Custody Status 12/24/20 • Form 2168A • Interviews Superintendent • Interview Staff who supervise restrictive housing <p>DIR #4948, Protective Custody Status sets forth the minimum conditions of confinement for inmates in Protective Custody Status. Use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the same requirement of 115.43. The referenced policy clearly outlines requirements that are compliant with this standard. No inmates have been placed in segregated housing in the past 12 months for allegedly having suffered sexual abuse. For additional narrative, reference 115.43 of this report.</p> <p>Conclusion</p> <p>Policy reviews, confirmation from Acting Commissioner, and Associate Commissioner/PREA Coordinator; interviews with Superintendent, Lieutenant, Supervisor of Segregated Housing, Assistant Deputy Superintendent/PREA Compliance Manager, and Correctional Officers who work segregated housing unit indicate that facility staff are aware of the required protocols, yet do not use Sexual Victimization Involuntary Protective Custody status as a viable practice. Marcy Correctional Facility meets every element of this standard.</p>

115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Exceeds Standard
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 329 1171 622" style="list-style-type: none"> • Directive #0700 Office of Special Investigations (OSI) 09/10/2020 • Directive #4027B Sexual Abuse Reporting & Investigation - Inmate-on-Inmate • Directive #4028B Sexual Abuse Reporting & Investigation -Staff-on-Inmate/Staff-on-Parolee • Notice to Auditor-Criminal and Administrative Agency Investigations 05/11/2021 • Letter to the New York State Police Superintendent • New York Criminal Procedure Law §160.45 • Interviews Investigative staff • Interview with the Superintendent • Observations <p data-bbox="240 654 1485 846">DIR #0700, Office of Special Investigations, charges and grants authority to Office of Special Investigations to investigate allegations of violations of law and violations of departmental rules, regulations, directives, and policies. to include PREA. The Office of Special Investigations Sex Crimes Division conducts investigations involving sexual misconduct between inmates or parolees and Departmental staff, as well as inmate on inmate sexual abuse, and assists outside law enforcement in the development of cases for criminal prosecution, including third-party and anonymous reports. The Sex Crimes Division also collaborates with others within the Department to ensure compliance with the Prison Rape Elimination Act (PREA).</p> <p data-bbox="240 878 1493 1205">DIR #4027B, Sexual Abuse Reporting & Investigation - Inmate on Inmate, directs 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 DIR #0700, Office of Special Investigation, this investigation shall be initiated promptly and shall be the responsibility of the Office of Special Investigations. This policy provides more detail in that 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 data-bbox="240 1236 1490 1496">DIR #4028B, Sexual Abuse Reporting & Investigation - Staff on Inmate/Staff on Parolee, directs a prompt, thorough, and objective investigation shall be conducted in all instances of reported staff-on-inmate sexual abuse, sexual harassment, or retaliation concerning such an incident. Allegations of improper contact during a personal search shall be initially reviewed by a security supervisor to determine whether the alleged misconduct, if true, would-be staff on inmate sexual abuse or sexual harassment. As directed herein and in accordance with DIR #0700, Office of Special Investigations, investigations of allegations of staff on inmate sexual abuse, sexual harassment, retaliation concerning an incident of sexual abuse, or inappropriate relationships shall be initiated promptly and shall be the responsibility of the Department's Office of Special Investigations.</p> <p data-bbox="240 1527 1481 1720">Policies noted above, interviews with the investigators and review of the seven (7) investigations for the 12-month audit time frame support those 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 plan in 115.65. The OSI has legal investigative authority for DOCCS within the State of New York and also collaborates with the State Police on any matters that may appear to be criminal.</p> <p data-bbox="240 1751 1453 1809">In the past 12 months, eight (8) allegations of sexual abuse and sexual harassment were received, one (1) resulting in an administrative investigation and seven (7) referred for criminal investigation. Six (6) ongoing.</p> <p data-bbox="240 1841 1453 2011">Auditor's analysis of Agency policy concludes a clear demonstration of the serious stance taken by the Agency toward sexual abuse/sexual harassment incidents and the expectation for investigations to be handled promptly, thoroughly, and objectively. Interviews with Office of Special Investigations, Christian Nunez, Deputy Chief Investigator, Deputy Superintendent/ PREA Manager C. Laliberte and the case files reviewed confirm steps are taken to respond promptly, thoroughly and objectively.</p> <p data-bbox="240 2042 1474 2161">OSI completes thorough investigations on every allegation they receive, as the auditor saw from reviewing investigations at the facility. They utilize an extensive review process that includes numerous checks and balances. The department utilizes progressive investigative steps that the interviews report has proven to be successful for prosecutions and upholding zero tolerance policies towards inappropriate behavior. When an investigation is closed, it has a two-step supervisory review</p>

process, ensuring nothing was missed. OSI applies its cutting edge and trauma informed investigative techniques to all investigations. The records management system is thorough and impressive, and they were able to rapidly respond to all questions and review requests of the auditor. As with 115.34, the DOCCS investigative system and process clearly meet expected standards.

Conclusion

Auditor conducted a review of the agency's investigation policies and find they meet provisions in this standard. Based on this and the above narrative, to include noted interviews, interview with Superintendent, OSI Deputy Chief Investigator and document reviews, Marcy Correctional Facility exceeds requirements of this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Notice to Auditor 115.72 Evidentiary standards 5.11.21 • Office of Special Investigation Policy Manual (confidential) • Interviews - <p>Office of Special Investigations Policy Manual, Chapter 5, Section II.4. governs evidentiary standards for substantiating an allegation of sexual abuse or sexual harassment. the evidentiary standard for substantiating an allegation of sexual abuse or sexual harassment shall be a preponderance of the evidence. A review of the specialized training indicates investigators are trained to use preponderance of the evidence for substantiating a sexual abuse or sexual harassment case. The policy and practice are confirmed during the interview of Office of Special Investigations Deputy Chief Investigator, Christian Nunez.</p> <p>Conclusion</p> <p>Based on policy review, investigative file review, and interview noted above, Marcy Correctional Facility meets requirements of this standard.</p>

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Notification of Investigative Determination 5.17.18 • Notice to Auditor 115.73 Evidentiary standards for administrative investigations. 5.11.21 • Interview Superintendent • Interviews with investigative staff • Interview with the mailroom staff <p>According to Office of Special Investigations Policy Manual, Chapter 5, following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The Sex Crimes Division Deputy Chief Investigator (DCI) or Assistant Deputy Chief Investigator (ADCI) will assign an investigator to provide this notification when the case is ready to be closed upon the conclusion of the case who will notify the inmate in person of the result of the case when substantiated. If there were multiple allegations with mixed outcomes, the inmate should be advised what allegations were substantiated, what allegations were unsubstantiated, and what allegations were unfounded. In cases where the outcome is unsubstantiated or unfounded, notification is made by mail by the facility Superintendent. Case files reviewed indicated inmates were notified by Sex Crimes Division of the dispositions following the investigations by Sex Crimes Division. This information is contained within the case chronology. Interviews with PREA Point Person and review of his files demonstrated consistent notification to inmates of all allegations of sexual abuse. Additional interviews with Acting Superintendent, Compliance Manager and PREA Coordinator confirms knowledge of this requirement.</p> <p>This subparagraph to this standard is not applicable to Marcy Correctional Facility as all cases of sexual abuse would be investigated by Office of Special Investigations Sex Crimes Division so this agency would have all relevant information needed to inform the inmate.</p> <p>According to Office of Special Investigations Policy Manual, Chapter 5, following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the inmate is notified when the staff is no longer posted within the unit, no longer employed at the facility, indicted or convicted on a sexual abuse charge related to that that incident. Investigation updates in criminal cases are provided in writing by the Sex Crimes Division Investigator or in direction communication from the DCI or ADCI to the inmate.</p> <p>There were nine (9) criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months. Of the alleged sexual abuse investigations that were completed in the past 12 months, eight (8) inmates were notified verbally or in writing, of the results of the investigation. There were eleven (11) notifications to inmates that were provided pursuant to this standard. Of those notification made in the past 12 months eleven (11) were documented.</p> <p>Conclusion</p> <p>Interviews with Superintendent Patrick Reardon, PREA Facility Point Person, Captain Valenzano, Assistant Deputy Superintendent/PREA Compliance Manager, C. Laliberte and Deputy Chief Investigator C. Nunez, and documentation of notifications viewed by auditor provides evidence Marcy Correctional Facility meets requirements of this standard.</p>

115.76	Disciplinary sanctions for staff
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 210 451 239">Auditor Discussion</p> <p data-bbox="242 271 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 304 1433 566" style="list-style-type: none"> • Directive #2110 – Employee Discipline – Suspension from Duty During the Continuation of Disciplinary Proceedings – 03/24/2021 • Directive #2111- Report of Employee Misconduct – 9/8/2020 • Directive #4028A Sexual Abuse Prevention & Intervention Staff-on-Inmate/Staff-on-Parolee 11/29/17 • Employees' Manual 2019 • Presumptive Disciplinary Sanction for Staff Sexual misconduct 02/05/2016 • Interviews • Observations <p data-bbox="242 595 1485 857">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 result.</p> <p data-bbox="242 887 1481 1048">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 data-bbox="242 1077 1493 1339">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. 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 data-bbox="242 1368 1481 1599">In the past 12 months, there were zero (0) number of staff from the facility who have violated agency sexual abuse or sexual harassment policies. In the past 12 months, there were zero (0) number of those staff from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies. In the past 12 months, there were zero (0) number of staff from the facility who have been disciplined, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse). In the past 12 months, there were zero (0) number of staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.</p> <p data-bbox="242 1628 368 1657">Conclusion</p> <p data-bbox="242 1686 1461 1814">Dialogue with the Superintendent, Investigative Staff, the PREA Manager and Human Resource Manager 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.</p>

115.77	Corrective action for contractors and volunteers
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 304 1453 629" style="list-style-type: none"> • Interviews Superintendent • Directive #4750, Volunteer Services Program 07/21/2020 • Standards of Conduct for Volunteers Within The New York State Department of Corrections and Community • Acknowledgements of Standards of Conduct for Volunteers and All Applicable Policies • Supervision • Notice to Auditor from Associate Commissioner Jason Effman on PREA Corrective action for contractors and volunteers 05/11/2021 • Memo Commissioner – 9/4/18 Policy on the Prevention of Sexual Abuse and Sexual Harassment of Incarcerated Individuals and Parolees (revised) • Interviews <p data-bbox="240 665 1445 757">The Pre-Audit Questionnaire 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="240 792 1485 1081">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="240 1117 1493 1375">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="240 1411 1461 1498">Examples of volunteers were provided with the pre-audit documentation demonstrating compliance. In addition, 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="240 1534 368 1561">Conclusion</p> <p data-bbox="240 1597 1493 1715">The interview with the Superintendent confirmed that he 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, he confirmed that he 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
	<p data-bbox="240 208 451 235">Auditor Discussion</p> <p data-bbox="240 271 871 297">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 329 1292 555" style="list-style-type: none"> • Directive #4932 – Chapter V, Standards Behavior & Allowances – 10/2/2018 • Hearing Officer Reference Book April 2017 • Directive #4401 Guidance and Counseling, 12/5/2019 • 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 • Observations • Interviews <p data-bbox="240 586 1469 846">DIR #4932, Chapter V, Standards Behavior & Allowances outlines the procedures and standards for all disciplinary inmate hearings. Hearing Officer Reference Book, Hearing Officer Guidance Standards for Inmate Behavior for incidents occurring on or after 4/1/2017, is utilized to guide the Hearing Officer on the imposition of appropriate discipline for misbehavior and emphasizes the importance of fairness and consistency in disciplinary dispositions imposed. Agency philosophy on inmate discipline includes that when imposed properly, disciplinary sanctions keep staff and inmates safe, correctional facilities secure and may assist in the Departmental mission by returning inmates to the community less likely to engage in negative behaviors. Disciplinary charge 101.10 covers sex acts or attempts at sex acts perpetrated by an inmate toward another inmate.</p> <p data-bbox="240 878 1493 1173">Hearing Officer Reference Book sets forth in attached Appendix B, aggravating and mitigating factors that should be considered in reaching a just and fair disposition. The absence or presence of these factors should be viewed within the context of the totality of the evidence presented when the Hearing Officer is considering sanctions. A substantial list of factors to consider are delineated in the Reference Book to ensure a fair sanction. A table grid with recommended graduated sanctions is utilized by the Hearing Officer after review of the entire situation and circumstances of the case and consideration of mitigating factors of the inmate, such as past behavior. This table includes a checklist for Tier III Disciplinary Sanctions, labeled Appendix C. These guidelines clearly support fair and objective considerations in all disciplinary cases. In the past 12 months, the number of administrative findings of inmate on inmate sexual abuse that occurred at the facility is zero and the number of criminal findings is zero.</p> <p data-bbox="240 1205 1490 1330">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 data-bbox="240 1361 1469 1554">New York State Department of Corrections and Community Supervision operates one of the largest counseling and treatment programs for sex offenders in the nation. Sex Offender and Treatment Program (SOCTP) Guidelines, dated April 2018 provides guidance for administration of this program. The SOCTP is offered at maximum and medium security correctional facilities in the state prison system and provides comprehensive sex offender treatment for convicted sex offenders, inmates convicted of sexually motivated offenses, and inmates whose histories (including behavior while incarcerated), indicate that they are likely to benefit from sex offender counseling and treatment.</p> <p data-bbox="240 1585 1481 1912">The main goal of the SOCTP is to reduce the likelihood of reoffending by assisting participants to control their chain of behaviors that lead to sexual offending. This is accomplished by helping participants advance through the following program stages through education, counseling, and treatment. Participants in the SOCTP should be able to demonstrate to SOCTP staff that they have progressed through these stages and met their treatment plan goals. Based on the Department's zero tolerance policy for inmate on inmate sexual abuse as outlined in DIR #4027A and in accordance with the Prison Rape Elimination Act (PREA), inmates who are found guilty of a Tier disposition per the Standard of Inmate Behavior for a sex offense, threats to commit a sex offense, penal law offense of a sexual nature, or attempt thereof while incarcerated will be referred to Office of Guidance and Counseling SOCTP staff per criteria #6 and may be required to participate in the SOCTP. If the inmate has an established sex offender counseling need that pre-dates the inmate-on-inmate sexual abuse, a non-sex offender referral will not be necessary.</p> <p data-bbox="240 1944 1485 2038">DIR #4028A, directs any incident of sexual assault on staff by an inmate or parolee will be immediately reported to the Office of Special Investigations and handled in accordance with established Department policy for investigation and criminal prosecution of inmates. This directive will be enforced only if it is determined the staff member did not consent to the contact.</p> <p data-bbox="240 2069 1449 2161">DIR #4027A, Sexual Abuse Prevention & Intervention - Inmate on Inmate, and Inmate Rule 101.10 Standards of Inmate Behavior, prohibits inmates from engaging in or soliciting others to engage in sexual acts. No victim of inmate-on-inmate sexual abuse shall be subject to discipline for engaging in sexual acts as a result of threats, intimidation or other coercive</p>

actions. Other sexual contact and conduct of a sexual nature are also prohibited by rules found in Rule Series 101. Inmate on inmate sexual abuse is when one or more inmates engage in sexual conduct, including sexual contact, with another inmate against his or her will or by use of threats, intimidation, or other coercive actions. Inmate on inmate sexual abuse is a form of Prison Rape under the Prison Rape Elimination Act of 2003, (PREA), 42 U.S.C. § 15609.

Conclusion

Marcy Correctional Facility had no administrative findings of inmate-on-inmate sexual abuse that occurred in the past 12 months. Based on policy review and interviews, Superintendent, and PREA Point Person, Marcy Correctional Facility meets requirements of this standard.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • Directive #4301 – Mental Health Satellite Services and Commitments to CNYPC – 6/10/2020 • HSPM 1.44 Health Screening of Incarcerated Individuals 8-9-21 Section I • HSPM 1.12B Incarcerated Individual Bloodborne Pathogens Exposure Protocol • FOM 1.09 PREA Risk Screening 02/15/2022 • Form 3278, PREA Screening (completed by an RN) • Mental Health Referral Form #3150 (06.21) • OMH MOU • Interviews <p>Directive #4301 – Mental Health Satellite Services - directed that referrals received will be addressed within 14 days. The Facility Operations Manual for Upstate Correctional Facility, PREA Risk Screening both describe the specific steps needed to ensure a referral is made at this facility.</p> <p>Division of Health Services Policy No.1.44 Health Screening of Inmates states guides mental procedures and direct that upon arrival at a New York State Department of Corrections and Community Supervision facility, every newly received or transferred inmate, including inmates being moved from another correctional facility to the same correctional facility Special Housing Unit (SHU), separate keep-lock unit or Juvenile Separation 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 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. As above, informed consent/HIPAA release is not required for a referral to the Office of Mental Health.</p> <p>HSPM 1.12B - Incarcerated individuals who experience a significant exposure to bloodborne pathogens (BBP) [i.e., human immunodeficiency virus (HIV), hepatitis B virus (HBV) and hepatitis C virus (HCV)] will receive appropriate medical care and treatment.</p> <p>In the past 12 months, 100% of incarcerated individuals who disclosed prior victimization during screening were offered a follow-up meeting within 14 days of the intake screening with a medical or mental health practitioner, as were 100% of incarcerated individuals who previously perpetrated sexual abuse, as indicated during the screening.</p> <p>Form 3278 includes a brief review again of whether the incarcerated individual 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.</p> <p>Auditor reviewed forms which verified follow-up meetings with medical or mental health were within 14 days of the intake screening. Procedure is well implemented. The 3278TR form provided in the folders was completed; one inmate refused to speak and answer the PREA questions about being sexually abused or victimized while incarcerated.</p> <p>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.</p> <p>Conclusion</p> <p>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 with the preaudit documentation supports a finding of compliance with this standard.</p>

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • HSPM 1.60 - Sexual Assault – 10/25/17 • SAFE/SANE Hospitals List • Facility Coordinated Response to Reports of Sexual Victimization FOM 1.10 02/23/2022 • Form 3178 Progress Notes • New York Public Health Law § 2807-c General Hospital Inpatient Reimbursement • Observations • Interviews Medical and Mental Health Staff <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 Agency Nurses Brandi Corigliano and Amber Asch and Mental Health Staff 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 twenty-four hours a day, seven days a week (24/7). Mental health staff are available seven days a week, sixteen hours and crisis intervention is available 24/7. This occurs through a video evaluation or transport to the nearest facility for services. Interviews with medical staff, the Superintendent and ADS PREA Manager 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.</p> <p>A List of SANE/SAFE hospitals is maintained with Health Services and the Watch Commander. Policy and interviews with medical and mental health staff support the requirement of the standard. Evidence was presented by the facility which demonstrated that medical emergency treatment would be provided, including prophylactic medication.</p> <p>Conclusion</p> <p>All staff are very knowledgeable of policy and able to articulate the procedures and protocols. Auditor's review of policies, interviews, and Coordinated Response Plan provide evidence Marcy Correctional Facility meets provisions of this standard.</p>

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • HSPM 1.60 - Sexual Assault – 10/25/17 • OMH MOU 09/14/2016 • HSPM 1.12B Inmate Bloodborne Pathogens Significant Exposure Protocol – 10/25/17 • Directive #4401 Guidance and Counseling 08/21/2020 • Interviews Medical and mental health staff • Interviews Security staff First Responders <p>Division of Health Services Policy #1.60, Health Care Services, Sexual Assault, states all allegations of sexual assault will be evaluated immediately by the facility health staff. The inmate victim of an alleged sexual assault will be medically evaluated regardless of whether or not the allegation has been independently verified prior to the victim's presentation for treatment. DIR #4301, Mental Health Satellite Services and Commitments to CNYPC provides guidelines related to services provided to under custody inmates. The New York State Office of Mental Health (OMH) through its Division of Forensic Services provides services to the Department of Corrections and Community Supervision under custody inmate population. These services are provided as follows: At designated New York State Department of Corrections and Community Supervision facilities by OMH Personnel, at "Satellite Units" operated by OMH located at certain New York State Department of Corrections and Community Supervision facilities, and/or At OMH's Central New York Psychiatric Center (CNYPC).</p> <p>By mutual agreement between New York State Department of Corrections and Community Supervision and OMH, this directive provides guidelines for determining the appropriate facility or unit for providing OMH services, outlines procedures to be followed when it is necessary to transport inmates from one facility or unit to another to receive mental health services, and assigns responsibility to appropriate New York State Department of Corrections and Community Supervision and OMH personnel for taking necessary action to ensure delivery of appropriate services. This policy states regular mental health referrals are addressed within a timeframe that is consistent with the nature of the referral and within 14 days.</p> <p>New York State Department of Corrections and Community Supervision Mental Health Referral Form 3150 (7/16) includes a place to identify in a regular referral that the inmate is a possible victim of sexual abuse. OMH further acknowledges that, in accordance with 28 C.F.R. § 115.83, mental health evaluation and treatment, as appropriate, shall be offered to all inmates who have been identified as victims of sexual abuse in any prison, jail, lockup, or juvenile facility and are willing to undergo such evaluation and/or treatment.</p> <p>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>Conclusion</p> <p>Auditor's review of related policy noted in above narrative and interviews with health care staff and Superintendent provide evidence Marcy Correctional Facility meets requirements of this standard.</p>

115.86	Sexual abuse incident reviews
	<p data-bbox="242 145 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="242 208 451 237">Auditor Discussion</p> <p data-bbox="242 271 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="242 329 786 456" style="list-style-type: none"> • Sexual Abuse Incident Review Checklist – 9/17/2020 • Memo RE PREA Procedural Enhancements 5.9.14 • Completed Sexual Abuse Incident Reviews • Interviews <p data-bbox="242 486 1401 580">Related directive, Memorandum dated May 9, 2014 from Deputy Commissioner and Associate Commissioner/PREA Coordinator implements protocols for Sexual Abuse Incident Reviews requiring sexual abuse incident reviews at the completion of the investigation by the Office of Inspector General.</p> <p data-bbox="242 609 1481 703">Protocols include the review to be conducted within 30 days of the conclusion of the investigation, unless the allegation is determined to be unfounded. Four investigations were closed during the audit period and auditor reviewed each Sexual Abuse Incident Review Checklist finding the reviews were conducted within 30 days from the conclusion of the investigation.</p> <p data-bbox="242 732 1477 929">Protocols require the review team to include upper-level facility management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The Assistant Deputy Superintendent/PREA Compliance Manager is the chair of the review team; The PREA Point Person is the security representative on the review team; and the Superintendent designates a 3rd team member. Auditor's review of three (3) completed Sexual Abuse Incident Review Checklist reflected the designated team met and conducted a thorough review of each incident noting solicited input from others as indicated by protocols.</p> <p data-bbox="242 958 1489 1388">Protocols require use of PREA Standard 115.86/286 Sexual Abuse Incident Review Checklist. This robust and comprehensive 6 page form includes extensive review of each incident to include: 1) circumstances of the incident; 2) events leading up to and following the incident; 3) consideration of whether actions taken were consistent with TDCJ policies and procedures; 4) whether alternative means of managing the situation were available; 5) identification of actions that could be taken to avoid future incidents of a similar nature and identification of training needs; 6) determination of whether Incident Command System levels or response levels were used during the incident; 7) whether employee action or inaction was a factor in the incident; 8) any corrective action taken. The Administrative Review Form includes consideration as to whether the incident was motivated by race or ethnicity; gender identity; LGBTI status; gang affiliation; or other group dynamics at facility and as to whether an indication of a need to change policy or practice to better prevent, detect, or respond to sexual abuse is present. An examination of the area where the incident occurred to assess any physical barriers that enable abuse will be conducted and as assessment of the adequacy of staffing levels during different shifts is made. Consideration is given as to whether monitoring technology should be deployed or augmented to supplement supervision by staff. A written report is prepared of these findings with recommendations for improvements, where indicated.</p> <p data-bbox="242 1417 368 1447">Conclusion</p> <p data-bbox="242 1476 1474 1637">In the past 12 months, there were seven (7) number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents. In the past 12 months, there were eight (8) number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents.</p> <p data-bbox="242 1666 1492 1863">Auditor's review of the documents referenced above combined with interviews conducted as discussed in the above narrative found the procedures outlined in Agency policy directives are well established at Marcy Correctional Facility and meeting all elements of this standard. Additionally, auditor finds the 6-page, extensively thorough Sexual Abuse Incident Review Checklist to include substantially more depth of a review that required by this standard; It is clear based on interviews and review of completed documents that the Review Committee conducts a timely, meaningful, and substantial review for all incidents and meets the provisions of 115.86.</p>

115.87	Data collection
	<p data-bbox="240 147 738 174">Auditor Overall Determination: Meets Standard</p> <p data-bbox="240 210 451 237">Auditor Discussion</p> <p data-bbox="240 273 871 300">Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul data-bbox="240 331 1289 524" 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 11/29/2017 • SVPPM – Data Collection, Review, 02/12/2022 • Data Dictionary 05/29/2019 • Interview with the PREA Coordinator • Annual Report June 2021 <p data-bbox="240 555 1484 913">DIR #4027B, Sexual Abuse Reporting & Investigation Inmate on Inmate and DIR #4028B Sexual Abuse Reporting & Investigation Staff on Inmate/Staff on Parolee directs the collection of incident reporting data. New York State Department of Corrections and Community Supervision collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The Deputy Superintendent for Security of each facility is responsible for maintaining a chronological listing of each sexual abuse, sexual harassment, threat incident, or complaint that occurs during a given month on Forms #2103SAII and #2103SASI, Monthly Sexual Abuse/Threat Incident Summary. Allegations of sexual abuse are based on the most recent definitions provided by the Bureau of Justice Statistics and reporting requirements as specified in the National Standards to Prevent, Detect and Respond to Prison Rape under 28 C.F.R. § 115. Reports for past twelve months were reviewed by auditors validating well established practice as outlined in the policy. From the Monthly Sexual Abuse/Threat Incident Summary Reports, an annual report is prepared of these findings for each facility and at the Agency level.</p> <p data-bbox="240 945 1468 1137">Allegations of sexual abuse are based on the most recent definitions provided by the Bureau of Justice Statistics and reporting requirements as specified in the National Standards to Prevent, Detect and Respond to Prison Rape under 28 C.F.R. §115. Information included on the Monthly Sexual Abuse/Threat Incident Summary report: 1) log number; 2) date of report; time of report; 4) date of incident; 5) time of incident; 6) name and identification number of inmate(s) involved; 7) location of incident; 8) brief description; 9) date and time Office of Special Investigations contacted; 10) name of staff involved; and 11) total number of sexual abuse allegations by month and year to date.</p> <p data-bbox="240 1169 1465 1263">DIR #4027B, Sexual Abuse Reporting & Investigation Inmate on Inmate and DIR #4028B Sexual Abuse Reporting & Investigation Staff on Inmate/Staff on Parolee directs sexual abuse data is extracted, coded, and prepared for a secondary review with a Sex Crimes Division investigator.</p> <p data-bbox="240 1272 1410 1330">New York State Department of Corrections and Community Supervision does not contract for confinement of inmates (reference 115.14).</p> <p data-bbox="240 1361 368 1388">Conclusion</p> <p data-bbox="240 1397 1477 1491">Analysis of policies and reports identified in the above narrative, and interviews with Commissioner, Associate Commissioner/PREA Coordinator, and PREA Point of Contact conclude Marcy Correctional Facility meets provisions of this standard.</p>

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • SVPPM- 115.88 Data Collection and Review 02/15/2022 • DOCCS Website Link 01/16/2020 • Annual Report on Sexual Victimization 2014 to 2018 • Interviews <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs the PREA Analyst to prepare and aggregate data collected in coordination with the Sexual Abuse Prevention & Education Office and the Office of Special Investigations Sex Crimes Division in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training throughout the year. An annual report is prepared which includes identification of problem areas, and corrective action for each facility and the agency as a whole.</p> <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs the annual report include a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of progress in addressing sexual abuse.</p> <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual directs approval of the Associate Commissioner/PREA Coordinator and the Commissioner. The report is made available to the public through the Agency website. The latest annual report was published for the period of 2014-2018. Only personal identifiers are redacted from the information and the Annual Report is designed for public release therefore no information is redacted.</p> <p>Conclusion</p> <p>Based on review of the related documents noted above, review of the annual report published to the public website, and interviews with the Associate Commissioner/PREA Coordinator and Acting Commissioner, Marcy Correctional Facility meets all provisions of this standard.</p>

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Policy, Materials, Interviews and Other Evidence Reviewed</p> <ul style="list-style-type: none"> • SVPPM- 115.89 Data Storage, Publication and Destruction 02/15/2022 <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates data collected to be securely retained by the Office of Special Investigations and the PREA Analyst.</p> <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates aggregated sexual abuse data is made readily available to the public through its website. Auditor viewed the Annual Report on Sexual Victimization analyzing sexual abuse and sexual harassment data for 2013-2016 from the Agency website.</p> <p>Agency Directive from Office of Program Planning Research and Evaluation, a review of published reports containing aggregated sexual abuse data, and interview with Associate Commissioner/PREA Coordinator indicates personal identifiers are removed prior to making public.</p> <p>Agency Directive through Office of Program Planning Research and Evaluation, PREA Data Collection, Review, Retention and Publication Manual dictates retention of all sexual abuse data collected for at least 10 years after the date of the initial collection.</p> <p>Conclusion</p> <p>Auditor's review of related policy noted in above narrative and interviews with Associate Commissioner/PREA Coordinator and Office of Special Investigations indicates Marcy meets requirements of this standard.</p>

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>This is the third PREA audit of this facility. Marcy Correctional Facility was last audited in July 25, 2019. The auditor was allowed access to all areas of the facility and had access to all required documentation. The auditor was allowed to conduct private interviews with offenders and staff. Notifications of the audit were posted throughout the facility permitting offenders to send confidential letters to the Auditor prior to the audit. DOCCS posts all audit reports on the DOCCS website in accordance with PREA Standard 115.403 subsection (f) which may be reviewed at: http://www.doccs.ny.gov/PREA/PREA_Final_Audit_Reports.html.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	A review of NYS DOCCS website confirms that the agency publishes PREA final reports within 90 days of issuance making them available to the public.

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

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for 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.)	na
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.)	na
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes

115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	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?	no

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.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes

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

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
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?	no
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	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).)	na

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).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes

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

115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
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.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403 (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